

NORTHERN TERRITORY LIQUOR COMMISSION
STATEMENT OF REASONS FOR DECISION

MATTER: *APPLICATIONS FOR SPECIAL EVENT AUTHORITY AND MATERIAL ALTERATION FOR THE HOT BOX DARWIN* [2025] NTLiqComm 18

REFERENCE: LC2025/016

APPLICANT: Montes Lounge Darwin Pty Ltd

LICENCE NUMBER: FLL2610

NOMINEE: Mr Matt Mulga

PREMISES: The Hot Box Darwin
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: On the papers

DATE OF DECISION: 8 May 2025

Decision

1. On 6 May 2025 the Northern Territory Liquor Commission (**the Commission**) issued a decision notice in the following terms:

In accordance with s 48 of the *Liquor Act 2019* (NT) (**the Act**) the Commission has determined to issue a special event authority with existing liquor licence FLL2610 (**the licence**) held by Montes Lounge Darwin Pty Ltd (**the licensee**) at the premises known as “The Hot Box Darwin”, situated within Lot 2328, Cnr Austin Lane and Spain Place, Darwin NT 0800 (**the premises**).

In accordance with s 97 of the *Liquor Act 2019* (**the Act**) and solely in relation to the special events the licensee proposes to conduct on 14 May 2025 and 21 June 2025 (**the special events**), the Commission approves a material alteration to the

premises to increase the area of the premises used for the sale, service and consumption of liquor to the area bounded in red on the plan at Appendix One of this decision notice. For the purpose of s 97(5), the Commission approves the licensee's arrangements for the commencement of business for the special events.

Solely in relation to the special events, in addition to the existing conditions of the licence, the licence will be subject to the conditions in Part 4 Division 18 of the *Liquor Regulations 2019* (**the Regulations**) and the following further conditions:

- a. The trading hours of the licence for the special events shall be:

On Wednesday 14 May 2025 between 16:00 and 23:59;
and

On Saturday 21 June 2025 between 16:00 and 23:59.¹

- b. At least one copy of the licence must be prominently displayed at the premises and a copy provided upon request.
- c. All liquor must be sold in open cans or plastic containers.
- d. No more than 4 containers of liquor may be sold, served or supplied at the event to any one person at a time.
- e. No alcoholic drinks that contain more than 1.6 standard drinks in one vessel may be sold or served.
- f. Crowd Controllers are to be employed as per industry standards as follows: two licensed crowd controllers for the first one hundred patrons and one additional crowd controller for each one hundred patrons thereafter.
- g. The licensee must exclude or remove from the premises any person who is wearing the colours, insignia or emblems of an outlaw motorcycle gang (aka bikie gang) or ask police to remove them if they feel unsafe doing so themselves.
- h. Throughout the special events, and at the conclusion of the special events, 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

¹ After The Hot Box licence commences to operate, trading under the licence will be permitted on Saturdays until 02:00 hours. However the sale, service and consumption of liquor on Saturday 21 June 2025 pursuant to the special event authority will not be permitted after midnight.

of the toilets with toilet paper and handwash, and the removal of waste as required.

The Commission directs that the licensee is exempted from compliance with the requirements imposed by the Commission on the licensee set out at paragraph [7] of the Commission's decision notice delivered on 24 October 2024 to the licensee.²

The special event authority will be issued immediately following the publication of this decision notice.

2. The Commission stated that it would issue reasons for its decision in due course. Those 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.³
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.⁴ The Commission ordered that:

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

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

³ 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]

⁴ *Application for liquor licence for The Hot Box Darwin* [2024] NTLiqComm 43 at [7]

- 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, the premises have not yet commenced to operate.

The Application

8. On 1 April 2025 Mr Mulga lodged applications with the Director on behalf of the licensee for two further special events at the premises, “BASSINTHECITY 2025” on 14 May 2025 and “Open Air Carpark Day” on 21 June 2025. The licensee proposes that both events will be free family-friendly street parties starting at 16:00 hours and continuing until no later than midnight, with live and recorded music, and attendance of up to 500 people.
9. The licensee states that BASSINTHECITY 2025 is being run in conjunction with NT Major Events as a precursor event to BASSINTHEGRASS 2025 on 17 May 2025,⁵ with a music program scheduled to finish at 21:00 hours. The Commission has not been provided with any material from the Northern Territory Major Events Company in support of the application.
10. The licensee describes the second proposed event as a “Latin party in the city”, featuring with entertainment provided by DJs followed by live entertainment until 23:00 hours.
11. The Director declined to exercise her delegated power to determine these applications 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.” The licensee has had six months since the licence was issued to implement the measures set out at paragraph 6 above. The applications that have now been referred to

⁵ See *BASSINTHEGRASS: Liquor licences with major event authority [2025]* NTLiqComm 13

the Commission appear to have been crafted to get around those obligations on the licensee imposed by the Commission when issuing the licence. The Commission has not been provided with an explanation for the licensee's failure to do what is required to enable the licence to commence to operate. 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 applications 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 applications.

