### **CITY OF PALMERSTON**

# Notice of Special Council Meeting to be held in Council Chambers, Civic Plaza, Palmerston on Wednesday, 2 September 2015 at 5:30pm

# **AGENDA**

# Audio Disclaimer

An audio recording of this meeting will be made for minute taking purposes as authorised by City of Palmerston Policy MEE3 Recording of Meetings, available on Council's Website.

- 1. PRESENT
- 2. APOLOGIES

**Alderman Carter** 

- 3. DEPUTATIONS / PRESENTATIONS
- 4. REPORTS OF OFFICERS
  - 4.1. Application for Liquor Licence on Lot 10281 (127) Flynn Circuit, Bellamack 8/06734
- 5. CONFIDENTIAL REPORTS

Nil

6. CLOSURE

Ricki Bruhn

**Chief Executive Officer** 

Ribi Brush

Any member of Council who may have a conflict of interest, or a possible conflict of interest in regard to any item of business to be discussed at a Council meeting or a Committee meeting should declare that conflict of interest to enable Council to manage the conflict and resolve it in accordance with its obligations under the Local Government Act and its policies regarding the same

**ITEM NO.** 4.1 Application for Liquor Licence on Lot 10281 (127)

Flynn Circuit, Bellamack

FROM: Director of Technical Services

**REPORT NUMBER:** 8/0734

**MEETING DATE:** 2 September 2015

# **Municipal Plan:**

# 3. Environment & Infrastructure

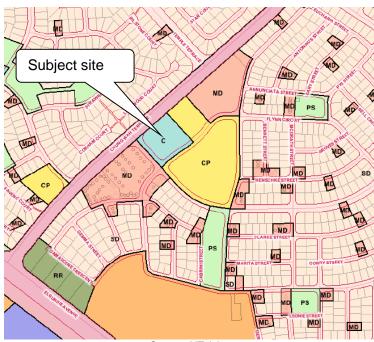
### 3.2 Assets and Infrastructure

2.3 We are committed to effective and responsible city planning which balances and meets both residential and commercial needs in our community

# Summary:

This report outlines issues to be considered by Council in regard to a liquor licence application lodged for the "Flynn Tavern" on Lot 10281 (127) Flynn Circuit, Bellamack. The application proposes both 'on license' (Tavern) and 'off license' (Bottleshop).

# **Background:**



Source: NT Atlas

The site is located on the corner of Flynn Circuit and Chung Wah Terrace in the suburb of Bellamack. The land is bounded by Chung Wah Terrace to the North along with Zone Community Purpose Land (CP) to the North and North East and Zone Medium Density Residential (MD) land to the South.

On 1 December 2014, the Development Consent Authority approved a mixed use residential/commercial development for Lot 10281 (127) Flynn Circuit, Bellamack. This development is currently under construction. In accordance with the permit, the commercial tenancies may comprise of either shops or restaurants. Council officers note that the construction of a stand-alone tavern, which is not simply a part of a restaurant, requires additional planning approval. It is further noted that the required additional planning approval for a Tavern is yet to be obtained by the applicant in this particular case.

#### **General:**

# <u>Liquor License Application</u>

The business proposed to be conducted will be in the nature of a Tavern (On License) along with a takeaway liquor licence (Off license). The Tavern includes a bistro, alfresco dining area, sports bar, gaming room and children's play area.

The licence proposes the following:

- Liquor to be sold for consumption on the licensed premise from 10:00 hours until 23:59 hours seven (7) days a week;
- Liquor to be sold only for consumption away from the premises Sunday to Friday from 10:00 hours until 22:00 hours, and Saturday 09:00 hours to 22:00 hours;
- Meals will be available between 11:30 hours and 14:20 hours and 17:00 hours and 21:00 hours seven days a week;
- Light snacks will be available throughout the day and evening;
- Entertainment live performers will be available on selected nights;
- Entertainment will be in the form of soft pre-recorded music and live performers in the form of a quartet or similar, playing soft background "easy listening" music. There will be no 'nightclub' style entertainment provided at the venue; and
- No trading Good Friday or Christmas Day.

The takeaway hours of other outlets in Palmerston are as follows:

- 1. Monday Friday between the hours of 10:00 and 22:00
- 2. Saturday and Public Holidays between the hours of 09:00 and 22:00
- 3. No trading on Sunday, Good Friday or Christmas Day

# Proximity of other Licensed Premises (Distance via road):

- Celebrations (Cazalys Palmerston Club) Approximate distance 4.1km
- Palmerston Tavern Approximate distance 4.1km
- Liquorland Palmerston Shopping Centre Approximate distance 3.9km
- BWS Woolworths, Oasis Shopping Centre Approximate distance 3.7km
- Gray Supermarket Approximate distance 3.1km
- Rosebery IGA (Under Construction) Approximate distance 1.6km
- Moulden 5 Star Supermarket 650m

#### Comment:

In accordance with Section 47F (3)(e) of the *Liquor Act*, the City of Palmerston, as a public authority that performs functions relating to public amenities has the right to object to an application for the granting of a licence. Under the Act an objection may only be made on the ground that the grant of the licence may or will adversely affect:

- (a) the amenity of the neighbourhood where the premises the subject of the application are or will be located; or
- (b) health, education, public safety or social conditions in the community.

Concern is raised by Officers as the proposed Tavern does not have the required planning approval for the land use to occur on the site. It is noted that a planning application for a tavern will consider the land use itself occurring in the location and the impacts that it may or may have on the surrounding locality. A Planning application and assessment against relevant codes and criteria is required along with the subsequent public comment period to fully consider if a Tavern is an appropriate land use for area.

While the use is not approved at this time and a Planning Assessment has not occurred, concern is raised with the surrounding land uses which include (but are not limited to) the Zone CP and associated future uses (School) which surrounds the site to the North and East and the Seniors Centre which is located on Zone MD also to the north of the site. Both of these land uses would be considered sensitive and the location of a Tavern and its associated impacts may not be an appropriate land use in this particular location.

# Summary:

Officers are of the view that in accordance with the provisions of the Liquor Act and as a local authority, Council should object to the proposed application on the grounds that the proposed license has the potential to negatively impact on (a) - the amenity of the neighbourhood where the premises the subject of the application are or will be located and (b) - the health, education, public safety or social conditions in the community.

Council should also object to the Liquor License application on the basis that a valid Planning Approval for a Tavern has not been obtained for the site. A Planning application and assessment against relevant codes and criteria is required along with the subsequent public comment period to fully consider if a Tavern is an appropriate land use for the site and local area. It is noted the site is within close proximity to a number of sensitive sites and the Planning application should be determined prior to a Liquor license being considered for the site.

# Financial Implications:

There are no financial implications for Council as a result of this proposal.

# Legislation / Policy:

There are no legislation or policy implications for Council as a result of this proposal.

# **RECOMMENDATION**

- 1. THAT Council receives Report Number 8/0734.
- 2. THAT Council endorse Attachment B to Report Number 8/0734.

Recommending Officer: Mark Spangler, Director of Technical Services

Any queries on this report may be directed to Mark Spangler, Director of Technical Services on telephone (08) 8935 9958 or email mark.spangler@palmerston.nt.gov.au.

Author: Gerard Rosse, Manager Planning and Environment Services.

### **Schedule of Attachments:**

Attachment A: Liquor Licence Application.

Attachment B: Letter of objection to the Department of Business.



