

NORTHERN TERRITORY LIQUOR COMMISSION
STATEMENT OF REASONS FOR DECISION

MATTER: *APPLICATION FOR LIQUOR LICENCE WITH SPECIAL EVENT AUTHORITY BY MONTES LOUNGE DARWIN [2025] NTLiqComm 28*

REFERENCE: LC2025/025

APPLICANT: Montes Lounge Darwin Pty Ltd

PREMISES: Lot 2328, Cnr Austin Lane and Spain Place
DARWIN NT 0800

LEGISLATION: Part 3 Division 4 of the *Liquor Act 2019*

HEARD BEFORE: Mr Russell Goldflam (Chairperson)
Professor Phillip Carson (Health Member)
Mr Denys Stedman (Community Member)

DATE OF HEARING: 13 August 2025

DATE OF DECISION: 20 August 2025

1. On 20 August 2025, the Northern Territory Liquor Commission (**the Commission**) issued the following decision.
 1. In accordance with s 48 of the *Liquor Act 2019* (NT) (**the Act**) the Commission has determined to issue a liquor licence with a special event authority to Montes Lounge Darwin Pty Ltd (**the applicant**) at the premises at Lot 2328, Cnr Austin Lane and Spain Place, Darwin NT 0800 (**the premises**) as depicted in the area bounded in red on the plan at Appendix One annexed to this decision.
 2. The trading hours of the licence for the special event shall be on Friday 29 August 2025 between 16:00 and 23:59.
 3. The Commission approves the appointment of Mr Matt Mulga (**Mr Mulga**) as the licence nominee.
 4. The licence will be subject to the conditions in Part 4 Division 1 and Part 4 Division 18 of the *Liquor Regulations 2019* (**the Regulations**) and the following further conditions:

- a. Noise:
 - i. No more than two loudspeakers may be used, and they must be located as close as possible to the wall on the north-western boundary of the premises.
 - ii. The maximum permitted sound pressure level from each speaker shall be 94dB(C) when measured at 1 metre from the front of the speaker.
 - b. At least one copy of the licence must be prominently displayed at the premises and a copy provided upon request.
 - c. No more than 4 containers of liquor may be sold, served or supplied at the event to any one person at a time.
 - d. No alcoholic drinks that contain more than 1.6 standard drinks in one vessel may be sold or served.
 - e. Throughout the special event, and at the conclusion of the special event, the licensee must at its own cost keep the toilets, including the toilets at 33 Cavenagh Street within the portion of the premises leased or formerly leased to Northern Wines Pty Ltd, in a state of cleanliness, including the stocking of the toilets with toilet paper and handwash, and the removal of waste as required.
5. The special event authority will be issued immediately following the publication of this decision notice.
2. The Commission stated that it would deliver its reasons for decision due course. The reasons now follow.

Reasons

Background

3. Montes Lounge Darwin Pty Ltd is one of a group of companies controlled, directed and managed by the licence nominee, Mr Matt Mulga (**Mr Mulga**). Another member of the company group is Mulga Venture Pty Ltd, which owns a block of land in the Darwin Central Business District at the rear of which is a fenced carpark bounded by Austin Lane to the southwest and Spain Place to the southeast (**the carpark**).
4. In previous years, multiple liquor licences with a special event authority were issued to enable street party type events to be held in the carpark. As s 47(1)(r) of the Act provides that special event authorities are for “a single event”, the Commission has previously discouraged and disparaged the practice of issuing

multiple special event authority authorities issued at short intervals over the same premises.¹

5. This was the context in which Mr Mulga applied, in 2024, for an ongoing liquor licence to establish “The Hot Box”, an open-air late night venue serviced by a container bar and a food truck, occupying the northwestern half of the carpark.
6. On 24 October 2024 the Commission granted that application and issued a liquor licence with a public bar and late night authority to the licensee (**the Hot Box licence**).² The Commission ordered that:

Liquor must not be sold under the licence until the Director [of Liquor Licensing] gives the licensee written approval to do so, following the provision of documentary evidence to the satisfaction of the Director that the applicant has:

- a. confirmed that no pending strike-off action is afoot for the licensee;
 - b. provided a revised site plan that includes tables and seating;
 - c. obtained the necessary planning, fire safety and building approvals, including a certificate of occupancy, in respect of the premises;
 - d. provided and implemented a smoking plan;
 - e. installed and is operating a CCTV surveillance system that is in compliance with the Code of Practice for CCTV system in licensed premises; and
 - f. provided and implemented a security officer plan that is in compliance with reg 59 of the Regulations.
7. To date, the licensee has not provided this documentary evidence to the Director, and accordingly, trade under the Hot Box licence has not yet commenced.
 8. Nevertheless, the licensee subsequently applied for and was issued with a special event authority for two further licensed events at the premises, on 14 May 2025 and 21 June 2025.

