

**NORTHERN TERRITORY LIQUOR COMMISSION**  
**DECISION NOTICE**

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**MATTER:** APPLICATION FOR LIQUOR LICENCE [2026]  
NTLiqComm 7

**REFERENCE:** LC2025/050

**LIQUOR LICENCE NO:** 80317827

**APPLICANT:** Bluehole Steakhouse Pty Ltd

**CURRENT PREMISES:** 5 Nurndina Street, Batchelor NT 0845

**PROPOSED PREMISES:** 28 Mitchell Street, Darwin City 0800

**LEGISLATION:** Part 3 Division 8, Part 4 Division 5 of the *Liquor Act 2019*

**HEARD BEFORE:** Mr Russell Goldflam (Legal member)  
Ms Ebony Abbott-McCormack (Health Member)  
Ms Rachael Shanahan (Community Member)

**DATE OF HEARING:** 28 January 2026

**DATE OF DECISION:** 26 February 2026

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**Decision**

1. For the reasons set out below the Northern Territory Liquor Commission (**the Commission**) has determined:
  - a. in accordance with s 75 of the *Liquor Act 2019* (NT) (**the Act**), to substitute the premises of liquor licence 80317827 (**the licence**) with a public bar authority held by Bluehole Steakhouse Pty Ltd (**the applicant**) from 5 Nurndina Street, Batchelor NT 0845 (**the previous premises**) to 28 Mitchell Street, Darwin City 0800 (**the new premises**); and
  - b. in accordance with s 112 of the Act, to vary the conditions of the licence, to:
    - i. add the conditions prescribed by Part 3 Division 16 of the *Liquor Regulations 2019* (**the Regulations**)
    - ii. delete the condition headed “Trading Hours”<sup>1</sup>

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<sup>1</sup> The trading hours of the varied licence shall be as prescribed by reg 82 of the Regulations

- iii. delete the special conditions headed “Concept”, “Strip and Lingerie Shows”, “Entertainment”, “Noise Control”, “Minors”, “Boundary Fencing” and “CCTV Condition”<sup>2</sup>.
2. The footprint of the new premises is the area bounded in red on the plan at Annexure One.
3. The varied licence will be issued immediately following the publication of this decision notice.
4. Liquor must not be sold under the licence until the Director of Liquor Licensing (**the Director**) gives the written approval to do so, following the provision of documentary evidence to the satisfaction of the Director that the applicant has obtained the necessary fire safety, planning, building and other regulatory approvals, including a certificate of occupancy, in respect of the premises.

## **Reasons for Decision**

### **Background**

5. Stamen Investments Pty Ltd, trading as Rum Jungle Tavern, operated the licence at the previous premises, with a public bar authority, a late night authority and a takeaway authority.
6. The Rum Jungle Tavern was a venue licensed to operate electronic gaming machines (**EGMs**). The *Gaming Machine Act 1995* requires that in order to obtain a gaming machine licence, a person must hold a liquor licence with a public bar authority, a club authority or a wayside inn authority. The Northern Territory government has imposed a cap of 1,659 EGMs that are allowed to operate on licensed premises (other than casinos, where the number of EGMs is uncapped). That cap has been reached. However, an enterprising entrepreneur can work around the cap by purchasing the business of an existing EGM venue that is closing down, applying to the Director for a transfer of the existing liquor licence, applying to the Commission for approval to substitute the premises to the new venue, and then applying to the Director of Gaming Machines for a gaming machine licence. Currently, the same person holds the offices of the Director of Liquor Licensing and the Director of Gaming Machines.
7. The applicant is one such entrepreneur, and has followed the above procedure. This is considerably more complicated than simply applying for a new liquor licence, as the applicant could and presumably would have done if it were not intending to include EGMs in the new venture.

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<sup>2</sup> Despite the deletion of the CCTV condition, reg 76 of the Regulations requires the licensee of a public bar authority to install, maintain and operate CCTV surveillance of the premises. The applicant is the licensee of a public bar authority.