# DEPARTMENT OF BUSINESS

# www.nt.gov.au

Licensing NT

Enterprise House, 28 - 30 Knuckey Street, Darwin NT 0800
Postal address GPO Box 1154, DARWIN NT 0801
Tel 08 8999 1800 Fax 08 89997498

Email: LRASComplianceDWN.DOB@nt.gov.au

Senior Planner Palmerston City Council First Floor 2 Chung Wah Terrace PALMERSTON, NT 0831

Dear Sir/Madam,

Doc ID

1 4 AUG 2015

RE: Grant of New Liquor Licence - The Flynn Tavern

An application for a new liquor licence has been received from the Director of Armada Hotels and Leisure Pty Ltd, proposed Licensee for The Flynn Tavern, to be located at 127 Flynn Circuit, Bellamack NT 0832.

Please provide any comments you might have in relation to the application taking into account the Objects of the Liquor Act (the Act) as defined in section 3 of the Act. Your comments should relate to matters the Director-General must consider when assessing an application, as detailed in section 6 and 28 of the Act.

If lodging an objection to the application or wanting to raise concerns in relation to neighbourhood amenity, this would be dealt with by way of an objection under section 47F of the Act.

A copy of the Application (including the applicant's response to section 6), advertisement and site plans are enclosed for your reference. A copy of section 3, 6 and 28 of the Act are also attached.

Your comments or objection, if any, should be received by this office no later than Sunday, 13 September 2015

If you require any further information in relation to the above, please contact Senior Compliance Officer Christine Free on telephone 8999 17827 or via email <a href="mailto:christine.free@nt.gov.au">christine.free@nt.gov.au</a>

Yours sincerely

CHRISTINE FREE

Senior Compliance Officer

14 August 2015

# Section 3. Objects

- (1) The primary object of this Act is to regulate the sale, provision, promotion and consumption of liquor –
- (a) so as to minimise the harm associated with the consumption of liquor; and
- (b) in a way that takes into account the public interest in the sale, provision, promotion and consumption of liquor.
  - (2) The further objects of this Act are -
- (a) to protect and enhance community amenity, social harmony and wellbeing through the responsible sale, provision, promotion and consumption of liquor;
- (b) to regulate the sale of liquor in a way that contributes to the responsible development of the liquor and associated industries in the Territory; and
- (c) to facilitate a diversity of licensed premises and associated services for the benefit of the community.
- (3) When the Director-General exercises a power or performs a function under this Act, the Director-General must have regard to the objects of this Act and must exercise the power and perform the function in a way that is consistent with those objects.
- Section 6. Public interest criteria in respect of licence or licensed premises
  - (1) When the Director-General has regard to the objects of this Act in -
- (a) considering or determining an application under this Act in respect of a licence or licensed premises; or
- (b) determining the conditions of a licence,
- the Director-General must, when taking into account the public interest in the sale, provision, promotion and consumption of liquor, consider any of the criteria specified in subsection (2) that are relevant to the application or conditions.
  - (2) For subsection (1), the criteria are the following:
- (a) harm or ill-health caused to people, or a group of people, by the consumption of liquor is to be minimised;
- (b) liquor is to be sold, or sold and consumed, on licensed premises in a responsible manner;
- (c) public order and safety must not to be jeopardised, particularly where circumstances or events are expected to attract large numbers of persons to licensed premises or an area adjacent to those premises;
- (d) the safety, health and welfare of persons who use licensed premises must not be put at risk;
- (e) noise emanations from licensed premises must not be excessive;
- (f) business conducted at licensed premises must not cause undue offence, annoyance, disturbance or inconvenience to persons who reside or work in the neighbourhood of the premises or who are making their way to or from, or using the services of, a place of public worship, hospital or school;
- (g) a licensee must comply with provisions of this Act and any other law in force in the Territory which regulate in any manner the sale or consumption of liquor or the location, construction or facilities of licensed premises, including –
- by-laws made under the Local Government Act; and
- (ii) provisions of or under the Planning Act;
- (h) each person involved in the business conducted at licensed premises must receive suitable training relevant to the person's role in the conduct of the business;
- (i) the use of credit in the sale of liquor must be controlled;

- practices which encourage irresponsible drinking must be prohibited;
- (k) it may be necessary or desirable to limit any of the following:
- the kinds of liquor that may be sold;
- (ii) the manner in which liquor may be sold;
- (iii) the containers, or number or types of containers, in which liquor may be sold;
- (iv) the days on which and the times at which liquor may be sold;
- it may be necessary or desirable to prohibit persons or limit the number of persons who may be on licensed premises, on any particular part of licensed premises or in an adjacent area subject to the control of the licensee;
- (m) it may be necessary or desirable to prohibit or limit the entertainment, or the kind of entertainment, which may be provided on licensed premises or in an adjacent area under the control of the licensee;
- it may be necessary or desirable to prohibit or limit promotional activities in which drinks are offered free or at reduced prices.
  - Also, the Director-General must consider –
- (a) any other matter the Director-General believes is relevant to the public interest in the sale, provision, promotion and consumption of liquor in respect of the application or conditions under consideration; and
- (b) any information or matter contained in an application, or otherwise provided or raised by the applicant, which is relevant to the public interest in the sale, provision, promotion and consumption of liquor.

# Section 28. Assessment of applications

- (1) The Director-General must conduct or cause to be conducted the investigations it considers necessary to enable it to make a proper assessment of an application for a licence.
- (2) The Director-General must consider an application for a licence, the accompanying affidavit made under section 26A and the results of investigations conducted in relation to the application and make an assessment of the following matters:
- (a) the suitability of the premises in respect of which the application is made, having regard to any law of the Territory which regulates in any manner the sale or consumption of liquor or the location, construction or facilities of premises which are used for that purpose;
- (b) if the applicant is a natural person the financial stability, general reputation and character of the applicant;
- (c) if the applicant is a body corporate the business reputation and financial stability of the body corporate and the general reputation and character of the secretary and executive officers of the body corporate;
- (d) if the applicant is a federation of clubs the business reputation and financial stability of each constituent club and the general reputation and character of the secretary and executive officers of each constituent club;
- (e) whether the applicant is a fit and proper person to hold a licence;
- (f) if a person is referred to in the affidavit under section 26A whether that person is a fit and proper person to be an associate of a licensee;
- (g) if the Director-General considers it appropriate whether any other associate of the applicant is a fit and proper person to be an associate of a licensee;

- (h) if the applicant has nominated a person under section 25(2) to be its manager whether that person is a fit and proper person to be the manager.
- (3) In assessing whether an applicant is a fit and proper person to hold a licence, the Director-General must have regard to any matters prescribed by the Regulations relevant to that assessment.
- (4) The Director-General may require an applicant, a nominee manager of the applicant or an associate of the applicant to provide the Director-General with the additional information or material that the Director-General considers necessary to make a proper assessment of the application.



The Flynn Tavern

**Public Interest Subsection** 

### **Public Interest Subsection**

(a) Harm or ill-health caused to people, or a group of people, by the consumption of liquor is to be minimised:

The Flynn Tavern recognizes that drunkenness and intoxication is the cause of most if not all of alcohol related harm. Thus it is and is therefore committed to minimizing the incidence of intoxication on and around the premises. To achieve this, supply control mechanisms on the premises including the following:

- Ensure all staff are equipped with a RSA
- · Regular training is provided
- Relevant Signage is placed around the premises in key areas
- Management and staff are aware of the Liquor Act and Liquor Licence
- A number of quality and appealing mid, low strength and no alcohol beverages are available at all times
- Liquor is not to be served before 10:00am;
- Refusal of service to intoxicated persons in accordance with RSA principles and the requirements of the Liquor Act
- Display of oversized standard drinks guide behind the main bar and 'it is illegal to purchase alcohol for someone under 18 years of age" sign
- No advertising of shooters, slammers, shots or other products encouraging risky drinking behaviors; This does not fit with the ethos or character of the venue;
- Retail outlet will not sell cask wine
- Retail outlet will be subject to the same dress standards as the Internal Tavern.