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 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 2024.⁶

16. The Commission has 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:

- 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.

⁶ *Sugarbag Street Art Festival application for a liquor licence with a special event authority [2024]*
NTLiqComm 21

The referral

17. On 30 April 2025 the Director referred the application to the Commission, which, pursuant to s 21 of the Act, formed the opinion that it would not be appropriate in the circumstances to determine these applications by way of a public hearing, and determined that the hearing be by way of written submissions only.
18. The Director provided the Commission with a brief (**the brief**), which included the following documents:
 - a. Two applications for liquor licence with special event authority
 - b. Proposed site plans
 - c. Event plans
 - d. Affidavit and Declaration of Associates
 - e. Compliance report for Sugarbag Street Art Festival 2024 event
 - f. Correspondence with stakeholders

Further material

19. The Commission directed the licensee to provide:
 - confirmation that no pending strike-off action is afoot for the licensee;
 - a smoking plan that addresses the issues raised in the Compliance Officers' report;
 - a security officers plan that addresses the issues raised in the Compliance Officers' report; and
 - evidence that Northern Wines Pty Ltd has vacated a beer garden area at the northeastern corner of the carpark.
20. On 6 May 2025 the Delegate of the Director informed the Commission that searches he had caused to be conducted in the relevant government databases confirmed that there is no strike-off action afoot for the licensee.
21. Also on 6 May 2025, the licensee provided the Commission with the following additional material:
 - a smoking management plan;
 - a security management plan; and
 - photographs of the northeastern corner of the carpark showing that it is currently unoccupied.

Consideration

22. In the tentative view of the Commission, the Act does not permit a liquor licence to be issued over premises over which a liquor licence already exists. Accordingly, the Commission determined to assess these applications not as applications for new liquor licences, but as applications for a special event authority to be issued with the existing licence, for the special events. Section 52(1) provides that "...a person may apply to the Commission for a licence **or** an authority" (emphasis added).
23. 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;
24. 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.
25. In the Commission's decisions to issue both the licence and the Sugarbag Street Art Festival 2024 special event licence, all of these matters were considered. The Commission now adopts its earlier findings in relation to those two licences where those findings are applicable to the applications now before the Commission. The nature, scope and circumstances of the two proposed special events are substantially similar to the nature, scope and circumstances of the Sugarbag Street Art Festival 2024, and to 15 carpark street parties at the premises during the 2022 dry season that were authorised by five special event licences.
26. The Commission considers that some of the pre-conditions it imposed on the licensee before it will be permitted to operate the Hot Box licence are inapplicable to the current applications. The Commission notes that the licence will operate with a late night authority, but that the current applications are for special events that will conclude by midnight. The Commission considers that compliance with the following pre-conditions imposed on the licensee in

October 2024 is not required for the purpose of the special events that are 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.

27. To be clear, by its decision issued on 6 May 2025, the Commission did not and did not intend to exempt the licensee from compliance with these pre-conditions to the commencement of trade under the licence, other than in relation to the conduct of the special events on 14 May 2025 and 21 June 2025.

28. Having considered all of these matters, the Commission is satisfied that a special event authority should be issued, subject to conditions.

The material alteration

29. On 1 April 2025, Mr Mulga requested that the existing licence footprint be increased to cover the entirety of the carpark on the corner of Austin Lane and Spain Place, Darwin. The existing licence footprint is less than half that size. Presumably, Mr Mulga seeks a larger area for the special events because the licensee expects to attract a larger crowd than would normally attend The Hot Box (if The Hot Box were in operation).

30. The area sought by Mr Mulga includes a garden area on the northeastern corner of the carpark that was previously occupied by Northern Wines Pty Ltd, the licensee of Stone House Wine and Kitchen, who leased it from Mulga Venture Pty Ltd, the owner of the land on which the entire carpark is located. In liquor licence 80318998 issued on 5 December 2024 over the Stone House Wine and Kitchen premises, the beer garden has been excised from the footprint of those premises, with a note stating “For completeness the area has been reduced from the original licensed premises as a result of a Notice to Quit between the licensee and the lessor.”

31. Special event licenses issued for previous similar events conducted at the premises have been allowed a footprint extending over the whole of the carpark, with the exception of the garden area then occupied by Northern Wines Pty Ltd. The photographs provided on 6 May 2025 by Mr Mulga of the garden area satisfy the Commission that this area is no longer occupied by Northern Wines Pty Ltd.

