

**NORTHERN TERRITORY LIQUOR COMMISSION**  
**DECISION NOTICE AND REASONS FOR DECISION**

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**CITATION:** *ARMADA HOTELS AND LEISURE PTY LTD:  
APPLICATION FOR EXTENSION OF TIME [2025]*  
NTLiqComm 15

**FILE NUMBER:** LC2025-013

**APPLICANT:** Armada Hotels and Leisure Pty Ltd

**PREMISES:** Parkside Bistro  
Cnr of Bloodwood Street & Tuckeroo Boulevard  
ZUCCOLI NT 0832

**LIQUOR LICENCE:** FLL2022

**LEGISLATION:** Section 6(3) of the *Liquor Commission Act 2018*  
Sections 3(4) and 19(g) of the *Liquor Act 2019*

**DECISION OF:** Ms Jodi Truman (Chairperson)  
Dr Phil Carson (Health Member)  
Ms Katrina Fong Lim (Community Member)

**DATE OF DECISION:** 30 April 2025 (on the papers)

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**DECISION**

1. Pursuant to section 6(3) of the *Liquor Commission Act 2018* (**the LC Act**), the Commission has determined to grant the application by Armada Hotels and Leisure Pty Ltd (**the Applicant**) to extend the time fixed by the Commission at paragraph 2(a) of its decision issued on 18 October 2022<sup>1</sup> (**the 2022 decision**) within which certain works must be carried out and completed.
2. The Commission has determined to extend the time for completion to 18 October 2026 or such further date as the Commission approves.

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<sup>1</sup> *Armada Hotels and Leisure Pty Ltd: Application for a new liquor licence [2022]* NTLiqComm 47

## **REASONS**

### **Background**

3. On 18 October 2022 (**the 2022 decision**), the Commission granted a liquor licence to Armada Hotels and Leisure Pty Ltd (**the applicant**) with a public bar authority for premises to be named Parkside Bistro (**the premises**).
4. The licence was stated clearly to be subject to the following condition<sup>2</sup>:

“within three years form the date of this Decision Notice or such later date as the Commission may approve, the Applicant is to complete the planned construction works for the proposed premises ...”
5. It is clear from the Decision Notice that detailed consideration was given by the Commission panel to the relevant matters prior to making its decision and also to relevant objections received.
6. Two of the members of the panel that formed the Commission and reached that decision are no longer members of the Commission. As a result, this application is not able to be placed before those members. Ms Fong Lim is the only member remaining on the Commission and is the community member on this panel determining this application.
7. This panel has carefully considered the Decision Notice and Reasons for Decision of the original panel and does not propose to repeat those matters or in any way to review that decision.
8. The sole question before the Commission therefore is whether to approve extension to a later date for the Applicant to complete the planned construction works for the proposed premises.

### **The Application**

9. On 15 April 2025, Mr. David Anthony (**Mr. Anthony**) Director of the licensee and therefore the applicant in relation to this application, wrote to the wrote to the Director of Gaming Machines (**the DoGM**) with copy to the Director of Liquor Licensing (**the Director**) as a result of a request from the DoGM for an update in light of the three (3) year time period clause<sup>3</sup>.
10. Mr. Anthony stated that “(T)he commencement of construction for the venue has been subject to considerable delays which have been outside of my control”. Mr Anthony then outlined those reasons which the Commission summarises as follows:

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<sup>2</sup> See paragraph 2(a) of the decision notice

<sup>3</sup> See page 20 (of 34) of Exhibit 1 (being the referral brief)

- a. The applicant's building permit is "tied to approval of the adjacent park by the Palmerston City Council (PCC). The reason they are tied together is that there is an awning overhanging a footpath on the park, that is to be handed to PCC on completion". This was noted to have been "a requirement of Planning that we have a shade awning overhang the council footpath".
  - b. That "(W)hilst PCC have approved our plan, they are yet to sign off on the final park design. The park design and construction of the park is the responsibility of the current landowner and developer Costojic Developments. The approval process has been ongoing for quite some time". Material was then provided in relation to media reports concerning the developers call for the suspension of PCC "for inaction and a slow approval process". It was noted that this park approval and others "were the impetus behind that request".
  - c. It was noted that it had been "anticipated that PCC would have approved the plans back in February at which point it would have been possible to finish construction in October". This however had not occurred.
  - d. It was therefore noted that the developer had advised "late last week that they expect an approval from PCC by the end of this month".
11. Correspondence from the developer highlighting the delays and the plans was also provided<sup>4</sup>.
  12. Despite these delays it was stated "we would require 6-12 months" by way of an extension to complete construction. Request was made for an extension.
  13. The Director referred the application to the Commission under cover of correspondence dated 14 April 2025. Within that referral the Director's Delegate, namely Mr Mark Wood (**Mr Wood**), noted the following:
    - a. The licensee "is genuinely endeavouring to undertake the works and not unnecessarily delaying<sup>5</sup>".
    - b. "The Director had been liaising with the licensee and supports the submission they are exercising best endeavours to undertake the works and comply with the requirements of the Commission. The Director accepts there is some merit to their claim the delays appear to be outside of their control"<sup>6</sup>.