Design elements and target clientele of premises promotes the sensible enjoyment of alcohol and discourage overconsumption of alcohol on the premises:

- The majority of the patron floor area will be for seated drinking and dining.
- Modern styled tables and chairs and soft furniture to reinforce the desired character for the venue.
- The outdoor terrace and eating area will comprise of long rustic pine bench seating to encourage communal dining;
- Food available to patrons until closing time;
- Standards of dress apply at all times including;
  - 'hi vis' or work wear limited to 7pm
  - Clean and Tidy appearance, no ripped clothing or unwashed appearance
- Quality fit out and furnishings to help dictate expected standards of behaviour and to positively influence patron drinking habits; and
- Refusing service to intoxicated persons and the implementation of other mandatory RSA strategies as detailed in management plan.

Other elements in the Flynn Tavern Risk Assessment Management Plan will also reduce Harm or III Health to vulnerable groups.

- A CCTV surveillance system that records continuous images throughout the premises including all entrance and exit points to the premises shall be installed;
- No unaccompanied juveniles will be permitted in the lounge bar, sports viewing our smoking terrace;
- Any patron who appears to the licensee or its staff to possibly be younger than 25 years of age will be asked for identification to prove that they are over the age of 18 years, whether they are consuming liquor or not;

Group	Primary Risk	Primary Impacts	Management Controls		
Out Intoxicated Workers Drug Use Over Consumption		Unstable/Aggressive/Inap propriate behaviour	Minimum Dress Standards, Refuse service to intoxicated persons, Multiple low strength and zero alcohol beverages available. Food Available at All times, security staff at key times. 6pm – till Close		
Young People	Over Consumption Preloading Drug Use in Combination with Alcohol	Intoxication Injury	RSA Practices; Rapid consumption cost prohibitive;		
Juveniles	Unlawful Entry Alcohol Consumption	Intoxication	Primary and Secondary ID Checks and eviction procedures		
At risk Indigenou s Groups	Arriving Intoxicated Over Consumption	Unstable/Aggressive/Inap propriate behavior Intoxication and Injury	RSA Practices; Rapid consumption cost prohibitive. Dress Standards to extend to retail liquor outlet.		

# (b) Liquor is to be sold, or sold and consumed, on licensed premises in a responsible manner:

- · Binge drinking is Prohibited
- · Staff to be Vigilant of Patrons Attitude and Vocal Expression
- Patrons who show signs of Alcohol Consumption on entry to Tavern will be asked to leave the premises
- No excessive drinking
- · Drinking games are prohibited
- Ensure all staff are equipped with RSA
- In house training provided for all areas of the Liquor ACT



- (c) Public order and safety must not be jeopardised, particularly where circumstances or events are expected to attract large numbers of persons to licensed premises or an area adjacent to those premises:
  - Management and staff to ensure that the Patron numbers Do Not Exceed the number that the Liquor License has been approved for
  - Security to maintain crowd control on busy nights to Ensure the Safety of all Patrons
  - CCTV to Monitor all Entrance / Exit points plus all areas within the Tavern

# (d) The safety, health and welfare of persons who use licensed premises must not be put at risk:

- Management and Staff will be Equipped with Occupation Health and Safety
   Knowledge plus Procedures
- Dedicated Safety Officer will be assigned to oversee day to day operation of the premises
- Minimum 3 Staff to be Assigned as Fire Wardens in an Emergency Situation
- Minimum 3 Staff to be Equipped with First Aid Certificates, with a Compulsory two year Refresher Course to be maintained at all times

# e) Noise emanations from licensed premises must not be excessive:

- During construction, insulation will be installed to the roof and walls with advice from an Acoustic Consultant thus ensuring minimum noise to surrounding neighbours
- Live Music noise to be kept within reasonable limits and cease by 11:59pm
- Special television events to screen no later than 11:59 pm
- Be conscientious at all times of surrounding Residential
   Houses/Apartments/other businesses
- Decibel readers/monitors will be installed around the external perimeter of

the tavern. The readers will constantly monitor the noise levels from patrons exiting the tavern and potential noise from the outdoor terrace. The monitors will assist in reducing the overall potential for noise complaints in the surrounding areas.

- A noise management plan is in place and attached to this document
- (f) Business conducted at licensed premises must not cause undue offence, annoyance, disturbance or inconvenience to persons who reside or work in the neighbourhood of the premises or who are making their way to or from, or using the services of, a place of public worship, hospital or school;
  - Consumption of Alcohol to be kept within the Approved Areas of the Tavern and Not Extended to Public Footways or any Area Outside the Approved Licence
  - Management to canvas the following areas within a reasonable radius of the Tavern and inform them of the activities and style of operation that will be conducted within the Approved License
  - The tavern location in a new residential suburb means there are limited facilities close by that the tavern could cause a disturbance

Facility Location from Tavern		Area of Concern	Measures taken to prevent disturbance		
Proposed Special School	The School Occupies Flynn Circuit and Forrest Parade.	Juveniles being exposed to alcohol, gambling and tobacco in the afternoon n the way home from school. Parents drinking at the school prior to collecting children	RSA Practices. School finish time at 3pm unlikely to be a busy period for the tavern. School is a special school therefore unlikely to have many unaccompanied juveniles walking home.		
Moulden Park Primary	Moulden Park Primary s 2klm away on Bonson Terrace	The Tavern is unlikely to cause any issues to this facility			
Seniors Centre	Over 50's village on Flynn Circuit 150m from the venue.	Loud noises emanating from the tavern. Intoxicated persons leaving the premises and walking past the Centre	RSA Practices. Live music finish by 11.59pm.		

Cash Advantage Pawn Shop	3klm Away on Buscall Avenue	The Tavern is unlikely to cause any issues to this facility	RSA Practices; Rapid consumption cost prohibitive
Hope City Church	Moulden Terrace 900m by road	The Tavern is unlikely to cause any issues to this facility	RSA Practices; Rapid consumption cost prohibitive

(g) A licensee must comply with provisions of this Act and any other law in force in the Territory which regulate in any manner the sale or consumption of liquor or the location, construction or facilities of licensed premises, including:

# (i) by-laws made under the Local Government Act:

- Abide by local Council Regulations
- · Local Health Regulations
- Sewage and Draining regulations

# (ii) Provisions of or under the Planning Act:

- · Building Code Requirements
- Standard Building Approvals Internal/External
- Approved Materials

# (h) Each person involved in the business conducted at licensed premises must receive suitable training relevant to the person's role in conduct of the business:

- Responsible Service of Alcohol Training will be compulsory to all Staff
- Be aware of patrons appearing to be intoxicated
- A Staff person with a First Aid Certificate must be on duty at all times
- Keep a Training Registrar on site for records
- Refresher Courses available monthly

# (i) The use of credit in the sale of liquor must be controlled:

- Credit will not be supplied to patrons
- Credit Card Tabs to be cleared at the end of trading

# (j) Practices which encourage irresponsible drinking must be prohibited

Loud Abusive language not tolerated

- · Binge Drinking
- Respectable dress Attire male and female
- Abide by the Northern Territory Liquor Act

