

# Northern Territory Licensing Commission

## Reasons for Decision

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| <b>Premises:</b>       | Lewinsky's   |
| <b>Licensee:</b>       | Platinum 4 Pty Ltd   |
| <b>Licence Number:</b> | 80515990   |
| <b>Nominee:</b>        | Mr Mark John Marle   |
| <b>Application:</b>    | Application for Variation of Liquor Licence                                  |
| <b>Decided By:</b>     | Ms Brenda Monaghan (Acting Chairperson)<br>Mr Ian O'Reilly<br>Mr John Brears |

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1. Mr Mark John Marle, a Director of the Licensee Company and the Nominee of Lewinsky's Restaurant, has applied to the Commission for a variation in licence conditions. The variation is sought to enable Lewinsky's to expand their business to include not only the current restaurant/function facilities but to allow the establishment in the existing bar area of "a showcase wine bar." The Nominee advises that the proposed wine bar will be predominantly associated with wine and wine appreciation but will also offer general bar and entertainment facilities to patrons of the restaurant and to the public generally.
2. The application was advertised seeking a "tavern" licence. The advertisements confirmed that the existing restaurant would be retained and that the hours of trade for both the restaurant and the new wine bar would remain the same. No objections were received in response to the advertisements for the licence variation and no adverse comment was received from Police. The Darwin City Council expressed no concerns about the variation but requested that the licence reflect the concept of a showcase wine bar in choice of food and entertainment. Further, the Development Consent Authority has indicated that a development permit will be required and any decision we make will be conditional upon that approval being obtained.
3. On 27 November 2006, the Commission attended the licensed premises for a site inspection and discussed the application with Mr Marle. As a result of these discussions and earlier advice from licensing inspectors, it became clear to the Commission that the granting of an "on licence" is a more appropriate category for this establishment than a tavern licence. The existing restaurant will be retained in its current form and will remain the principal business of the premises. The proposed wine bar is to be housed in the space in the front of the premises where a bar/lounge area currently exists and will allow this area to be utilised more fully.
4. Mr Marle wants to create what he calls "a showcase wine bar" where patrons can enjoy wines not readily available elsewhere in the neighbourhood. Mr Marle hopes to provide music and entertainment from time to time but he emphasised that the current noise condition (or any version of the same) would be adhered to as he wished to retain a relaxed ambience in the wine bar where people can meet, talk and relax. Mr Marle is also mindful of the fact that the wine bar opens onto the restaurant itself and therefore maintaining noise at a low level will be essential. He confirmed that light food consistent with the concept of a "showcase wine bar" will be available in the bar throughout the period when the kitchen is open and snacks will be available at all times. Mr Marle accepts the Commission's advice that an On Licence rather than a Tavern Licence is most appropriate as he does not intend to apply for gaming machines and wants the successful restaurant to be retained as the core business.

5. In these circumstances, we make an “in principle” decision granting to the Licensee a licence variation on the terms contained in the attached draft licence. The grant will remain “in principle” until we have received confirmation of approval of the development permit application by the Development Consent Authority.

Brenda Monaghan  
Acting Chairperson

12 December 2006