

## Director of Gaming Machines

### Decision Notice

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<b>MATTER:</b>	APPLICATION FOR SUBSTITUTION OF A GAMING MACHINE LICENCE
<b>LICENSEE:</b>	DCL Hospitality Pty Ltd
<b>PROPOSED PREMISES:</b>	Zuccoli Tavern Building 2, Zuccoli Plaza Cnr Zuccoli Parade & Crosby Street Zuccoli, NT 0832
<b>LICENCE NUMBER:</b>	GM138
<b>LEGISLATION:</b>	Section 42B of the <i>Gaming Machine Act 1995</i>
<b>DATE OF DECISION:</b>	07 January 2025

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### DECISION

1. After due consideration of all the issues as outlined in this Decision Notice, as Director of Gaming Machines, I grant the application for substitution of Gaming Machine Licence GM138, from 1 Palm Circuit, Alice Springs, to the new location of Building 2, Zuccoli Plaza, Cnr Zuccoli Parade & Crosby Street, Zuccoli, for the applicant, DCL Hospitality Pty Ltd.

### BACKGROUND

2. DCL Hospitality Pty Ltd (the Applicant) is the licensee of Gaming Machine Licence Number GM138 for premises known as Heavitree Gap Tavern, situated at 1 Palm Circuit, Alice Springs NT 0870. The licence was transferred to the Applicant on 27 October 2022, which included approval for the operation of 10 gaming machines.
  3. On 15 February 2023, an application for substitution of premises in accordance with the *Gaming Machine Act 1995* (Act) was lodged by Monique Nixon-Smith of DNS Specialist Services (DNS) on behalf of the Applicant.
  4. Attached to the application was a concurrent application for a substitution of the liquor licence held by the Applicant. The application made pursuant to the *Liquor Act 2019* was determined by the NT Liquor Commission (Commission) and approved on 4 August 2023.
  5. An application was made to the Northern Territory Civil and Administrative Tribunal (NTCAT) to have the decision of the Commission reviewed. In a decision notice of NTCAT's dated 7 October 2024, the application for a review was ultimately dismissed.
  6. Following NTCAT's dismissal of the review and its affirmation of the Commission's decision on 4 August 2023, the application to substitute the gaming machine licence can now proceed for consideration by the Director of Gaming Machines (Director).
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## APPLICATION

7. This application is to substitute the gaming machine licence from 1 Palm Circuit, Alice Springs to Building 2, Zuccoli Plaza, Cnr Zuccoli Parade & Crosby Street, Zuccoli. The location in Zuccoli is currently an empty premise within a shopping centre which the Applicant intends to renovate to accommodate the business and rename as Zuccoli Tavern.
8. The Applicant provided the following information in support of their application:
  - a. Section 42C(1)(a) – A copy of the application under the Liquor Act 2019.
  - b. Section 42C(1)(b) – Information in accordance with section 24(3)(d)(iii), being a copy of the resolution or minute of the proceedings of the governing body of the body corporate.
  - c. Section 42C(1)(b) – Information in accordance with Section 24(3)(g) including premises plans.
  - d. Section 42C(1)(b) – Information in accordance with Section 24(3)(j) regarding ownership of the premises.
  - e. Section 42C(1)(b) – Information in accordance with Section 24(3)(ka) pertaining to monitoring arrangements for gaming machines.
  - f. Section 42C(1)(c) – A statutory declaration in accordance with Section 24(3)(h).
  - g. Section 42C(1)(d) – A statement of the number of gaming machines that the Applicant seeks to have authorised for use under the licence at the new premises.
  - h. Section 42C(1)(e) – Community Impact Analysis (CIA) submitted.
  - i. Section 42C(1)(f) – Details of the applicant's problem gambling risk management and responsible gambling strategies for the new venue.
  - j. Section 42C(1)(g) – Any additional information requested by the Director.

## PUBLICATION

9. Public notices of the application were published in the NT News on 25 February 2023, concurrent with the liquor substitution application. A signed declaration that the public notice was displayed at the proposed premises for the required period has also been supplied, including photographic evidence of the same.