# (k) It may be necessary or desirable to limit any of the following:

- Drinking Games
- Dress Code to be in place Hi Vis Work Wear after 7pm
- Refuse Service to Intoxicated patrons
- Unaccompanied juveniles will not be permitted to lounge bar area
- Sale of cask wine from retail outlet

# (i) The Kinds of Liquor that maybe sold

- · All liquor will be available for sale for consumption on premises
- Cask wine will not be available for sale at the retail outlet

# (ii) The manner in which Alcohol maybe sold

- Triple Nips prohibited
- Jugs of beer and wine bottles must be served with glasses
- Number of drinks per patron maybe limited

# (iii) The containers, or number or types of containers, in which liquor may be sold;

- Draft Beer Glass, Pot 285ml, Schooner 425ml and Pint 568ml and Jugs 1125ml
- Pre-Packaged Beers Bottles and Cans assorted sizing's to be opened
- Wine- by the glass and open bottle plus glasses
- Spirits by the glass, 15 ml and 30ml nips provided
- Cocktails by the glass
- · Shooters by the nip
- All Liquor must be sold by the glass or opened stubby bottle or can

# (iv) The Days and Times at which liquor may be sold

Monday to Sunday 10.00am to 11.59pm

# (I) It may be necessary or desirable to prohibit persons or limit the number of persons who may be on licensed premises, on any particular part of licensed premises or in adjacent area subject to the control of the licensee

- The Max Patron Numbers for each area of the premises will be clearly displayed and adhered to at all time.
- Any patron/s displaying signs of intoxication and/or unruly behaviour will be asked to leave the premises.
- Regular patrons of the immediate area including the car park will be undertaken to ensure there are no signs of ASB.

# (m) It may be necessary or desirable to prohibit or limit the entertainment, or the kind of entertainment, which may be provided on licensed premises or in adjacent area under the control of the licensee:

Live entertainment in the form of a DJ or 4 Piece band will only be limited to the function room and between the hours of 4:00 pm and 11:30pm where noise is not expected to be an issue. A one-man band may be playing in the alfresco area on Fri and Sat evening where the noise levels will be kept to a minimum at all times.

Pool tables, dart boards and a juke box will be located inside the premises along with a number of large flat screen TV located indoors and in the alfresco area.

STRIP SHOWS OR TOPLESS BARMAIDS WILL BE PROHIBITED.

# (n) It may be necessary or desirable to prohibit or limit promotional activities in which drinks are offered free or at reduced prices:

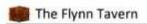
- No Free Liquor
- Promotion of Discount Liquor shall be within the guide lines of the Liquor Act
   e.g. Happy Hour
- Drink Prices will be at Standard prices
- Wholesale Price increases will be passed on



# Attachment A:

# Noise Management Plan

Component	Noise Management Plan – Measures in place/to taken
Music Noise	Good management control to keep doors and windows closed when the source is inside the control hours and volumes. Club staff and management will co-ordinate functions and give through consideration of the location of the loudspeakers, including facing them away from residences, which would considerably reduce the volume.
	Live music is more difficult to manage, since many musicians bring their own equipment and it cannot be effectively controlled by the Club staff and management. During the booking of such events the Club will foster a good working relationship with the musicians and provide full instruction on noise management requirements. The Club will inform the Licensing Department in advance of special events which might have a greater potential for disturbance.  Club staff and management will carry out regular checks at the boundary of the nearest noise sensitive properties. All music is to cease at midnight with a cooling down period (reduced volume) for the last 30 minutes requested by the Club staff and management.  There will be decibel readers placed around to measure and record the level of
Deliveries and	Deliveries and collections which can be potentially noisy with the refrigeration units on delivery vehicles, the clanging of barrels, rattle of bottles and the noise
SALIGNATION IS	from refuse collection vehicles. The Club has endeavoured to minimise this impact as far as possible by ensuring deliveries and collections take place at reasonable times on a weekday. The Club has wherever possible located stores away from residential premises.
External seating	The Club primarily operates its liquor licence under the large covered verandah with extensive external seating areas. The Club is aware of the potential disturbance caused by the late night moving of tables and chairs and keeps such activity to a minimum.



Customer and Car Parks	Customer noise is a difficult matter, people leaving a noisy venue often carry on talking outside at the same volume, and this can be disturbing. Customers congregating outside to smoke or use mobiles can cause problems. Particularly disruptive customers will be warned by staff and Club management. Car parks are another area where occasional supervision and checks especially late at night may help to prevent loitering, chatting or inconsiderate and noisy driving. The Club encourages responsible taxi operators to come to the door to collect passengers.
Refuse and recycling bins, barrels, bottles and stores	The Club attempts to follow good working practices with nosier activities performed in the morning not late evening. Site refuse and recycling stores are located away from the residences where possible.
Equipment such as chillers, air con, extractors	Sources are located away from residents; Such equipment is serviced regularly and well maintained.
Complaints	The Club is sympathetic to concerns of its residential neighbours and wishes to politely respond to all concerns and complaints in accordance with the Club's constitution. The Club board of Management are than willing to meet with the local residents to discuss issues concerning the Club if the parties feel this to be beneficial.

This Noise Management Plan will be regularly reviewed and updated by the Club Board of Management, including but not limited to the following:

- · On existing un-assessed noise sources
- · Prior to launching new entertainment
- Before introducing new plant and equipment
- · When planning alterations to the Building are proposed
- Following a complaint
- When monitoring procedures identify that controls are inadequate

# LIQUOR ACT

#### 2nd NOTICE OF APPLICATION FOR GRANT OF LIQUOR LICENCE

Armada Hotels and Leisure Pty Ltd hereby gives notice that they have applied to the Director-General for an "Tavern Licence" for the premises known The Flynn Tavern, located at 127 Flynn Drive, Bellamack, NT.

#### PROPOSED TRADING DETAILS:

The business proposed to be conducted will be in the nature of a Tavern with a takeaway liquor licence and family bistro, alfresco dining area, sports bar, gaming room and children's play area including a takeaway liquor licence.

- Liquor may be sold for consumption on the licensed premise from 10:00 hours until 23:59 hours seven (7) days a week.
- Liquor may be sold only for consumption away from the premises Sunday to Friday from 10:00 hours until 22:00 hours, and Saturday 09:00 hours to 22:00 hours.
- Meals will be available between 11:30 hours and 14:20 hours and 17:00 hours and 21:00 hours seven days a week.
- Light snacks will be available throughout the day and evening.
- Entertainment live performers will be available on selected nights.
- Entertainment will be in the form of soft pre-recorded music and live performers in the form of a quartet or similar, playing soft background "easy listening" music. There will be no 'nightclub' style entertainment provided at the venue.
- No trading Good Friday or Christmas Day.

This is the second notice of application.

The objection period is deemed to commence from Friday, 14 August 2015.

Pursuant to Section 47F(2) of the *Liquor Act* an objection may only be made on the ground that the grant of the licence may or will adversely affect:

- a. the amenity of the neighbourhood where the premises the subject of the application are or will be located; or
- b. health, education, public safety or social conditions in the community.

Only those persons, organisations or groups described in Section 47F(3) of the *Liquor Act* may make an objection. Section 47G of the *Liquor Act* requires the Director-General to inform the applicant of the substance of any objection. This will include the identity and where relevant the address of the objector.

Guideline for the takeaway liquor licence applications can be found at wwww.dob.nt.gov/gambling-licensing/liquor

For further information regarding this application contact the Director-General of Licensing NT on telephone 8999 1800. Objections to this application must be lodged in writing and lodged within 30 days of the commencement date of the objection period to the Director-General of Licensing, via e-mail (preferred) to <a href="mailto:LRASComplianceDWN.DOB@nt.gov.au">LRASComplianceDWN.DOB@nt.gov.au</a> or posted to GPO Box 1154, Darwin, NT 0801.