8. On 11 November 2025, Stamen Investments Pty Ltd sold the Rum Jungle Tavern to the applicant. The Rum Jungle Tavern closed down, and the Director, using powers delegated to her by the Commission on 29 January 2020, approved the transfer of the licence to the applicant, who changed the trading name for the business to Bluehole Steakhouse. On 13 November 2025, the applicant surrendered the late-night authority and the takeaway authority, neither of which was required by the applicant for the proposed new venture.

### **The application**

9. On 24 November 2025, the applicant made application to the Director to substitute the new premises for the previous premises, and to vary the conditions of the licence as appropriate for the new venture.
10. The applicant proposes to establish the Bluehole Steakhouse as “a ‘paddock to plate’ dining experience which will be promoting NT farmed beef and produce and this will all be served in a NT themed venue to provide patrons with a ‘taste’ of the NT Outback”,<sup>3</sup> in Darwin’s Mitchell St entertainment and tourism precinct. In his evidence to the Commission, Mr Arminio Niceforo, the applicant’s sole director and shareholder, said:

I’ve been in the cattle game 25 years, breeding a new brand of non-Brahman beef, a Senepol crossed with Waygyu: the “Waygpol”. We want to showcase the cattle industry with a homestead style meal. We’ll have a helicopter, a bull bar and a bull catcher in there, with a Territory theme. Country and Western music. We own King River Station. In a paddock there’s a massive hole with blue water from the minerals in the rock. We’ll have a mural of the Bluehole.

### **Consultation**

11. As required by s 57 of the Act, notices of the application were published in the NT News on 29 November 2025, on the Director’s website, and by way of green signs displayed on site.
12. In addition, the applicant took the initiative of conducting its own community consultation by distributing 2,900 flyers to nearby businesses, to cars parked in public parking areas, and to residents in the neighbourhood. The applicant received 19 responses. The response rate was so low that the Commission attaches no weight to the responses (some of which were supportive, and some of which were unsupportive) that were received.
13. In accordance with s 56 of the Act, the Director notified the Department of Health (**NT Health**), NT Police, the City of Darwin and Northern Territory Fire and Rescue Service (**NTFRS**) of the application.
14. No objections were received to the application, and none of the stakeholders who responded opposed the application. NTFRS noted that any building works

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<sup>3</sup> Exhibit One, p 117

undertaken may be required to undergo the building approval process in accordance with the *Building Act*, and that following completion of the building works NTFRS may conduct a fire safety inspection to confirm compliance with the *Fire and Emergency Act* and Regulations. NT Health suggested that the Commission consider “the number of high-risk liquor licences already existing in the area to ensure that community safety and amenity are not adversely affected by the addition of this public bar authority”.

### **The referral**

14. On 17 December 2025, pursuant to s 59 of the Act, the Director referred the applications to the Commission to be determined by way of a public hearing. On 23 December 2025, the Commission notified the applicant that the matter would be listed for a public hearing on 14 January 2026. Due to the occurrence of unforeseen events, on 5 January 2026 the Commission was obliged to postpone the hearing date to 28 January 2026.
15. The Director provided the following documents to the Commission with the referral (**the brief**):
  - a. Liquor licence 80317827
  - b. Application to vary conditions and substitute premises
  - c. Affidavit and Declaration of Associates pursuant to s 54 of the Act
  - d. Public interest and community impact summary
  - e. Community impact analysis
  - f. Public interest statement
  - g. Applicant’s financial statements 2024/25
  - h. Site plan
  - i. Lease
  - j. Stakeholder correspondence

### **The hearing**

16. Pursuant to s 23 of the Act the Commission is not bound by the rules of evidence and may inform itself in any manner it considers appropriate. Section 21(2) provides that a hearing must be conducted in public unless the Commission is of the opinion it is not appropriate.
17. On 28 January 2026 the application proceeded as a public hearing. Mr Danny Nixon-Smith appeared on behalf of the applicant, along with Mr Arminio Niceforo and Ms Monique Nixon-Smith. Mr Wood appeared for the Director, accompanied by Ms Shrestha. The Commission thanks them all for their attendance and assistance.