## SUBMISSIONS

10. Being concurrent applications, persons submitted objections as per the *Liquor Act 2019*, or submissions as provided for under the *Gaming Machine Act 1995* collectively.
11. Noting that some submissions were joint responses to the liquor and gaming licence applications, the Commission in its decision notice, correctly indicated it had no direct role to play in the assessment and consideration of the gaming machine licence matter, that being a matter for the Director.
12. The Act requires a submission on the application, where that submission could be either positive or negative. The Act does not outline any requirement for any submission received to be sent to the Applicant for comment or response.
13. As a result of publication of the joint applications, 43 submissions were received, including 26 identical template submissions. These did not include email addresses and used the following wording:

*We are residents of Zuccoli and currently enjoy a relatively peaceful neighbourhood compared to other suburbs of Darwin and Palmerston. We are concerned that a 2nd proposed Tavern – The Zuccoli Tavern*

*with Gaming at the Zuccoli Plaza will affect the amenity, the health, education, public safety or social conditions in the community.*

*The location of the proposed Zuccoli Tavern & Gaming is a shopping centre with a nearby by [sic] bottle shop is likely to bring crime and attract people to the area that otherwise have no reason to come to Zuccoli. It is likely that people who have been drinking will cause issues with other businesses and shopping centre visitors.*

*The Zuccoli Plaza needs to remain a safe place free from alcohol and gaming as it is the only Shopping area in the [sic] Zuccoli. Children regularly walk and ride bikes there before and after school and on weekends, exposure to gaming and alcohol and potentially intoxicated persons is too risky.*

*We are also concerned that if the proposal is approved, we are going to be a suburb with two venues and 30-40 poker machines. The suburb still has a long way to grow, and it is definitely far too early considering a proposal for a second tavern especially before the first one has been built.*

14. HWL Ebsworth Lawyers (HWL) provided a submission on behalf of 4 of their clients:
  - a. JDI Properties Pty Ltd as trustee for The Aspire Trust (the registered proprietor of Lot 15757 Town of Palmerston from plan(s) S2022/094), located 1.7km from the proposed licensed premises;
  - b. Armada Hotels and Leisure Pty Ltd as trustee for The Armada Trust (operator of Parkside Bistro), located 1.7km from the proposed licensed premises;
  - c. Zest Projects Pty Ltd as trustee for the Zest Projects Trust (the registered proprietor of Lot 2710 Town of Palmerston from plan(s) S 84/275), located 4.9km and 5.km from the proposed licensed premises; and
  - d. Armada ELC Pty Ltd as trustee for the Gunn ELC Trust (the registered proprietor of Lot 14735 Town of Palmerston from plan(s) LTO2016/050 and the operator of Territory Kids Early Learning Centre), located 4.8Km from the proposed licensed premises.
15. HWL's submission included an independent report commissioned by them from the Jacaranda Advisory Group (Jacaranda Report), which raised a number of concerns about the CIA, specifically compliance with the CIA guidelines.
16. The Applicant was asked to respond to the issues raised in the Jacaranda Report. They confirmed the CIA guidelines are designed for flexibility and argued their report fully complies by addressing community considerations. Additionally, they noted the objections appear commercially motivated.
17. The Applicant, in support of their response, stated:
  - a. DNS is recognised as one of Australia's leading liquor and gaming specialists, producing independent and transparent CIAs that meet jurisdictional requirements. Their extensive experience includes significant gaming applications across the Northern Territory, such as Darwin and Alice Springs casinos. The Director has approved many of their reports, demonstrating their credibility, reliability, and compliance.
  - b. The DNS report is based on comprehensive and authoritative data, including the 2021 Australian Census for demographic insights, NT Police Crime Statistics for safety and crime trends, Australian Bureau of Statistics Socio-Economic Indexes for Areas information and Small Area Labour Markets data for socioeconomic and labour market conditions, and NT Department of Treasury and Finance publications for economic context. These sources ensure a balanced and thorough analysis tailored to NT CIA guidelines, directly countering claims that the report was designed for another jurisdiction.