Dated this14 Day of August 2015

### LIQUOR ACT

# 1st NOTICE OF APPLICATION FOR GRANT OF A LIQUOR LICENCE

Armada Hotels and Leisure Pty Ltd hereby gives notice that they have applied to the Director-General for a "Tavern Licence" for the premises known The Flynn Tavern, located at 127 Flynn Drive, Bellamack, NT.

#### PROPOSED TRADING DETAILS:

- The business proposed to be conducted will be in the nature of a Tavern with a takeaway liquor licence and family bistro, alfresco dining area, sports bar, gaming room and children's play area including a takeaway liquor licence.
- Liquor may be sold for consumption on the licensed premise from 10:00 hours until 23:59 hours seven (7) days a week.
- Liquor may be sold only for consumption away from the premises Sunday to Friday from 10:00 hours until 22:00 hours, and Saturday 09:00 hours to 22:00 hours.
- Meals will be available between 11:30 hours and 14:20 hours and 17:00 hours and 21:00 hours seven days a week.
- Light snacks will be available throughout the day and evening.
- Entertainment live performers will be available on selected nights.
- Entertainment will be in the form of soft pre-recorded music and live performers in the form of a quartet or similar, playing soft background "easy listening" music. There will be no 'nightclub' style entertainment provided at the venue.
- No trading Good Friday or Christmas Day.

This is the first notice of application. The notice will be published again on Friday, 14 August 2015.

The objection period is deemed to commence from Friday, 14 August 2015.

Pursuant to Section 47F(2) of the *Liquor Act* an objection may only be made on the ground that the grant of the licence may or will adversely affect:

- a. the amenity of the neighbourhood where the premises the subject of the application are or will be located; or
- b. health, education, public safety or social conditions in the community.

Only those persons, organisations or groups described in Section 47F(3) of the *Liquor Act* may make an objection. Section 47G of the *Liquor Act* requires the Director-General to inform the applicant of the substance of any objection. This will include the identity and where relevant the address of the objector.

Guideline for the takeaway liquor licence applications can be found at wwww.dob.nt.gov/gambling-licensing/liquor

For further information regarding this application contact the Director-General of Licensing NT on telephone 8999 1800. Objections to this application must be lodged in writing and lodged within 30 days of the commencement date of the objection period to the Director-General of Licensing, via e-mail (preferred) to <a href="mailto:LRASComplianceDWN.DOB@nt.gov.au">LRASComplianceDWN.DOB@nt.gov.au</a> or posted to GPO Box 1154, Darwin, NT 0801.

Dated this 12 Day of August 2015.



# Attn-Inspector Jeff Paull.

Application for the Grant of a Liquor

Signal and	O'ARWIN
1.1	MAY 2015
AB	108985

# Liquor Act

Application	n for the	Grant o	f a Liquor Lice	nce		A TOTAL PRINT		
1. Application	on details							
Title Mr 🗹			Mrs Ms	☐ Miss ☐				
Full name of applicant ARM		ARMAI	DA HOTELS AND	LEISURE PTY	LTD T/A THE FL	YNN TAVERN		
Address of applicant		16 ASF	HMORE ROAD, B	BUNDALL QLD	4217			
Postal address of applicant P		РО ВО	X 2022, SOUTHF	PORT QLD 4215	5			
Telephone	(08) 898	43566		Facsimile	N/A			
Email	david@th	nezestgro	oup.com.au	Website	N/A			
Full name an Nominee (if a		of	DAVID STANLE	EY ANTHONY	Interior Co.			
Address/location of proposed licensed premises		127 FLYNN CIRCUIT, BELLAMACK						
Trading nam licenced prer		sed	THE FLYNN TAVERN					
Nature of business associated with licence applied for (e.g. supermarket, hotel, etc.)		TAVERN						
Type of licen	ce applied	for:						
1. For consu	mption on	premises	5		Yes 🗸	No 🗌		
2. For consu	mption aw	ay from p	oremises		Yes 🗹	No 🗆		
3. For consu	mption on	and awa	y from premises		Yes 🗸	No 🗌		
Proposed co	nditions so	ought or v	volunteered by th	e Licensee		•		
NIL								
Will any othe	r person o	r entity h	ave a financial in	terest in the Bus	siness? If so, prov	vide details:		
NIL	en Mergania Milania				TENE	yeard to HIGH AT YORK		

# **ATTACHMENT A**

Application for the Grant of a Liquor Licence

Application for th	e Grant of a L	iquor Licence		South	
Is Applicant or any nany other licence? If			or indirectly int	erested	in or concerned with
NIL					
Have any of the App been arrested, charg details:					
NIL					
Have any of the App been a defendant in					
NIL					
Have any of the App been the subject of a details:					embers of Club) ever islation? If so, provide
NIL					
I/We the Applicant(s	) described abov	ve, hereby appl	y for the grant of	of the at	oove licence.
Signature of applicant(s)	2		5	Date	30/04/2015
Signature of applicant(s)				Date	
Signature of applicant(s)				Date	

# **ATTACHMENT A**

Application for the Grant of a Liquor Licence

Application f	or the Gr	ant of a Liquor Li	cence			Times!		BET Y
2. For office u	se only							
File number Date received								
3. Application	by a Bod	y Corporate to appo	oint ma	nage	r/nom	ninee		
Full name of ap	plicant	ARMADA HOTEI TAVERN	ARMADA HOTELS AND LEISURE PTY LTD T/A THE FLYNN TAVERN					
Trading name of	of premise	s THE FLYNN TAV	/ERN					
Address/Location of premises		127 FLYNN CIRC	CUIT, B	ELLA	MCK			
4. Nominated	persons d	letails						
Full Name and proposed Mana			NLEY A	NTH	YNC			
Date of birth	29/03/19	980	Plac	e of b	oirth	DARWIN		
Address	16 PHIL	IP STREET, FANNIE	BAY	80 TV	20			
Occupation	DIRECT	OR			0.			
Phone	(08) 898	4 3566	Facsir	mile	NIL	NIL		
Mobile	0416 22	6 146	Email		davi	d@thezestg	roup.com	n.au
Length of time i		25 YEARS	YEARS Period of re Australia		esidence in	lence in 35 YEARS		
If naturalised, c	an papers	be produced?	Yes □ No			No 🗌		
What is your ma	arital statu	s? (including defacto)	MAR	RIED				
Name of Spous	e (including	g defacto)	defacto) AMANDA LOUISE ANTHONY					
Occupation of s	pouse/def	acto	NIL					
If licence grante another trade of		roposed Manager/No n?	ominee	inten	d to fo	llow	′es 🗌	No 🗹
Has proposed Micensed premis		lominee had experie	nce in t	he co	nduct	of Y	′es 🗌	No 🗹
If yes, provide details								
Will the proposed Manager/Nominee have a financial interest in the Business? Yes ☑ No □					No 🗌			
Is the proposed Manager/Nominee directly or indirectly interested in or concerned with any other Licence?				No 🗹				
If yes provide details								

