

Director of Liquor Licensing

Decision Notice

MATTER:	Application for material alteration to licensed premises
LICENSEE:	Spinning Back Kicks Pty Ltd
PREMISES:	Borth of Venus / Last Supper Shops 1-5 & 8, 35 Cavenagh Street DARWIIN NT 0800
LEGISLATION:	<i>Liquor Act 2019</i> – Part 4 Division 2
DECISION OF:	Delegate of the Director of Liquor Licensing
DATE OF DECISION:	17 September 2025

DECISION

1. For the reasons outlined below in accordance with section 97 of the *Liquor Act 2019* (the Act), and with reference to the delegations provided to me by the Northern Territory Liquor Commission (the Commission) dated 5 July 2025, as a delegate of the Director of Liquor Licensing (the Director), I approve the application by Spinning Back Kicks Pty Ltd for the material alteration to the premises to include Shop 6 of the complex into the licensed area.
2. The commencement of trade in the additional area is prohibited until the licensee has provided the Director with evidence of certification of or compliance with the matters raised by the NTFRS in their submission including:
 - Any proposed building works may be required to undergo the building approval process in accordance with the *Building Act 1993*; and
 - Fire safety inspection of the premises by the NTFRS and notification of the maximum patron numbers as determined by the NTFRS.
3. Additionally, the licensee must provide evidence to the satisfaction of the Director that an amended lease for the premises has been executed between parties.
4. Upon provision of the above, the Director will provide written approval to commence trade.

REASONS

BACKGROUND

5. On 6 August 2025, an application was lodged by the licensee Spinning Back Kicks Pty Ltd for the premises Birth of Venus / Last Supper situated at Shops 1-5 & 7, 35 Cavenagh Street, Darwin for which licence FLL1374 relates.
6. The application was for material alterations to the premises pursuant to section 95(1)(a) of the Act to increase the overall licensed premises to include Shop 6 of the complex, allowing for an expansion of the Comedy Club portion of the premises which is presently limited to Shop 3.

7. The works will involve a removal of the wall between the tenancies.
8. The matter having been processed in accordance with the provisions of the Act was referred to the Commission in the usual manner on 15 September 2025.
9. On 4 and 5 July 2025, the Commission delegated additional matters to the Director for determination and this application falls within the matters which may now be dealt with under the delegations of 5 July 2025.
10. Accordingly, the Commission refused to accept the referral on 17 September 2025.

APPLICATION

11. The application included the materials prescribed by the Act including a public interest and community impact assessment summary.
12. The overall expansion of the premises is into Shop 6, arguably not a substantial increase in the overall size of the premises. Despite this in an abundance of caution, the matter was considered to fall within the definition of a material alteration with reference to section 95(1)(a) of the Act.
13. There is no changes to the nature of the business, nor the conditions of the licence.
14. It is expected the additional area will allow for an extra 25 patrons, noting it is by effect of the small bar authority limited by statute to a maximum of 100 patrons no matter the size of the premises.

PUBLICATION & CONSULTATION

15. A delegate of the Director exercised their discretion pursuant to section 96(4) of the Act not to require the applicant to publish notice of the application.
16. Notification of the application was provided to those prescribed in section 96(6A) of the Act, with no adverse comments having been received from any party, save for the conditional support provided by the NTFRS.
17. The conditional support by the NTFRS is reflected in the conditions placed upon the approval of this matter.

ASSESSMENT OF THE APPLICATION

18. The works may be argued to fall within the definition of a material alteration as in an abundance of caution, they have been considered to be a significant increase in the area of the premises used for the sale, supply, service or consumption of liquor¹.
19. The application is simple in nature in that the licensee has increased the overall area of the licensed premises, which operates under the small bar authority to include Shop 6 into the licensed area being the Comedy Club.

¹ *Liquor Act 2019*, s95(1)(a).

20. As submitted by the licensee, this expansion is intended to allow for a moderate increase in the patron numbers for the Comedy Club which has experienced a nature growth in the business since its inception.
21. There has been no opposition to this application and no adverse comments, nor any compliance issues with this licensee.
22. The licensee will need to obtain the appropriate certifications of the works once completed prior to the commencement of trade.

Public interest and community impact requirements

23. In accordance with section 97 of the Act, I have considered the public interest and community impact requirements and am comfortably satisfied that the alteration will be in the public interest, and that it is unlikely it will have any adverse impact on the community.
24. The intention of the licensee is to expand their business without any significant change to the overall change to the nature of the operation.
25. As stated earlier, the licence operates under a small bar authority which limits patrons to a maximum of 100 persons. The licensee will remain held to this statutory limit irrespective of the approval of this application.
26. There are no materials to suggest the approval of this application will be contrary to the public interest nor have any adverse impact to the community.
27. Section 3(4) of the Act requires a person exercising a power under this Act to have regard to both the primary and secondary purposes of the Act, with a secondary purpose being the regulation of the industry in a way that stimulates the tourism and hospitality industries.
28. As required by that section this decision has been made in a manner consistent with those purposes.

REVIEW OF DECISION

29. Section 27 of the Act provides for those persons prescribed to apply to the Director for a review of a decision made by their delegate.
30. An application for a review of a decision must be lodged with the Director within 28 days after written notice of the decision of the Director is given to the person, in the form approved by the Director stating the grounds on which it is made and the facts relied on to establish the grounds.
31. This decision is one that falls within the provisions of section 27 of the Act and may therefore be reviewed by the Director.



Mark Wood
Delegate of the Director of Liquor Licensing

17 September 2025