- c. NT CIA guidelines are flexible rather than rigid, enabling tailored submissions that address the unique characteristics of each application and community. The guidelines recognise that not all Local Community Areas (LCA) or proposals are identical and thus allow for varied approaches in addressing core objectives. This adaptable framework empowers the Director to exercise discretion in accepting submissions in their presented form, approving their structure, or granting exemptions as deemed appropriate. By enabling this flexibility, the guidelines support a balanced and practical application process that remains responsive to diverse circumstances.
- d. The defined LCA extends to a 5km radius around the proposed site, aligning with the widely accepted principle that 80% of a venue's patronage is drawn from within this range. This approach ensures that the demographic and economic analysis is comprehensive and reflective of the immediate impact zone. Further, the boundaries provide a logical framework for evaluating the community's composition and needs, meeting guideline expectations and supporting an accurate and thorough assessment of the proposal's potential impacts.
- e. The DNS report thoroughly addressed gaming density, social and economic impacts, and harm minimisation strategies, using structured, data-driven analysis to counter objections. Indeed, the report provides a clear framework for evaluating the community impacts of gaming machines. This ensures that readers can make informed assessments regarding potential benefits and risks. Additionally, the analysis effectively counters claims that the report fails to meet guideline standards, demonstrating alignment with the Director's expectations and the NT CIA guidelines.
- f. Extensive community engagement included a letterbox drop to 6,900 households, resulting in 377 responses (49% positive, 39% negative, 12% neutral). The feedback directly informed a revised operational and site plan developed collaboratively with the Commission, which commended the applicant's proactive efforts to address community concerns. This demonstrates transparency and good faith.
- g. The application involves the substitution of 10 existing gaming machine licences into a different LCA, ensuring no net increase in gaming density or accessibility while maintaining the NT-wide cap. Importantly, the new premises is situated in a socioeconomically stable area less likely to be adversely affected by gaming activities, as evidenced by demographic and economic indicators. The closure of the previous site further supports the neutral impact of this substitution, mitigating potential risks and aligning with harm minimisation principles.
- h. Detailed operational documentation highlighted the Applicant's expertise in managing licensed venues with a focus on compliance, safety, and community welfare. This includes implementing robust harm minimisation strategies and maintaining operational standards that exceed regulatory requirements. Further, the Commission acknowledged the Applicant's proven track record in operational excellence and their commitment to harm minimisation, further underscoring their suitability to hold and manage the gaming licence responsibly.
- i. NTCAT identified the objections (mentioned at paragraph 21 below as "Liquor objections") as commercially motivated, aimed at delaying the Zuccoli Tavern project for competitive advantage. Despite receiving approvals over two years ago, the objector's bistro remains undeveloped, making concerns about density or impacts speculative and irrelevant. Moreover, these objections are contradictory, as they raise issues equally applicable to their own proposed project, highlighting a deliberate strategy to obstruct the Applicant's.
- j. The Liquor objections raised do not detract from the validity of the DNS report or the merits of the application, as:
  - (a) The DNS report complies fully with NT CIA guidelines, using authoritative data sources and meeting all regulatory requirements;

- (b) The Director holds the authority to approve submissions that meet the core objectives of the guidelines, allowing for discretion in assessing their adequacy and applicability;
  - (c) The Commission and NTCAT decisions both validated the thoroughness and credibility of DCL's submission and supporting documentation, reinforcing its compliance with all relevant standards;
  - (d) DCL demonstrated transparency, good faith, and responsiveness through extensive community engagement and plan revisions;
  - (e) The substitution of gaming machine licences maintains regulatory balance, with minimal impact on the community; and
  - (f) The objections are commercially motivated and lack substantive merit.
18. As noted above, this application was publicly advertised and, while there is a 30-day period in which to make a submission, the Act is silent on whether the Director can accept a submission outside of this timeframe.
19. Four submissions were received approximately 1 year after the 30-day period had expired.
20. The Applicant advised these 4 submissions (which were considered as objections and referred to as "15 Mile evidence" below) were also made during the appeal of the Commission's decision in respect of the substitution of liquor licence application.
21. The Applicant made an application to have the objections removed, and subsequently were successful with that application and noted the following key extracts from that decision for consideration by the Director:

[31]. *I make these initial findings regarding the 15 Mile evidence:*

- a) *constructed as a whole, the 15 Mile evidence is a fresh objection not merely evidence supporting the Applicants' objection;*
- b) *the Tribunal is constrained by s.63 of the Act not to admit the 15 Mile evidence as a fresh objection on review as to do so would unreasonably undermine the decision-making processes under the Act.*

...