Application for the Grant of a Liquor Licence

Application for the Gra	nt of a Liquor Licence			
	r/Nominee ever been arrested, charged nvictions)? If so, provide details:	or summ	onsed fo	or an offence
NIL				
Has the proposed Manage convictions)? If so, provide of	r/Nominee ever been convicted of any o details:	offence ar	nywhere	(exclude spent
NIL				
Has the proposed Manager convictions)? If so, provide of	r/Nominee ever been a party in a civil la details:	iwsuit (ex	clude spe	nt
Has the proposed Manager any employment? If so, pro	r/Nominee ever been dismissed / discha ovide details	arged or a	asked to	resign from
NIL				
Has the proposed Manager Course? If yes, attach relev	r/Nominee completed a Patron Care vant certificate.	Yes		No 🗆
and four (4) written referen	al Profile / Resume (detailing a minimul ces to be made up of two (2) business a attached with this application.			
Signature of Proposed Manager/Nominee	75	Date	30/0	04/2015

# **New Takeaway Liquor Licence Applications**

- Takeaway liquor license to be located in a new residential development.
- Bellamack was established in 2009, bordering Rosebery, Moulden and Woodroffe and is a rapidly growing area approx. 4 km's outside of the Palmerston CBD.
- There have been a minimum of 683 residential development allotments in the area with a forecast 900 dwellings in a mix of single homes, townhouses and apartments. Since 2009 the majority have already been constructed and are currently underserviced.
- The location of the proposed premises in Bellamack is in the proximity to recently completed medium density apartments and houses as well as a 70 apartments on the allotment.
- There are currently only 30 undeveloped lots in the immediate area that will cater to new housing developments and commercial real estate.
- They are to the south, including Marlows Lagoon, Archer and Mitchell Creek and Zuccoli are zoned FD and will continue to support the growth south of Palmerston CBD

SOURCE: http://www.lands.nt.gov.au/land-release/palmerston

- The licence is to be located in an area that has experienced substantial and recent population increase.
- Since the inception of Roseberry- Bellamack in 2009, the population has recorded the fastest growth in the territory at 14% p.a. The population as of 2013, sits at 5000 people, (Source; ABS <a href="http://www.abs.gov.au/ausstats/abs@.nsf/Products/3218.0~2012-13~Main+Features~Northern+Territory?OpenDocument">http://www.abs.gov.au/ausstats/abs@.nsf/Products/3218.0~2012-13~Main+Features~Northern+Territory?OpenDocument</a>)
- NT Lands and Planning are increasing the density of CP and MD zoned lots in Moulden and Woodroffe.
- The population/demographic consists of people with a median age of 26.5, unemployment rate of 2.5% and average income of \$58,154. Over 80% of households formed are family households. (<a href="http://www.abs.gov.au/ausstats/abs@.nsf/Products/3218.0~2012-13~Main+Features~Northern+Territory?OpenDocument">http://www.abs.gov.au/ausstats/abs@.nsf/Products/3218.0~2012-13~Main+Features~Northern+Territory?OpenDocument</a>)

The applicant of the takeaway licence is the producer of liquor products that proposes takeaway sales of the alcoholic products manufactured at the location; and

Does not apply.

The licence is for a location where there is a very clearly established public need.

Does Not Apply

# Description of Takeaway

- The Takeaway outlet forms part of the general tavern and occupies around 40m2
- Intention of the retail outlet is to support the trading of the bistro and on premise consumption. The retail will add to the buying power of the business as well double utilization of cool rooms. This in turn enables the business to provide better services to the community at a lower price.
- Takeaway does not have a drive thru component. Liquor will purchased via the internal premises.
- Nearest takeaways are in the form of shops (Moulden) with less stringent entry and service requirements.
- Customers will be subject to the same standards of dress code as the tavern.
- Unlike a supermarket, customers will not be allowed on premises that are intoxicated or disorderly.

# Land Release

# **Building Palmerston**

Land is being released in four new suburbs in Palmerston East. Development of these suburbs includes major infrastructure and services to meet Palmerston's rapidly growing population.

The four new suburbs of Bellamack, Johnston, Mitchell and Zuccoli will provide approximately 3000 new residential lots.

# Bellamack

Currently under construction, the Palmerston suburb of Bellamack is bound by the existing roads of Elrundie Avenue, Chung Wah Terrace and Owston Avenue. It is well located on the arterial road network only 4 kilometres from the Palmerston CBD.

Stage 4 of Bellamack is nearing completion and the remaining parcels are selling fast. Land is available to the general public, Defence Housing Australia, Territory Housing and the Bellamack HomeFirst initiative. Members of the public can register their interest for purchasing land by contacting Bellamack Pty Ltd on 1800 70 80 80 or by visiting the Bellamack website.

### Bellamack affordable homes

Fourty seven Bellamack HomeFirst affordable house and land packages have been sold to date. Further Bellamack house and land packages and duplex dwellings will be constructed throughout 2014. View the latest information on what affordable housing opportunities are available in Bellamack

# Johnston

Headworks for Johnston Stage 1 in Palmerston East, totalling \$21 million have been completed and included new roads, stormwater drainage, electrical reticulation, street lighting, telecommunications and sewerage. The development of Stage 1 comprises 198 residential lots and is close to completion.

Stage 2 will deliver 284 residential lots. Construction commenced in April 2012 and the developer, Urbex No 107 Pty Ltd, is anticipating the completion of all stages by December 2014.

For sales information please call 1300 555 950 or visit the Johnston Ridge website.

# Zuccoli

Zuccoli will be the largest of the Palmerston East suburbs and provide public amenities for recreation education and community facilities. Urbex Pty Ltd, a subsidiary of the BMD Group and private sector developer, was engaged by the Land Development Corporation in early 2011 to deliver Stage 1 of the new suburb.

8/05/15 1:02 PM

Stage 1 delivered more than 500 lots to the market and went on sale early 2012. With Stage 1 already completed, development remains on schedule to deliver the estimated 700 dwellings by 2017.

# Zuccoli Stage 2

Headworks on Stage 2 will begin shortly as Brierty, operating as Territory Life, were named the successful proponent after a competitive proposal process. Zuccoli Stage 2 will yield at least 400 residential lots and provide a diverse range of housing to meet the Territory's changing needs.

The development achieves one of the key components outlined in the proposal guidelines which was an average land component price per a dwelling below \$180 000. Pre sales are expected to start in early June 2014 with titles expected to be issued in December 2014.

# Zuccoli 3 and 4

The release of Stages 3 and 4 Zuccoli was announced on 21 March 2014. Registered proponents are currently preparing submissions for assessment. Submissions close on 28 July 2014. A successful developer is expected to be announced in late September 2014.

### Mitchell

Mitchell will be located to the south of Palmerston bounded by Roystonea Ave and Channel Island Road. Preliminary studies and investigations to determine land capability and constraints are underway.