18. The Commission received the following documents into evidence:

- a. Exhibit One: the brief
- b. Exhibit Two: correspondence 2 January 2026
- c. Exhibit Three: correspondence re tenancy issues 2 to 8 January 2026
- d. Exhibit Four: correspondence with City of Darwin and Development Consent Authority
- e. Exhibit Five: plan of footprint of premises
- f. Exhibit Six: Notice to Vacate to adjoining tenant, 5 January 2026

### **ASSESSMENT OF THE APPLICATION**

19. In *Darwin Services Club applications for substitution of premises and variation of licence conditions* [2025] NTLiqComm 4, the Commission stated:

139. Section 75(1) of the Act (“Substitution of premises”) requires licensees who apply for substitution of premises to apply for a new licence for the new premises. Although s 75(2) authorises the Commission to amend the existing licence instead of issuing a new licence, and that is the course the Commission has elected to take, the Commission may amend a licence to substitute premises only if satisfied that the substitution satisfies the public interest and community impact requirements listed in s 49. It is not entirely clear whether the Act requires the Commission to consider all of the matters required of applications for a new licence. Out of an abundance of caution, the Commission has done so in this instance. Although this sets the bar higher for the applicant than might be necessary, the Commission considers that this approach has not resulted in any disadvantage or prejudice to the applicant in the circumstances of this case.

140. Section 59 of the Act (which sets out the matters the Commission is required to consider when considering an application for a licence or authority) requires the Commission to consider:

- a. the applicant's affidavit required by s 54;
- b. any objections and their response (which the Commission has dealt with above);
- 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; and
- f. whether the applicant, including the nominee designated by an applicant, is a fit and proper person to hold a licence.

142 In accordance with s 49 of the Act, the Commission has also considered whether approving the substitution is in the public interest, and whether the substituted licence will have a significant adverse impact on the community.

- 20. The Commission considers that, in the relevantly similar circumstances of the current application, it should take a similar approach, for the same reasons.

### **The applicant**

- 21. The Commission finds that the applicant complies with s 53(1) of the Act, which requires that a body corporate shall not hold a licence unless it is a corporation. The applicant is a company limited by shares.

### **The applicant's associates**

- 22. Section 54 of the Act requires applicants to depose an affidavit disclosing whether certain persons may be able to influence the applicant, or expect a benefit from the applicant, if the licence is granted. The Commission is satisfied that the applicant has complied with the disclosure requirements of s 54. Mr Arminio Niceforo is both the applicant's sole director and shareholder, and also the trustee of the Niceforo Family Trust, the registered proprietor of the new premises.
- 23. The Commission is satisfied that Mr Niceforo is a fit and proper person to be an associate of the applicant.
- 24. The Commission does not consider that it is appropriate to consider whether any other person is a fit and proper person to be an associate of the applicant.

### **The suitability of the applicant's premises**

- 25. The applicant has leased the new premises from another body corporate controlled by Mr Arminio Niceforo. Having been provided with detailed plans and descriptions of the new premises, the Commission is satisfied that the new premises are suitable for the supply and consumption of liquor in the manner set out in the application.

**The financial stability, general reputation and character of the body corporate**

26. The Commission assesses the applicant as having a satisfactory business reputation and as being financially stable.

**The general reputation and character of the applicant's secretary and executive officers**

27. The Commission assesses the general reputation and character of the applicant's executive officer to be satisfactory.

**Whether the applicant is a fit and proper person to hold a licence**

28. To approve the transfer of the licence to the applicant, the Director had to be satisfied that the proposed transferee was a fit and proper person. Having received no evidence to the contrary, the Commission accepts that assessment.

**Whether the licensee's nominee is a fit and proper person to hold a licence**

29. Mr Arminio Niceforo is the licence nominee, and has been assessed as being fit and proper to hold that position by the Director.

**Public notice and consultation**

30. The Commission is satisfied that public notice of the application was given and consultation was undertaken in accordance with s 57 of the Act.