[42]. *I make these further findings:*

- a) *A forensic decision was apparently taken by the Applicants, represented by an experienced legal practitioner, not to pursue the 15 Mile evidence, even when invited to consider doing so by the Liquor Commission;*
- b) *There was an onus on the Applicants to include the 15 Mile evidence in their objection, which they did not discharge;*
- c) *The 15 Mile evidence was reasonably available if the Applicants had exercised appropriate diligence.*

...

[29] *The Applicants (at least one of the four) also secured the right to operate what they call the 'Parkside Bistro' in Zuccoli, with a licence granted by the Liquor Commission in a decision dated 18 October 2022 ('the Parkside Decision'). The Bistro is described by the Applicants as being 1.2km from the Tavern (in AAP Report), but there is no information to indicate if the Bistro is closer to the 15 Mile Community. I will assume for these purposes that it is a further kilometre away. Given how the*

*Applicants have designated the local communities in the Objection Letter, the 15 Mile community is, on their definition, local.*

...

*[30] There is no reference to the potential impact on the 15 Mile Community of the Parkside Bistro in the Parkside Decision. Given the material filed by the Applicants from the 15 Mile community and its representatives on the potential impact of the Tavern, it is difficult to reconcile the lack of consideration given to the 15 Mile community in the Parkside Decision. It tends to support the contention of the Second Respondent that the Applicants' objection is driven solely by underlying commercial interests – which is not a ground of objection contemplated by s.61.*

22. Given the late submissions and NTCAT's prior decision not to accept them, it would not be appropriate to consider these submissions for this application.

## STAKEHOLDER ENGAGEMENT

23. DNS arranged to distribute surveys to 6,900 households in the surrounding suburbs of Zuccoli. The questions centred on whether the liquor and gaming licence, with 10 gaming machines, would have a positive, negative or no impact on the community. 377 surveys were completed with 186 being positive, 146 negative and 45 being neutral.
24. There was a comprehensive CIA prepared for the purpose of this application, which details who was consulted and why. DNS contacted 17 organisations and community representatives and provided a survey for them to complete relating to gaming machines at Zuccoli Tavern. The survey asked questions as to whether the proposed tavern with 10 gaming machines would have a positive, negative or no impact on the community.
25. Responses to the survey were received from Amity Community Services, Arafura Medical Clinic, Palmerston Community Care Centre, URBEX – Zuccoli Village and Wayne Zerbe, former president of the Palmerston Regional Business Association Inc (Mr Zerbe responded as a member of the community).
26. Of the 5 responses received from organisations, 3 were in support of the proposal. The support stemmed from there only being 10 gaming machines, and it was believed income from gaming was not going to be the main source of income for the venue. The responses that were not in support of the proposal raised generalised concerns on the potential harms associated with gaming, specifically loss of employment, loss of relationships, loss of housing and mental health issues.
27. As part of a combined liquor and gaming notification, the following stakeholders were notified:
  - a. The Department of Health;
  - b. The NT Police;
  - c. CEO, City of Palmerston; and
  - d. NT Fire and Rescue Service.
28. The Department of Health replied via email on 24 February 2023 stating it had no objections.
29. The NT Police did not provide a response.
30. The City of Palmerston replied via email with comments for the Commission to consider. Of importance is that in this response, the City of Palmerston lodged an 'objection' to the gaming machine licence pursuant to section 61 of the *Liquor Act 2019*. Although an objection to gaming machines lodged in accordance with section 61 of the *Liquor Act* is not provided for under the Act, it was taken into account as part of the gaming machine substitution application as a submission.
31. The NT Fire and Rescue Service did not provide a response.