© Northern Territory Government of Australia 2014





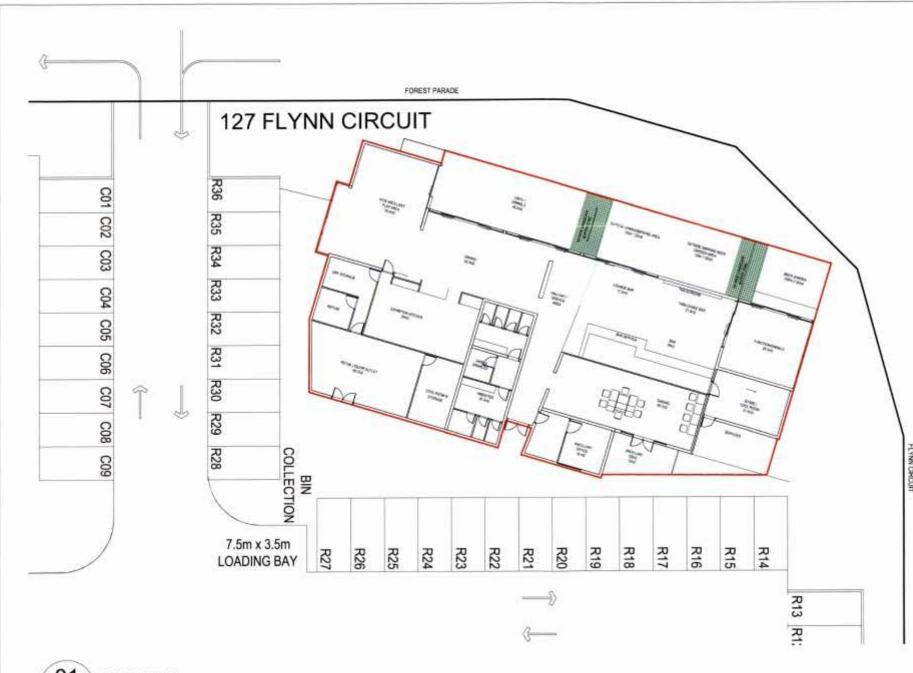
ZEST PROJECTS
PO Box 908
Darwin
Nt 0800
(08) 89843566

CLIENT: ZEST PROJECTS

PROPOSED NEW DEVELOPMENT

Lot 10281 BUILDING 4 FOR CONSTRUCTION REV K

> Job no: 10281 B4 Date: 27-04-2015 Total Sheets:04 Scale: As Shown



01

SITE PLAN

1:200

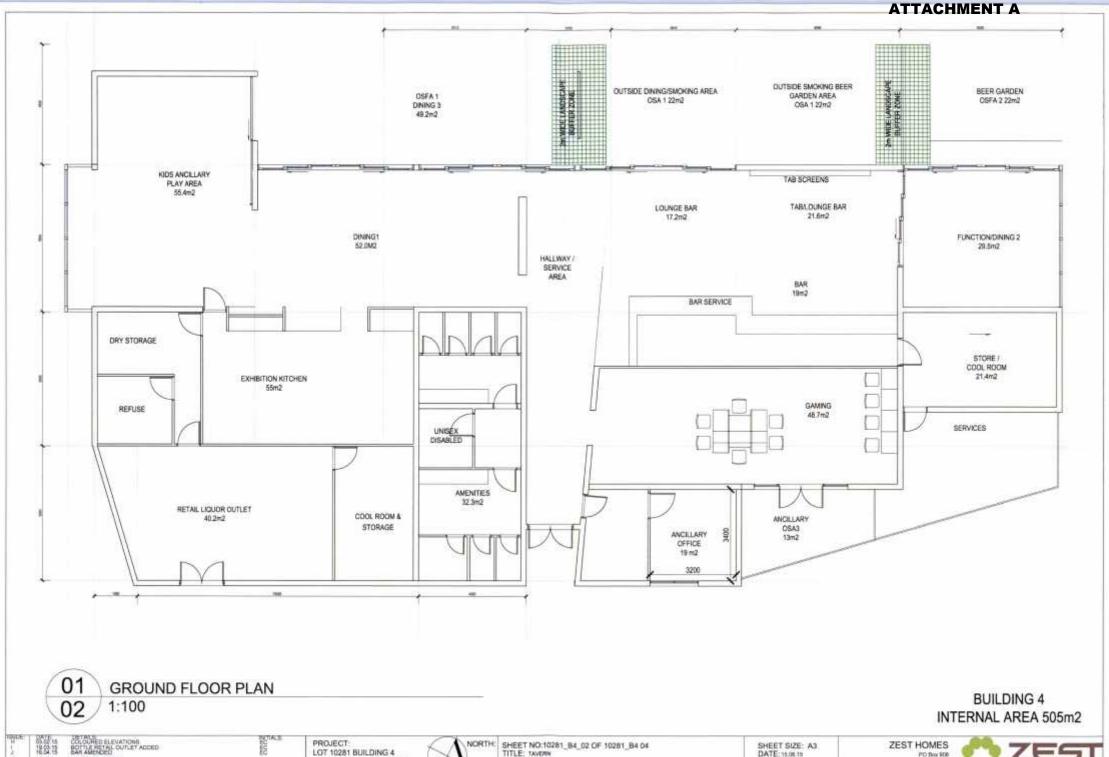
NOW SEC

PROJECT: LOT 10281 BUILDING 4 CLIENT: ZEST PROJECTS SHEET NO:10281\_B4\_01 OF 10261\_B4 04 TITLE DRAWN: EC CHECKED:AH



SHEET SIZE: A3 DATE: 13:00 13 SCALE: AS SPECIFIED JOB ISSUE: N





COLOURED ELEVATIONS BOTTLE RETAIL OUTLET ADDED BAR AMENDED SITE PLAN ADDED BAMING REDUCED TO 10 SEATS SMOKING & NON SMOKING AREAS AMENDED