**Whether issuing the licence is in the public interest**

31. To determine whether the issue of the licence is in the public interest, the Commission is required to consider how the issue of the licence would advance the following objectives set out in s 49(2) of the Act:

- a. minimising the harm or ill-health caused to people, or a group of people, by the consumption of liquor;
- b. ensuring liquor is sold, supplied, served and consumed on or in licensed premises in a responsible manner;
- c. safeguarding public order and safety, particularly when large numbers of people would be attracted to licensed premises or an area adjacent to those premises;
- d. protecting the safety, health and welfare of people who use licensed premises;
- e. increasing cultural, recreational, employment or tourism benefits for the local community area;

- f. promoting compliance with this Act and other relevant laws of the Territory;
- g. ensuring each person involved in the business conducted at licensed premises receives training suitable to the person's role in the business;
- h. preventing the giving of credit in sales of liquor to people;
- i. preventing practices that encourage irresponsible drinking;
- j. reducing or limiting increases in anti-social behaviour.

32. Having considered each of these objectives, the Commission is satisfied that it is in the public interest to substitute the premises and vary the conditions of the licence.

**Whether the issue of the licence will have a significant adverse impact on the community**

33. To determine whether it is satisfied that the issue of the licence will not have a significant adverse impact on the community, the Commission must consider the matters set out at s 49(3) of the Act:
- a. the risk of undue offence, annoyance, disturbance or inconvenience to persons who reside or work in the vicinity of the proposed licensed premises or who are using, or travelling to or from, a place of public worship, a hospital or a school;
  - b. the geographic area that would be affected;
  - c. the risk of harm from the excessive or inappropriate consumption of liquor;
  - d. the people or community who would be affected;
  - e. the effect on culture, recreation, employment and tourism;
  - f. the effect on social amenities and public health;
  - g. the ratio of existing liquor licences and authorities in the community to the population of the community;
  - h. the effect of the volume of liquor sales on the community;
  - i. the community impact assessment guidelines issued under s 50;<sup>4</sup>

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<sup>4</sup> In the view of the Commission, no such guidelines are currently in force.

- j. any other matter prescribed by regulation.<sup>5</sup>
34. Having considered each of these matters, the Commission is satisfied that the substitution of the premises and variation of the conditions of the licence will not have a significant adverse impact on the community.
35. In reaching this view, the Commission has had regard to NT Health's expressed concern referred to at paragraph 14 above regarding the number of high-risk liquor licences in the area. The Commission notes that although the licence has been issued with a public bar authority, for the reasons given below, the Commission has determined to fix conditions that apply to restaurant bar authorities. Whereas public bar authorities are classified by the Regulations as being high risk, restaurant bar authorities are classified as moderate risk.
36. The Commission is also inclined to accept the applicant's submission that the establishment of this new licensed restaurant in Mitchell St will not increase the density of licensed premises in the area, because the immediately adjacent shopfront (which is also owned by the Niceforo Family Trust) has until recently been occupied by another licensed restaurant that has closed down and is in the process of vacating the premises (**the next door premises**). Mr Niceforo plans to incorporate a portion of the next door premises as the Bluehole Steakhouse EGM room, and to refit the remainder of the premises as a café where liquor is not supplied or consumed.
37. The applicant plausibly asserts that the licensee of the next door premises will in due course surrender their liquor licence. If that occurs, then, as the applicant submits, the establishment of the Bluehole Steakhouse will not result in an overall addition to the number of licensed premises in the area.

### **The relevance of EGMs**

38. Both the Commission and the Northern Territory Civil and Administrative Tribunal (**NTCAT**) have held that the Commission is not entitled to have regard to the presence of EGMs for the purpose of considering an application under the Act.<sup>6</sup> The Commission now reaffirms these previous decisions on this issue. That said, the Commission maintains its view that, as it has previously held, the general prohibition on having regard to the presence of EGMs on premises is subject to a limited exception, namely that "the Commission is entitled to have regard to the effect of the presence of EGMs on how liquor is consumed on the premises".<sup>7</sup>

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<sup>5</sup> No such matters have been prescribed by regulation.