32. In reference to negative submissions and stakeholder feedback made specific to gaming machines, the following concerns were expressed:
- a. Zuccoli is a family friendly suburb, and a gaming venue goes against its values;
  - b. Being a shopping centre and a thoroughfare to and from schools and playgrounds, children being exposed to gaming is a concern;
  - c. The proposed location will allow for problem gamblers and lower socio-economic population to have greater access to gaming machines and the potential harms associated with gaming;
  - d. The venue will be located in the shopping centre, which is a gaming sensitive site, as well as being close to a residential area;
  - e. There are 22 gaming sensitive sites within a 3km radius of the proposed location, including a shopping centre, gambling help providers, community venues, schools, childcare centres, and aged care facilities;
  - f. There are ten licensed gaming venues within a 5km radius of the proposed location with a total of 260 gaming machines; and
  - g. Some respondents supported having a licensed venue, but not with gaming machines.
33. When determining an application under the Act, the Director must have regard to relevant provisions of the Act and regulations, including but not limited to the statutory objects of the Act which are:
- a. to promote probity and integrity in gaming;
  - b. to maintain the probity and integrity of persons engaged in gaming in the Territory;
  - c. to promote fairness, integrity and efficiency in the operations of persons engaged in gaming in the Territory;
  - d. to reduce any adverse social impact of gaming; and
  - e. to promote a balanced contribution by the gaming industry to general community benefit and amenity.
34. In determining this application, the Director must consider a range of issues which are prescribed in section 42E of the Act. Those being:
- a. Matters mentioned in Section 25(3)(a) to (e);
  - b. A CIA;
  - c. Any submissions received in response to the notice required under section 42B(4);
  - d. Section 25(13) referring to the number of gaming machines, hours of trade, size and layout of premises and gaming room, along with the anticipated level of gaming; and
  - e. Any other matters the Director considers to be of relevance.

## COMMUNITY IMPACT ANALYSIS

35. The application was accompanied by a CIA prepared by DNS and pursuant to section 42D of the Act, the CIA must provide the following details:
- a. the suitability of the new premises having regard to the size, layout and facilities of the premises;
  - b. the suitability of the new premises having regard to the primary activity conducted at the premises;

- c. the suitability of the new premises having regard to the population of the local area, the proximity of the premises to other gaming venues and the proximity of the premises to sensitive areas such as schools, shopping centres, other community congregation facilities, welfare agencies, banks and pawn brokers;
- d. the appropriateness of problem gambling risk management and responsible gambling strategies; and
- e. economic impact of the proposal including contribution to the community, employment creation and significance or reliance of the venue to or on tourism.

### **Suitability of Premises – primary activity, size, layout, and facilities**

36. The Applicant intends to provide a family focused and community minded venue for the residents of Zuccoli and surrounding suburbs. The premises will comprise of 5 adjoining tenancies within the Zuccoli Plaza, which will be renovated and of satisfactory size and standards. The premises will include a bar and bistro with alfresco dining, interactive family activities, an outdoor area, and a gaming room with 10 gaming machines.

### **Suitability of Location – population of local area, proximity to other gaming venues and proximity to sensitive areas**

- 37. The Premises is located in the suburb of Zuccoli, within the Zuccoli Plaza.
- 38. The CIA provides an overview of the Local Community Area (LCA) using a combination of Australian Bureau of Statistics (ABS) areas with analysis around the defined LCA in comparison with the broader Palmerston Local Government Area (LGA) and NT benchmarks.
- 39. The 2011 census reported that 4 persons resided in the Palmerston South / Zuccoli area. In 2016 this had increased to 1,515 and by 2021, the population was 6,451. This represents an increase in population equivalent to a Compound Annual Growth Rate per year of 91%.
- 40. Persons under the age of 18 in the LCA (26.8%) are marginally higher compared to the rest of the NT (24.7%). Conversely, persons over the age of 60 are underrepresented within the LCA (7.0%) compared to the remainder of the NT (8.4%).
- 41. The closest gaming venues are Howard Springs Tavern (20 gaming machines) and Virginia Tavern (20 gaming machines and currently not trading) and are within a 3km radius of the proposed tavern. The Bell Bar and Bistro, Coolalinga Tavern, and gaming venues within Palmerston and surrounding suburbs are located within 5km from the Tavern. In total there are 10 venues licensed to operate a combined total of 260 gaming machines.
- 42. Howard Springs Tavern and Virginia Tavern, both holding a Public Bar authority, already have the maximum permitted number of 20 gaming machines each.
- 43. It is noted that there are 22 gaming sensitive sites within a 3km radius of the proposed location, including the proposed premises being located in a shopping centre. Importantly, only 3 gaming sensitive sites are within a 200m radius, Zuccoli Plaza, Arafura Medical Centre (located within the plaza itself) and Little Folk Family Daycare located in a private residence on Flanagan Crescent.
- 44. The Applicant submits they have significant experience in the management of licensed venues and will be implementing strong management procedures to mitigate any risk involving the service of alcohol and provision of gaming at the venue.



