

NORTHERN TERRITORY LIQUOR COMMISSION
DECISION NOTICE AND REASONS FOR DECISION

CITATION: *APPLICATION FOR VARIATION OF THE CONDITIONS OF A LIQUOR LICENCE [2026] NTLiqComm 15*

FILE NUMBER: LC2026 - 014

LICENSEE: 80817455

PREMISES: MOM Darwin 52 Mitchell Street Darwin NT 0800

LEGISLATION: Part 4 Division 5 of the *Liquor Act 2019*

DECISION OF: Sally Gearin (Chairperson)
Stephen Gelding (Health Member)
Benjamin Giesecke (Community Member)

DATE OF HEARING: 21 October 2026

DATE OF DECISION: 21 October 2026

DECISION

1. The application by Stratton Gilroy on behalf of Riverway Nominees Pty Ltd to vary the conditions of their current liquor licence to permit low impact live acoustic music to be played between the hours of 10am and 11pm within the existing entertainment hours is granted. This low impact live acoustic music is limited to solo or duo acoustic performers.

REASONS

1. The Commission attended at the MOM premises of the applicant on the morning of Wed 21 October 2026 to view the pool and deck area where it is intended to have the live music played.
2. There were a number of objections to the noise lodged by owners of apartments 1,7,12,17,18,25,32 and 35 of Lameroo Apartments.
3. The MOM premises are located on Mitchell Street Darwin where there are a number of existing licensed premises which have current authorisations to provide live entertainment within the hours sought by the Applicant. These include premises that are close to the MOM premises and are situated in Mitchell Street.

4 . These premises are;

4.1 Monsoons which is 91 metres away,

4.2 Shenanigans which is 140 metres away,

4.3 Bustard Town which is 160 metres away,

4.4 Mayberry which is 450 metres away.

1. This list is not exhaustive as this area of Darwin City is a nightclub and drinking area where live music is common and expected.
2. In these circumstances it would be inappropriate for the Commission to single out and not allow the Applicant to do something that other premises in this area are permitted to do.
3. The issue of noise was recently considered by NTCAT in *DCOH PTY LTD v NORTHERN TERRITORY LIQUOR COMMISSION* dated 10 December 2025. A copy of which is attached to this decision.
4. This decision sets out the necessary standard of proof required by someone asserting that noise in circumstances such as this is either excessive or in breach of s93 of the Liquor Act.

For these reasons I do not consider the generic objections in this case have satisfied the appropriate test

NOTICE OF RIGHTS

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.

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.

Sally Gearin



COMMISSIONER

NORTHERN TERRITORY LIQUOR COMMISSION

21 October 2026

On behalf of Commissioners Gearin, Gelding, and Giesecke