LOT 10281 BUILDING 4 CLIENT: ZEST PROJECTS

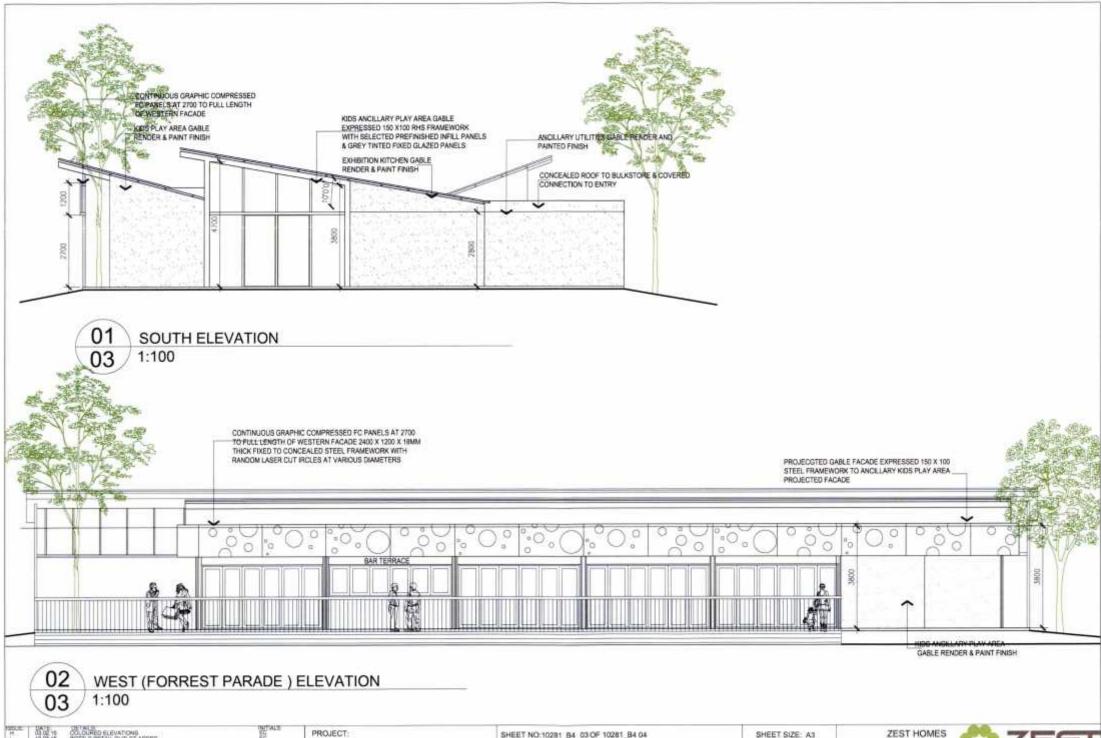
TITLE: TAVERN DRAWN: IIC CHECKED: AR

SHEET SIZE: A3 DATE: 19,08,19 SCALE: AS SPECIFED JOB ISSUE: N

PO 90x 900 0800 Derem, Australia Time: http://www.com.au@



# **ATTACHMENT A**



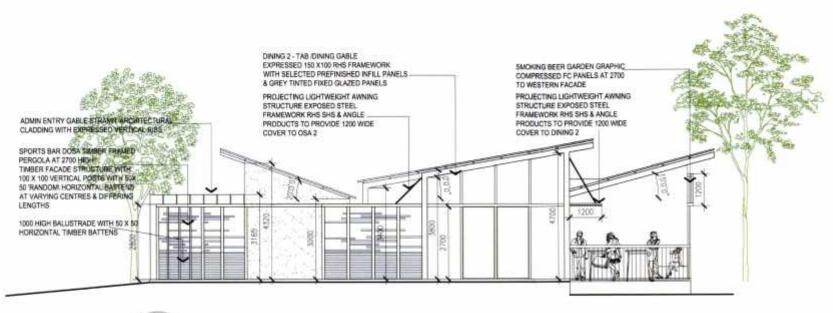
LOT 10281 BUILDING 4 CLIENT: ZEST PROJECTS

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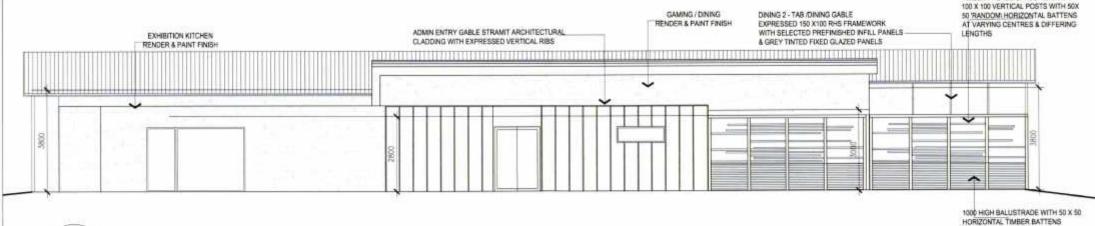
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PO Box 908 0800 Darwin, Australia Enall info@sestrones.com.au@





NORTHERN (CHUNG WAH TERRACE) ELEVATION 1:100



04 EAST ELEVATION 04 1:100

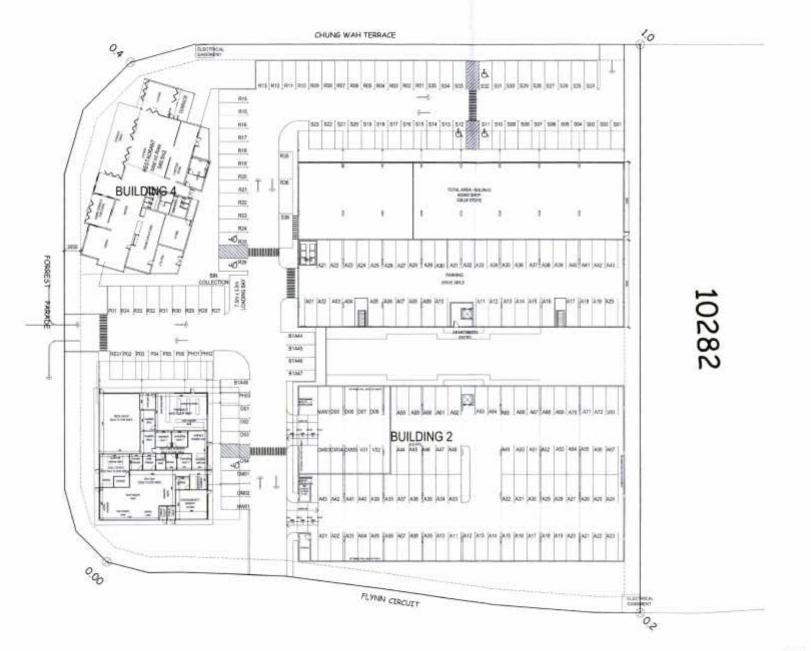
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ETALS

PROJECT: LOT 10281 BUILDING 4 CLIENT: ZEST PROJECTS SHEET NO:10281\_B4\_04 OF 10281\_B4 04 TITLE::ELEVATIONS 2 DRAWN: #0 CHECKED:#8 SHEET SIZE: A3 DATE:16:06:75 SCALE:A8 SPECIFIED JOB ISSUE: N ZEST HOMES
PO Box 908
0800 Derwin, Australia
Email Infragreethores.com.su(f)



SPORTS BAR DOSA TIMBER FRAMED PERGOLA AT 2700 HIGH TIMBER FACADE STRUCTURE WITH



PARKING NUMBERS AND ALLOCATION B1 APARTMENTS PARKS REQ 3 BED - 8NO 2 BED - 16NO 32 48 TOTAL B1 SHOP(800M2): \* BZ APARTMENTS 3 BED - 12NO 2 BED - 24NO 48 72 TOTAL REAL ESTATE (RE)= PIZZA PHARMACY (PH) = DOCTORS (D) = (GM) =GYM NEWSAGENCY (NW)= 2 B4 RESTAURANT (R) PARKS REQUIRED = 36 VISITOR EXTRA (V)= = 223



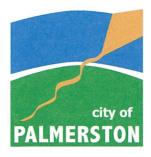
GBP Consulting Engineers

September 100 (1994)

hini

PO Box 908
0800 Darwin,
Australia

HOMES



**Telephone** (08) 8935 9922 **Facsimile** (08) 8935 9900

#### **Email**

merston@palmerston.nt.gov.au

#### Web

www.palmerston.nt.gov.au

Civic Plaza
2 Chung Wah Terrace
Palmerston NT 0830

Please address all correspondence to:

**Chief Executive Officer** PO Box 1 Palmerston NT 0831

APN 42 050 176 000

Please include the following reference in all correspondence

File: P10281 ID: MAS:gr

3 September 2015

Director-General Licensing, Regulation and Alcohol Strategy GPO Box 1154 DARWIN NT 0801

Dear Director-General

# Liquor Licence Application Lot 10281 (127) Flynn Circuit Bellamack

Thank you for the Liquor Licence Application referred to this office on 14 August 2015, concerning Lot 10281 (127) Flynn Circuit Bellamack. This letter may be placed before Council at its next meeting. Should this letter be varied or not endorsed by Council, you will be advised accordingly.

The following issues are raised for consideration by the Director-General:

# Council <u>objects</u> to the granting of a Liquor Licence for the following reasons:

- a) In accordance with the provisions of the Liquor Act and as a local authority, Council objects to the proposed application on the grounds that the proposed license has the potential to negatively impact on (a) the amenity of the neighbourhood where the premises the subject of the application are or will be located and (b) the health, education, public safety or social conditions in the community.
- b) Council also objects to the Liquor License application on the basis that a valid Planning Approval for a Tavern has not been obtained for the site. A Planning application and assessment against relevant codes and criteria is required along with the subsequent public comment period to fully consider if a Tavern is an appropriate land use for the site and local area. It is noted the site is within close proximity to a number of sensitive sites and the Planning application should be determined prior to a Liquor license being considered for the site.

If you require any further discussion in relation to this application please feel free to contact me on 8935 9958.

Yours sincerely

Mark Spangler
Director Technical Services

Palmerston - A Place for People