## **Appropriateness of problem gambling risk management and responsible gambling strategies**

45. The CIA states that based on findings from the 2018 NT Gambling Prevalence and Wellbeing Survey, Indigenous gamblers were significantly more likely to experience problem gambling with 5.3%, 8% and 21% classified as experiencing problem moderate and low risk gambling respectively compared with 0.9%, 4.1% and 11% for non-Indigenous gamblers.
46. Additionally, the Indigenous population within the LCA represents 14.7%, while the non-Indigenous population in the broader NT is 26.3%
47. The CIA reports that the Applicant is committed to promoting a socially responsible enjoyment of gambling and has a range of measures designed to ensure any potential harm from gambling is minimised. The Applicant will follow the NT Code of Practice for Responsible Gambling 2022 and comply with all provisions.
48. In addition, all staff engaged in the provision of gaming will receive appropriate training from a licensed training provider, and this training must be completed within 3 months of their commencement of employment. Dedicated customer liaison officers, which may include [Gaming] Machine Managers are engaged as first point of contact for gaming related matters and are tasked with approaching patrons in any instance where they suspect problem gambling, including the provision of information for those seeking help as a result of their gambling.
49. The CIA reports that the Applicant has significant experience in the management of licensed venues and is astutely aware of their responsibility to provide a safe environment for both staff and patrons.

## **Economic Impact – contribution to the community, employment creation and significance / reliance of the venue to or on tourism**

50. The CIA submits that as the business becomes financially viable, it will provide new employment opportunities and benefits to the economy through the supply of goods and services. It is expected that other traders within the complex will also benefit from an increase in visitation.
51. It is anticipated that the development will involve a range of local contractors with a cost in excess of \$4m and staff wages exceeding \$1m in the first year of trading.

## **CONSIDERATIONS**

52. For section 25(3)(a) and (b), the new premises will be purpose built and of satisfactory size and standards. The Applicant intends to provide a family focused and community minded venue for the residents of Zuccoli and surrounding suburbs.
53. For section 25(3)(c), when the suitability of the location is considered, it is noted that the closest gaming venues are Howard Springs Tavern, Virginia Tavern, The Bell Bar and Bistro, and Coolalinga Tavern and, that there are 22 gaming sensitive sites within a 3km radius of the proposed location.
54. There are 3 gaming sensitive sites within a 200m radius, being Zuccoli Plaza, Arafura Medical Centre and Little Folk Family Daycare, and there is no evidence that there will be a negative impact on these organisations should approval be granted.
55. For section 25(3)(d), the harms associated with gaming machines are well documented and well known within the general community. I am satisfied the Applicant has the requisite knowledge and experience to operate a gaming venue and has committed to best practice in the provision of responsible gambling with the aim of minimising potential harms.