32. Section 95(1) of the Act provides that a significant increase in the area of the premises used for the sale, service and consumption of liquor is a material alteration requiring the prior written approval of the Commission. The applicant has not followed the procedure set out at s 96 for making an application for a material alteration. Nevertheless, the Commission is satisfied that the material provided to it is substantially similar to the material that would have been provided had the procedure set out in s 96 been followed by the licensee and the Director.
33. The Commission determined to approve the material alteration set out in the second paragraph of its decision issued on 6 May 2025.

Licence conditions

34. For the two special events, the Commission determined that the existing conditions of the licence will apply, as well as the additional conditions set out at the third paragraph of its decision issued on 6 May 2025. Those conditions comprise the existing conditions of the licence, the conditions prescribed by the Regulations for special event authorities, the conditions fixed by the Commission for the Sugarbag Street Art Festival 2024, and some further conditions as described below.
35. In a letter directed to NT Licensing dated 1 April 2025, Mr Mulga stated:
- I am requesting that the noise condition on the licence is not applied however the live music will finish at 9pm as it is a Wednesday night.
36. Mr Mulga did not provide any further explanation for making this request, or clarify whether or not it was intended to apply to both special events. The existing noise mitigation condition in the licence was based in large part on the acoustic report commissioned and provided to the Commission by the licensee, and also with reference to the *Northern Territory Noise Management Framework Guideline* published by the Northern Territory Environment Protection Authority. If the applicant had been opposed to the inclusion of the noise condition in The Hot Box licence approved by the Commission on 24 October 2024, it could have applied to have the Commission's decision reviewed by NTCAT. It did not do so.
37. 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.
38. In these circumstances the Commission decided to decline to exempt the licensee from the noise mitigation condition in the licence for the special events on 14 May 2025 and 21 June 2025.
39. The Commission notes a recommendation by a Senior Compliance Officer who inspected the Sugarbag Street Art Festival 2024 event that to mitigate the risk that alcohol is supplied to and consumed by minors attending the special

events, the licensee issue all under-age patrons with wristbands. The special events are unticketed and open to the public to enter at no charge. In conducting their inspection of the 2024 event, the Senior Compliance Officers did not identify any instances of under-age drinking, and made the following observations:

This was a family-friendly event, at dusk parents were observed with their children at the premises. Although no children could be seen at the venue past 10.30pm.

40. The Commission has not fixed the wristband condition proposed in the compliance report, but notes that the security management plan obtained by Mr Mulga and provided by him to the Commission on 6 May 2025 includes provision for the issue of wristbands to patrons over 18 years of age on entry, and a requirement that alcohol not be sold to or be consumed by any patron not wearing a wristband. The Commission commends the licensee and its security service provider for instituting these measures, which the Commission expects the licensee to comply with.
41. As noted above, the Department of Health were consulted about the application. They recommended that given the number of expected patrons, alcohol not be served in glass containers, and that shots not be served. The Commission often imposes conditions along these lines when issuing major event authority licences. Although these events will not be “major events” (ie events that are expected to be attended by at least 1,500 persons), the relatively small size of the carpark is such that the premises will probably be more crowded than many major special events. The Commission has determined to fix conditions that alcohol be sold in opened cans or plastic containers, and be limited to serves containing no more than 1.6 standard drinks.
42. NTFRS supported the application on condition that the licensee adhere to the NTFRS Special Event Requirements, which NTFRS sent to Mr Mulga. It is unnecessary to fix a condition in the licence about this, as s 91 of the Act obliges all licensees to comply with the requirements of the *Fire and Emergency Act 1996* and the standards relating to fire safety in the regulations made under that Act.
43. The Commission is satisfied that the smoking plan provided by Mr Mulga on 6 May 2025 addresses the relevant concerns identified in the Licensing NT compliance report for the Sugarbag Street Art Festival event held in 2024.

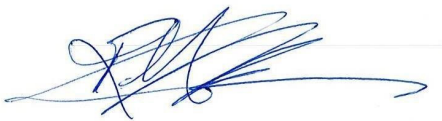
Recommendation

44. The Commission strongly encourages the licensee not to make any more special event authority applications for events at the carpark. The Commission has granted a licence with a public bar authority and a late night authority over the premises. In October 2024 the Commission clearly identified the steps required to enable that licence to commence to operate. The Commission encourages the licensee to take those steps.

45. The licensee should not assume that any further applications for special event authorities in the carpark will be approved.
46. That said, the Commission does not discourage the licensee from applying for a material alteration to extend the footprint of the premises under the existing licence for the purpose of accommodating future special events in the carpark at which alcohol is sold and consumed under the existing licence.

The objects of the Act

47. 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.
48. 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.
49. 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
13 May 2025

On behalf of Commissioners Goldflam, Carson and Stedman

APPENDIX ONE