<sup>6</sup> For example, see the detailed discussion and consideration of this issue by NTCAT in *JDI Properties Pty Ltd & Ors v Northern Territory Liquor Commission & Ors* (2023-03127-CT), 7 October 2024 at [34] – [42]

<sup>7</sup> *DCL Hospitality Pty Ltd Application for substitution of a liquor licence and permanent variation of authority and conditions* [2023] NTLiqComm 22, at [83].

## Conditions

39. The Commission accepts the applicant's submission that various conditions that applied to the Rum Jungle Tavern licence are not required or appropriate for the licence operating at the new premises, and accordingly, the Commission has deleted several of the pre-existing conditions.
40. The Commission also accepts the applicant's submission that it should be permitted to extend its previous closing time from 23:30 hours to 24:00 hours, in accordance with the hours of operation prescribed for public bar authorities by reg 75, and for restaurant bar authorities by reg 82.
41. As summarised at paragraph 10 above, the applicant has provided a detailed description, including architectural drawings and concept images, for the proposed Bluehole Steakhouse, showing seating for over 150 patrons, about 40 dining tables, and a strong focus on the venue not as a pub, but as a steakhouse. Were it not for the fact that the applicant is required to operate with a public bar authority in order to be eligible to apply for an EGM licence, the Commission would probably have approved the licence to operate with either a restaurant authority or a restaurant bar authority.
42. The Commission has previously approved the issue of a licence with a restaurant bar authority for a venue that in reality operates in the manner of a restaurant, in order to accommodate the particular circumstances of a licensee. In doing so, however, the Commission determined to impose most of the more restrictive conditions applicable to licensees trading with a restaurant authority.<sup>8</sup> Similarly, in order to accommodate the particular circumstances of the licensee in the current matter, the Commission has determined to approve the substitution of the premises with the existing public bar authority, but to impose the more restrictive conditions applicable to licensees trading with a restaurant bar authority.
43. In the view of the Commission, the only condition it has decided to impose that might significantly affect the licensee's planned operation is the condition prescribed by reg 83(8) that (except when attending as invitees to a private function at which a light meal is being served) patrons must be seated when consuming liquor. This is not a prescribed condition for public bar authorities.
44. At the hearing, the applicant, with the support of the Director, opposed the imposition of restaurant bar authority conditions. The Commission has given due consideration to those submissions, but on balance has determined not

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<sup>8</sup> See *China Bar NT: Application for liquor licence with authority* [2023] NTLiqComm 32; and *China Bar CBD application for liquor licence with restaurant bar authority* [2025] NTLiqComm 26

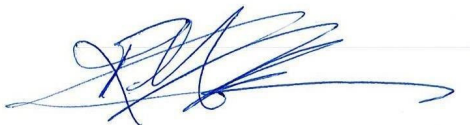
to accept them. The Commission considers that the objects of the Act are best served by imposing conditions on licences that correspond as closely as practicable to the actual nature and scope of the enterprise concerned. The applicant has designated the premises as a steakhouse, a designation, having regard to the way it will operate, that is obviously appropriate. It is also appropriate that its licence conditions resemble those of other steakhouses and similar establishments.

### **The objects of the Act**

45. Section 3(4) of the Act provides that in performing its function to decide whether to issue the licence, the Commission must have regard to the primary and secondary purposes of the Act.
46. The Commission considers that the approval of the substitution with the conditions imposed is consistent with the purposes of the Act.
47. For these reasons, the Commission has determined that the application should be granted, as set out at the commencement of this Decision Notice.

### **NOTICE OF RIGHTS**

48. The Act provides that the decision set out in this decision notice is reviewable by the Northern Territory Civil and Administrative Tribunal. Section 94(3) of the *NTCAT Act* provides that an application for review of a reviewable decision must be lodged within 28 days of the date of the decision.
49. In accordance with s 31(2) of the Act, the persons who may apply to NTCAT for a review of this decision are the Director and the applicant.



Russell Goldflam

MEMBER  
NORTHERN TERRITORY LIQUOR COMMISSION  
26 February 2026

On behalf of Commissioners Goldflam, Abbott-McCormack and Shanahan