56. The Applicant holds other gaming machine licenses in the NT and records indicate that there have been no breaches under the Act associated with those venues, including no investigations on foot (under the Act).
57. The Applicant has outlined their policies and procedures that will have the effect of minimising the harms associated with the use of gaming machines at the premises.
58. For section 25(3)(e), I am satisfied the approval will provide for extra employment with the potential to attract visitors to the shopping centre and that some of the employees will reside in the local area, which will further stimulate economic growth in the area.
59. For Section 25(13), the proposed venue will have a maximum of 10 gaming machines, whereas the 2 closest gaming venues, both located within a 3km radius, namely Howard Springs Tavern and Virginia Tavern (currently not trading), both have approval to operate the maximum enshrined in the Act of 20 gaming machines each.
60. The Jacaranda Report raises a number of issues with the Applicant's CIA and compliance with the supporting guidelines. Having considered the matter, I am of the opinion that the CIA addresses all required factors in accordance with the guidelines and demonstrates a comprehensive community engagement as part of the process.
61. In the NT, there is a cap of 1,659 gaming machines permitted to be operated (excluding casinos). The cap has been reached, and therefore the Applicant does not have the option to increase their gaming machine allocation under the current legislature.
62. The Commission examined the public interest and community impact of the application under the liquor regime. These considerations are of assistance in determining this application. Of importance are the following paragraphs of the Commission decision:
- 139. In considering whether the establishment of a tavern in Zuccoli Plaza would be in the public interest, the Commission has also had regard to the demographic profile of the community. The Commission finds that members of Zuccoli households are typically reasonably well-paid working couples and young families. The Commission also finds that the applicant's business model is well targeted to providing attractive amenities and services to this group. The tavern, if established, will provide significant recreational benefits for the local community area. It will also provide some employment benefits, and attract members of the public to Zuccoli Plaza, with a spin-off of increased trade for other retail outlets in the shopping centre.*
- 140. On balance, the Commission is satisfied that the opportunity to provide a beneficial amenity outweighs the risk of causing harm arising from a tavern at Zuccoli Plaza run by this applicant. Having considered each of the s 49(2) objectives, the Commission is satisfied that it is in the public interest to issue the [liquor] licence.*
63. Whilst the submissions received are properly made and no doubt indicative of the views of the individuals and organisations, I am satisfied that the Applicants are well known and highly regarded as sound operators of gaming machine venues in the NT, and there is no evidence to suggest operating an additional venue would change that.
64. Many of the submissions referred to this proposed tavern as a "second tavern", referring to the yet to be constructed Parkside Bistro in Zuccoli. Unlike Parkside Bistro, which has until October 2025 to complete planned construction works, the tavern subject of this application is constructed and designed to be a tavern (subject to minor alterations) and has indicated trading will commence immediately upon all requisite approvals being received.
65. The submissions relating to gambling harm are generally accepted, both in the NT and within the wider Australian community. I am satisfied that the Applicant, in this instance, has in place policies and

procedures that will have the effect of minimising the harms associated with the use of gaming machines at the new premises.

66. Despite the submissions of the majority of people opposing the application, the Act specifically allows for an applicant to apply to substitute a gaming machine licence from one area to another. The question for the Director in terms of this application is whether the Applicant satisfies the statutory criteria as provided for in paragraph 8.
67. In assessing the statutory criteria, there is nothing before the Director specific to the Applicant or the proposed premises that indicates that the application for substitution should not be approved.
68. It is important to note that the overall gaming machines allowed to operate in the NT (currently 1,659) are not affected by approval of this application.

## REVIEW OF DECISION

69. Section 166H of the Act provides that a decision of the Director is reviewable by the Northern Territory Civil and Administrative Tribunal (NTCAT). A decision made under section 42H of the Act for a substitution is therefore a reviewable decision.
70. Section 166H(2) provides that an affected person may apply to NTCAT, for a review of the decision once the person has exhausted any other avenue of appeal. To clarify, all other avenues of appeal have been exhausted on publication of this decision notice.
71. Section 94(3) of the *Northern Territory Civil and Administrative Tribunal Act 2014* provides that an application for a review of a reviewable decision must be lodged within 28 days of the date of the decision.
72. For the purpose of this decision, the affected persons are DCL Hospitality Pty Ltd and the 43 organisations and individuals who lodged a submission as they relate to an application for the substitution of a gaming machine licence to the new premises located at Building 2, Zuccoli Plaza, Cnr Zuccoli Parade & Crosby Street, Zuccoli.



Melissa Garde  
Director of Gaming Machines