The Application

9. On 9 June 2025 Mr Mulga lodged an application with the Director on behalf of the licensee for a further special event at the premises, a Business Centre NT awards night, on 29 August 2025 from 16:00 hours to midnight, with live and recorded music, and attendance of up to 500 people.

¹ See *Sugarbag Street Art Festival application for a liquor licence with a special event authority* [2024] NTLiqComm 21 at [11(e)]; *Application for a licence for Ella Darwin* (LC2022/031, 21 June 2022), at [54]

² *Application for liquor licence for The Hot Box Darwin* [2024] NTLiqComm 43 at [7]

10. The Director declined to exercise her delegated power to determine this application because, as Mr Wood, a Delegate of the Director, put it in a memorandum to the Commission dated 30 April 2025, the applications “are a result of the licensee not being able to comply with the requirements imposed by the Commission in the substantive licence for the premises.” In addition, the Director considered that the application was contentious, due to complaints from people residing in the neighbourhood of the premises about noise emitted on 21 June 2025, the date of a special event held at the premises.
11. The licensee has had ten months since the licence was issued to implement the measures set out at paragraph 6 above. The application that has now been referred to the Commission appears to have been crafted to get around those obligations on the licensee imposed by the Commission when issuing the licence. The applications signal a return to the practice the Commission has previously discouraged of seeking multiple special event authority licences over the same premises.
12. In these circumstances the Commission considers that it was entirely appropriate for the Director to refer the application to the Commission.

Consultation

13. In accordance with s 57(2)(b) of the Act, the Director exempted the licensee from notifying the public of the application.
14. In accordance with s 56 of the Act, the Director notified the Department of Health (**DOH**), NT Police and the City of Darwin of the application. The Director also notified the Northern Territory Fire and Rescue Service (**NTFRS**) of the application. None of these agencies objected to the application.

The licensee’s record of compliance

15. As noted in the Commission’s decision to issue the Hot Box licence, Mr Mulga, in his capacity as a licence nominee, has been the subject of disciplinary action on some ten previous occasions. Nevertheless, the Commission determined to issue the Hot Box licence. Of more immediate relevance is the licensee’s compliance with the conditions of a special event licence issued to another licensee owned and controlled by Mr Mulga over the same premises, for the Sugarbag Street Art Festival 2024, on 1 June 2024. The Commission determined to issue that licence after a contested hearing, on 30 May 2024.³
16. The Commission has previously been provided with a helpfully detailed report of that event by Senior Compliance Officers from the office of the Director. The report identifies the following issues of concern to the Commission:

³ *Sugarbag Street Art Festival application for a liquor licence with a special event authority [2024]*
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- a. Crowd controllers did not keep track of how many patrons were on the premises.
 - b. The Designated Smoking Area (**DOSA**) did not have sufficient signs and was not sufficiently separated from the main area. Patrons were seen consuming alcohol within the DOSA.
 - c. Noise levels increased as the event progressed, which may have disrupted other nearby venues.
17. On 23 June 2025, a long-term resident of the Darwin CBD made a complaint to Licensing NT about noise from “the carpark” on the night of 21 June 2025. On 25 June 2025, two further complaints were made to Licensing NT about noise on 21 June 2025, including from the Oaks Darwin Elan Hotel in Litchfield St, which is located approximately 200 m from the premises.

The referral

18. On 24 July 2025 the Director referred the application to the Commission, which, fixed a hearing on the first available date convenient to the parties and the Commission, 13 August 2025.
19. The Director provided the Commission with a brief (**the brief**), which included the following documents:
- a. Application for liquor licence with special event authority
 - b. Proposed site plan
 - c. Smoking management plan
 - d. Noise management plan
 - e. Documentation of noise complaints
 - f. Liquor licence FLL2702, 14 May 2025
 - g. Liquor licence FLL2734, 30 May 2025
 - h. Correspondence with stakeholders

The hearing

20. The hearing proceeded on 13 August 2025. Mr Mulga attended on behalf of the applicant, together with Ms Draud and Ms Gardiner. Mr Wood appeared on behalf of the Director.
21. The Commission received into evidence, without objection, the brief and correspondence that included a “Certificate of General Clearance” for the premises from the City of Darwin dated 28 May 2025.

