

ENFORCEABLE UNDERTAKING

Liquor Act 2019
Section 159(3)

The commitments in this undertaking are offered to the Director of Liquor Licensing by:

JUSTIN SCHMIDT
For and on behalf of
Bustard Town Pty Ltd
15 Knuckey street, Darwin NT 0800

BACKGROUND:

1. The Director of Liquor Licensing (the Director) is responsible for exercising various functions and powers under the *Liquor Act 2019* (the Act), including the power to enter into an enforceable undertaking with a licensee in relation to a complaint.
2. Bustard Town Pty Ltd is the licensee of the premises known as Bustard Town, located at 15–17 Knuckey Street, Darwin NT 0800 (the premises). The nominee for this premises is Justin Schmidt (the nominee).
3. The licensee holds liquor licence FLL1669, which authorises the sale and supply of liquor under a restaurant bar authority and a late-night authority.
4. In September 2025, the nominee, together with legal representatives of a nearby hotel, met with Licensing NT to discuss concerns regarding noise emanating from the premises.
5. Following those discussions, the nominee implemented a number of voluntary measures intended to minimise and manage noise from the premises and its impact on surrounding locations.
6. No further noise complaints were received by Licensing NT between September 2025 and June 2026.

THE DIRECTOR'S CONCERNS

7. In June 2026, Licensing NT received a number of further complaints concerning noise emanating from the premises through the same legal representative acting on behalf of the nearby hotel.
8. Section 160(1)(m)(ii) of the Act provides grounds for a complaint against a licensee where licensed premises are being used in a way that causes

annoyance or disturbance to 'persons residing, working or conducting a business in the vicinity of the premises'.

9. The Director is concerned that noise emanating from the premises may, in some circumstances, contravene section 93 of the Act, including where the volume and/or hours of operation result in noise that is 'undue and unreasonable'.
10. The complaints were formally accepted for consideration by Licensing NT in August 2026, and the nominee was advised accordingly.
11. Following receipt of the complaints, Licensing NT met with the nominee to discuss the concerns raised. During that meeting, it was identified that, in addition to the concerns regarding noise, the premises had on occasion been operating outside the conditions of a restaurant bar authority, including the requirement under section 83(10) of the *Liquor Regulations 2019* (the Regulations) that patrons be seated while consuming liquor, except in the circumstances specified in that provision.
12. The Director notes that, since the premises commenced operation in 2023, its nature and manner of operation have evolved. The premises now operates as a restaurant, café and live entertainment venue, comprising a café area, an alfresco area and a band room.
13. The current liquor licence and associated authorities apply to the premises as a whole, meaning the operation of each area of the premises is subject to the requirements applicable to the relevant authority under the Act and the Regulations.
14. Regulation 83(10) of the Regulations prescribes the conditions applicable to a restaurant bar authority, including that patrons must be seated while consuming liquor, except in circumstances involving a private function at which a light meal has been served.
15. Licensing NT has identified that the premises has, on occasion, operated outside this requirement, particularly during concerts and other live music events where patrons have been permitted to consume liquor while standing or otherwise not seated.
16. The Director considers that the current authorities issued in July 2023 do not fully reflect the current nature and manner of operation of the premises and require updating to ensure that the licence appropriately reflects the activities undertaken within the different areas of the premises.
17. Having regard to the manner in which the Licensee proposes to operate the premises, the Director considers that a public bar authority would allow for the conduct of the events in which patrons consume liquor

while standing or otherwise not seated. The Director considers it may be appropriate for the premises to operate under both a public bar authority and a restaurant bar authority, with the respective authorities applying to specified areas of the premises.

18. The Director considers that the current licence arrangements should be reviewed and, where necessary, amended to ensure that the authorities applying to the premises accurately reflect its current and proposed operation and can be reasonably complied with in practice.
19. In this context, the Director considers that an enforceable undertaking provides an appropriate mechanism for addressing the concerns identified, while providing the licensee with a defined period and framework within which to review and amend its operating arrangements, address the concerns regarding noise, and ensure that the premises operates consistently with the Act, the Regulations and the conditions applying to the premises.

ACKNOWLEDGEMENT OF CONCERNS

20. The nominee has acknowledged the Director's concerns regarding the appropriateness of the current authorities and has also acknowledged the concerns raised by the nearby hotel.
21. In acknowledging these concerns, Mr Schmidt as a director of the licensee outlined processes implemented to reduce and manage noise from the premises and minimise its impact on surrounding locations following complaints in 2025.

UNDERTAKING:

22. Under section 159(1) of the Act, Bustard Town Pty Ltd has offered, and the Director has agreed to accept, as an alternative to disciplinary action, the undertaking set out in this Enforceable Undertaking.
23. Bustard Town Pty Ltd undertakes to submit an application for a public bar authority as soon as practicable, but no later than Friday 2 October 2026, and to ensure that this application is progressed through to its conclusion.
24. Bustard Town Pty Ltd also undertakes to ensure that amplified music in the alfresco area of the premises will be limited to 11pm on Thursday, Friday and Saturday, and 10pm on all other days.
25. Bustard Town Pty Ltd also undertakes to comply with the requirements of section 93 of the Act, and through this, ensure that no undue or unreasonable noise will be generated from the premises.

26. Bustard Town Pty Ltd will submit a special event authority application where the conduct of business may be in contravention of current conditions.

NON-COMPLIANCE

27. Should the Director believe that Bustard Town Pty Ltd has failed to materially comply with the Enforceable Undertaking as described in clauses 22 to 26 inclusive, she will write to set out the concerns regarding non-compliance.
28. Bustard Town Pty Ltd will have 14 days from the date of the Director's letter referred to in clause 27 to provide evidence satisfactory to the Director that it has remedied such non-compliance.
29. The provisions of clause 22 notwithstanding, the Commission and the Director reserve the right to take disciplinary action against the licensee in accordance with the Act for any non-compliance with this undertaking.

ACKNOWLEDGEMENTS

30. The parties acknowledge that the Director, in accordance with section 159(6) of the Act, will record this Enforceable Undertaking in the Register of Enforceable Undertakings.
31. The parties also acknowledge, in accordance with section 159(7) of the Act that it may vary or withdraw this Enforceable Undertaking only with the consent of the Director.

COMMENCEMENT DATE:

32. This Enforceable Undertaking will commence operative force from the date it is accepted by the Director.

PROVISION OF DOCUMENTS:

The address for providing the Director with any document or notice is:

The Director of Liquor of Licensing
GPO Box 1154
DARWIN NT 0801
DirectorLiquorLicensing.DITT@nt.gov.au

The addresses for providing Nightcliff Fermentation with any document or notice is:

C/- Justin Schmidt
Director
Bustard Town Darwin Pty Ltd
15 Knuckey street
Darwin NT 0800
justin@bustardtowntown.com.au

SIGNED BY:



Justin Schmidt
For and on behalf of Bustard Town Darwin Pty Ltd

Dated this 1st day of September 2026.

Accepted by the Director of Liquor Licensing under section 159(5) of the *Liquor Act 2019*.



Melissa Jane Garde
Director of Liquor Licensing

Dated this 1st day of September 2026.