

# Delegate of the Director of Liquor Licensing

## Decision Notice

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| <b>MATTER:</b>           | Complaint against Bustard Town on behalf of Rydges Darwin Central |
| <b>LICENSEE:</b>         | Bustard Town Darwin Pty Ltd                                       |
| <b>PREMISES:</b>         | Bustard Town                                                      |
| <b>LICENCE:</b>          | FLL/1669                                                          |
| <b>LEGISLATION:</b>      | Part 7, Division 3 of the <i>Liquor Act 2019</i>                  |
| <b>DECISION OF:</b>      | Delegate of the Director of Liquor Licensing                      |
| <b>DATE OF DECISION:</b> | 14 September 2026                                                 |

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### DECISION

1. For the reasons set out below, as a delegate of the Director of Liquor Licensing (the Director), I uphold the complaint made against Bustard Town Darwin Pty Ltd (the licensee) pursuant to section 160(1)(m)(ii) of the *Liquor Act 2019* (the Act).
2. In accordance with section 163(1)(e) of the Act, I have determined that the matter is appropriately and proportionately finalised by the licensee entering into an enforceable undertaking with the Director.
3. The enforceable undertaking entered into by the licensee also addresses matters identified during the Licensing NT investigation that, while relevant to the licensee's compliance with the Act, were not central to the complaint that initiated the investigation.

### BACKGROUND

4. The licensee, Bustard Town Darwin Pty Ltd was granted liquor licence FLL1669 with a restaurant bar authority and late-night authority. The premises is known as Bustard Town and is situated at 15-17 Knuckey Street, Darwin, NT (the premises). The nominee is Mr Justin Schmidt.
5. Between 26 June 2026 and 9 August 2026, Licensing NT received three (3) letters from ANT Legal, acting on behalf of Darwin Central Nominees Pty Ltd, which operates the Rydges Darwin Central hotel. The letters concerned multiple complaints made by guests of that hotel regarding noise disturbances arising from activities conducted at Bustard Town.
6. These complaints were formally accepted 17 August 2026 and allege that:
  - a. Contrary to section 160(1)(m)(ii) of the Act, the licensed premises were used in a way that caused annoyance or disturbance to persons residing, working or conducting business in the vicinity of the premises

7. On 17 August 2026, the licensee was provided with an opportunity to respond to the allegations in compliance with the requirements of the Act.

## RESPONSE OF THE LICENSEE

8. On 31 August 2026, the licensee provided a response to the complaint lodged on behalf of Rydges Darwin Central. In his response, the licensee also addressed other matters identified during the investigation undertaken by Licensing NT inspectors in relation to potential contraventions of section 160(1)(g)(ii) of the Act.
9. In his response, the licensee acknowledged the complaint and offered the Director an enforceable undertaking as an alternative to taking disciplinary action.
10. In summary, the response also stated:
  - a. The venue opened as a restaurant and bar, and across five years the live music programme has grown from one element of the offering into the core of what the business does and what audiences come for. That evolution has been organic and driven by demand, and it has outpaced the licence under which the venue began trading.
  - b. The venue now presents live music across all genres and has become a significant part of Darwin's cultural infrastructure. It has received funding grants to produce and promote live music in Darwin, and is under consideration for further funding through the Ignite funding program to connect NT with Indonesia's emerging music scene.
  - c. Bustard Town has invested approximately one million dollars over five years in converting a dilapidated carpark into a working venue. The licensee is committed to operating that venue within the boundaries set by liquor licensing and to protecting the amenity of its neighbours.

## ANALYSIS OF EVIDENCE

11. The investigation undertaken by Licensing NT considered the correspondence and the number of complaints made by guests of Rydges Darwin Central, as well observations by inspectors from Licensing NT during after- hour compliance inspections.
12. Based on this information, it is reasonable to conclude, on the balance of probabilities, that noise emanating from the premises may have, in some circumstances, contravened section 93 of the Act, including where the volume and/or hours of operation resulted in noise that may be considered 'undue and unreasonable'.
13. It is accepted 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.
14. 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.

## DISCIPLINARY ACTION

15. As per section 163 of the Act, following the completion of an investigation, I may, as a delegate of the Director, exercise a range of options, including entering into an enforceable undertaking with the licensee.
16. In determining the appropriate outcome in this matter, I have considered proportionality, parity and deterrence. The outcome should reflect the seriousness of the conduct, be consistent with how similar matters have been dealt with and encourage compliance by the licensee and the broader liquor industry.
17. In exercising my powers as a delegate of the Director, section 3(4) of the Act requires me to have regard to the primary and secondary purposes of the Act.
18. The primary purpose of the Act is to minimise the harm associated with the consumption of liquor. The Act also seeks to protect community amenity, social harmony and community wellbeing, while supporting a responsible and diverse liquor and hospitality industry.
19. These objectives require licensed premises to operate responsibly and in a way that minimises alcohol-related harm and impacts on the broader community. The outcome in this matter should therefore address the conduct identified and reinforce the licensee's ongoing responsibility to comply with the Act and the conditions of its licence.
20. The licensee entered into an enforceable undertaking under section 159 of the Act, which was accepted by the Director on 1 September 2026. I have considered the undertaking and the commitments made by the licensee in determining the appropriate regulatory response to this matter. I consider that the undertaking provides an appropriate and proportionate response to the matters identified and supports the objectives of the Act.
21. The enforceable undertaking is publicly available on the Director's website.
22. In accordance with the Act, a copy of this decision notice will be provided to the complainant, the licensee and the Commission within 14 days of the decision being made.

## REVIEW OF DECISION

23. This decision has been made by a delegate of the Director under the Liquor Act 2019.
24. Under section 27 of the *Liquor Act 2019*, a person affected by a decision of a delegate may apply to the Director for a review of the decision. An application for review must be made within 28 days after written notice of the decision is given to the person, unless the Director allows a later date.
25. An application for review must be in the form approved by the Director and state the grounds for review and the facts relied upon.



Greg Jarvis

Delegate of the Director of Liquor Licensing - 14 September 2026