22. Mr Mulga provided the Commission with an update on the steps taken to comply with the pre-conditions the Commission had fixed before trade could commence under the Hot Box licence. He confirmed that no pending strike-off action is afoot for the licensee (an assertion that was accepted by Mr Wood). The applicant has obtained a clearance certificate from the City of Darwin. In order to obtain a Certificate of Compliance from the Department of Lands, Planning and Environment, it needs to obtain clearance certificates from the Power and Water Corporation Water Sewer Services Section and Power Network Engineering Section, and to undergo a site inspection. Mr Mulga expects to achieve this by the end of 2025.
23. Ms Gardiner, the event organiser, informed the Commission that attendance would be by invitation only, and that there would be an award ceremony, and kiosks at which Northern Territory business would showcase their products and services. Background music would be provided until 21:00 hours, followed by “in-house” pop and country tunes. The event, Ms Gardiner said, would not be a “booze-up”.

Consideration

24. The Commission has previously expressed the view that the Act does not permit a liquor licence to be issued over premises over which a liquor licence already exists. However, Mr Wood submitted that as the Hot Box licence has not yet been issued, there was no bar to issuing a stand-alone licence for this special event. The Commission accepts that submission.
25. Section 59 of the Act requires the Commission to consider:
 - a. the objections to the application and the applicant’s responses;
 - b. the applicant's affidavit required by s 54;
 - c. the suitability of the premises to be licensed, having regard to any law of the Territory regulating the sale, supply, service or consumption of liquor or the location, construction or facilities of those premises;
 - d. the financial stability and business reputation of the body corporate;
 - e. the general reputation and character of the secretary and executive officers of the body corporate;
 - f. whether the applicant, including the nominee designated by an applicant, is a fit and proper person to hold a licence;
26. Section 49 of the Act requires the Commission to consider whether issuing the licence is in the public interest, and whether the licence will have a significant adverse impact on the community.
27. In the Commission’s previous decisions to issue a licence and special event authorities over these premises, all of these matters were considered. The Commission now adopts its earlier findings in relation to those decisions where

those findings are applicable to the application now before the Commission. The Commission considered that the nature, scope and circumstances of the proposed special event would have less adverse impact of the community than the approximately 20 special events that have been conducted by the applicant at the premises since 2022. That is because unlike those “street party” type events, this one was not open to the public, and did not feature potentially intrusive dance music.

28. The Commission considered that some of the pre-conditions it imposed on the licensee before it will be permitted to operate the Hot Box licence were inapplicable to the current applications. The Commission notes that the Hot Box licence will operate with a late night authority, but that the current application was for a special event that concluded before midnight. The Commission considered that compliance with the following pre-conditions imposed on the Hot Box licensee was not required for the purpose of the special event now proposed:

- provide a revised site plan that includes tables and seating;
- obtain the necessary planning, fire safety and building approvals, including a certificate of occupancy, in respect of the premises;
- install and operate a CCTV surveillance system that is in compliance with the Code of Practice for CCTV system in licensed premises; and
- provide and implement a security officer plan that is in compliance with reg 59 of the Regulations.

Licence conditions

29. The noise mitigation condition in the licence is based in large part on the acoustic report commissioned and provided to the Commission by the applicant at the hearing of the application for the Hot Box licence, and also with reference to the *Northern Territory Noise Management Framework Guideline* published by the Northern Territory Environment Protection Authority.

30. As noted above, Licensing NT officers who inspected the 2024 Sugarbag Street Art Festival event commented adversely on the level of noise generated by that event, which was conducted without a noise mitigation condition in the licence.

31. In addition, there were complaints in the neighbourhood about excessive noise on 21 June 2025. However, the Commission is not satisfied that it has been proven on the balance of probabilities that the licensee was the only or even the principal source of noise in the neighbourhood on 21 June 2025. On the same night there was another nearby outside entertainment event, the “Block Invasion Party” in Nuttall Place presented by Monsoons, which featured live and DJ dance music until after midnight.


32. In addition, the Commission was satisfied that less noise would be emitted from the NT Business Centre awards ceremony than previous street party type events on the premises.

The objects of the Act

33. Section 3(4) of the Act provides that in performing its function to decide whether to issue the special event authority and approve the material alteration, the Commission must have regard to the primary and secondary purposes of the Act.

34. The Commission considers that the issue of the special event authority with the conditions imposed and the approval of the material alteration are consistent with the purposes of the Act.

35. For these reasons, the Commission determined that, in the terms set out in the decision notice, the special authority should be issued on conditions, and the material alteration should be approved.



Russell Goldflam

CHAIRPERSON
NORTHERN TERRITORY LIQUOR COMMISSION
29 September 2025

On behalf of Commissioners Goldflam, Carson and Stedman

APPENDIX ONE