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<sup>4</sup> See page 23 (of 34) of Exhibit 1

<sup>5</sup> See page 5 (of 34) of Exhibit 1

<sup>6</sup> Ibid

- c. That “the Director supports the request for an extension of time”<sup>7</sup>.

### **Assessment of the application**

14. By way of formality, the Commission notes as it has in previous decisions for extensions of time similar to this application, that although s 19 of the Act provides that the Commission is responsible for deciding any matter the Director refers to it, the Act does not prescribe a procedure for dealing with an application to extend a time period that forms part of a licence condition fixed by the Commission.
15. There is accordingly no prescribed application fee, no requirement to notify the public of the application or consult with stakeholders, no prescribed procedure for the referral of the application by the Director to the Commission, and no provision setting out the matters the Commission must consider when determining the application.
16. Pursuant to Part 2 Division 3 of the LC Act, in order to deal with a matter such as this, the Commission is required to convene by three or more members. In accordance with this requirement the Commission ensured that the remaining member of the panel that determined the 2022 decision considered the application.
17. Due to the nature and circumstances of the application, the Commission determined that a public hearing would not be worthwhile and pursuant to section 21(d) of the Act considered the application on the papers. That undertaking was completed on 30 April 2025.
18. The Commission considers that the power to grant the extension of time sought arises by operation of section 6(3) of the LC Act together with sections 3(4) and 19(g) of the Act.
19. In the 2022 decision the Commission made clear that time could be extended to “such later date as the Commission may approve”. The applicant has applied for this extension before the expiry of the time granted and therefore the Commission is empowered under section 6(3) of the LC Act “to do all things that are necessary or convenient to be done for, or incidental too, the performance of its functions”.
20. The Commission has determined that this application for extension of time falls within that power and as a result has determined to extend time as sought by the applicant to 18 October 2026, ie a further 12-month period.

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<sup>7</sup> See page 6 (of 34) of Exhibit 1

21. Within the referral made by the Director to the Commission of this application, the Director suggested that the Commission could delegate to the Director or her Delegate the power to determine any future application for an extension of time.
22. The Commission has considered this suggestion very carefully. The Commission has previously delegated such authority to the Director in other matters. However, on this occasion the Commission has determined **not** to delegate such power to the Director. The basis for this refusal to delegate is the particular circumstances of this matter, noting that there has been no work undertaken thus far and that the application for extension only came about in response to a written request for an update from the DoGM to the applicant.
23. The Commission considers there needs to be more evidence of the applicant behaving in a proactive manner concerning compliance with the conditions of the licence that has been granted before the Commission would delegate the power to the Director.
24. Further, the application for this licence was one that was objected to when initially brought in 2022. That objection and the concerns raised were considered very carefully by the Commission in its 2022 decision and reasons. If there has been no further progression of works relating to this licence in the next 12 months, that will mean there has been four (4) years that have passed since the licence was granted.
25. As a result, and given that passing of time, it may be the view of the Commission that there needs to be consideration given to whether it is appropriate that the licence be maintained. As such, the Commission does not consider this a matter appropriate to delegate to the Director should construction not be completed as required by 18 October 2026.
26. The Commission wishes to make clear to the applicant that it should do everything within its power to complete the works required by 18 October 2026 as any additional extension may require much more scrutiny than has been considered necessary on this occasion

## **NOTICE OF RIGHTS**

27. Section 31(1) read with section 60(3) 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.
28. 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.

A handwritten signature in black ink, appearing to read 'Jodi Truman', with a long horizontal flourish extending to the right.

JODI TRUMAN  
DEPUTY CHAIRPERSON  
NORTHERN TERRITORY LIQUOR COMMISSION  
30 April 2025

On behalf of Commissioners Carson and Fong Lim