

NORTHERN TERRITORY LIQUOR COMMISSION
DECISION NOTICE AND REASONS FOR DECISION

CITATION: *NORTH OZ TRADING PTY LTD APPLICATION FOR A MATERIAL ALTERATION* [2025] NTLiqComm 4

FILE NUMBER: LC2025-003

LICENSEE: North Oz Trading Pty Ltd

PREMISES: Zuccoli IGA / Cellarbrations
Zuccoli Plaza
2 Crosby Street
ZUCCOLI NT 0832

LEGISLATION: Part 4 Division 2 of the *Liquor Act 2019*

DECISION OF: Ms Jodi Truman (Deputy Chairperson)
Professor Phillip Carson (Health Member)
Ms Katrina Fong Lim (Community Member)

DATE OF DECISION: 29 January 2025

DECISION

1. For the reasons set out below and in accordance with s 97 of the *Liquor Act 2019* (NT) (**the Act**) the Northern Territory Liquor Commission (**the Commission**) has determined to approve an application by North Oz Trading Pty Ltd (**the Applicant**) for a material alteration to liquor licence FLL1023 (**the licence**) at Zuccoli IGA/Cellarbrations (**the premises**), located at Zuccoli Plaza, 2 Crosby Street, Zuccoli, NT.
2. The approved alteration is to reduce the licensed area by approximately 40sqm which will close off the current exit point and require customers to exit via the supermarket.
3. The licensed area will become that area delineated by the red line on Annexure One to this decision notice.

REASONS

Background

4. The Applicant's current licence, FLL1023, is within the Zuccoli Plaza. The applicant has been trading within these premises for a number of years and operating the licence. The Commission was not provided with any concerns by the Director of Liquor Licensing (**the Director**) relating to the manner in which this licence has been conducted by the licensee.

The Application

5. On 14 October 2024, an application was lodged on behalf of the Applicant for a material alteration to reduce the licensed area by approximately 40sqm which will close off the current exit point and require customers to exit via the supermarket.
6. Ordinarily, a reduction (and therefore surrendering) of part of a licensed premises would not enliven section 95 of the Act. It is however the consequence of this proposed reduction which alters the entrance and egress of the premises that captures the section and thus requirement for this application.
7. In their letter in support of their application, the applicant stated the application was intended to act as a deterrent for potential theft as it would require all customers to enter and exit via the main entrance would provide for added visibility to multiple staff. This in turn, it was submitted, would aid with safety and security of staff, customers and the premises themselves.

Consultation

8. As required by the Director pursuant to s 96 of the Act, on 9 November 2024 notice of the application was published in the NT News and on the Director's website, and a sign was displayed at the premises. Notification of the application was also given to the Department of Health, NT Police and the City of Palmerston. The application elicited no objections from the public or from the consulted stakeholders.
9. The Director also notified the Northern Territory Fire and Rescue Service (**NTFRS**). The initial response of the NTFRS was to oppose the application on the basis of the lack of provision of an occupancy permit and lack of confirmation of the applicant having addressed certain requirements that had previously outlined.
10. As a result, additional information was sought from the applicant. That information, including an Occupancy Permit, was provided on 22 January 2025 and as a result the NTFRS stated they had "no objections" to the application.

The Referral

11. On 10 January 2025, the Director referred the application to the Commission. The Director provided the Commission with a brief (the brief) that included:
 - a. Liquor licence
 - b. Application for the approval of material alteration
 - c. Building permit, site plan and stage 1 occupancy certificate
 - d. Correspondence between the applicant and the Director
 - e. Stakeholder notification and responses

The Hearing

12. Pursuant to s 21 of the Act the Commission may direct that a hearing be conducted by way of written submissions if the Commission is of the opinion that it is not appropriate in the circumstances to conduct a public hearing because to do so would not be worthwhile or if the matter is not controversial.
13. The Commission, having formed that opinion following confirmation that the NTFRS did not object to the application, determined to conduct the hearing by written submissions.

ASSESSMENT OF THE APPLICATION

14. As earlier noted, the proposed application will in fact **reduce** the licensed area by approximately 40sqm rather than result in a “significant increase”. It will close off the current exit point and require customers to exit via the supermarket which is intended to act as a deterrent for potential theft, provide added visibility to multiple staff and aid with safety and security of staff, customers and the premises themselves.
15. The application also does not result in a “significant change to the external appears of the premises”, nor is it anticipated to result in a “significant change to the premises’ facilities related to the sale, supply or consumption of liquor”.
16. It is only by virtue of the fact that the alteration changes the entrance/exit of the premises that section 95 of the Act is enlivened.

Public interest and community impact requirements

17. In accordance with s 97 of the Act, the Commission has considered the public interest and community impact requirements. The Commission is comfortably satisfied that the alteration will be in the public interest, and that it will not have any adverse impact, let alone a significant adverse impact, on the community.

18. As required by section 3(4) of the Act, the Commission has had regard to the purposes of the Act and considers that its decision has been made in a way consistent with those purposes.

NOTICE OF RIGHTS

19. Section 31(1) read with section 97(4) of the Act provide that the decision set out in this decision notice is reviewable by the Northern Territory Civil and Administrative Tribunal (**NTCAT**). Section 94(3) of the NTCAT Act 2014 provides that an application for review of a reviewable decision must be lodged within 28 days of the date of the decision.
20. In accordance with section 31(2) of the Act, the persons who may apply to NTCAT for a review of the decision are the Applicant and Director.



Jodi Truman
DEPUTY CHAIRPERSON
NORTHERN TERRITORY LIQUOR COMMISSION
30 January 2025

On behalf of Commissioners Truman, Carson and Fong Lim

Annexure One

