

Delegate of the Director of Gaming Machines

Decision Notice

MATTER:	APPLICATION FOR SUBSTITUTION OF A GAMING MACHINE LICENCE
LICENSEE:	Bluehole Steakhouse Pty Ltd
PROPOSED PREMISES:	28 Mitchell Street, Darwin NT 0800
LICENCE NUMBER:	GM239
LEGISLATION:	Section 42B of the <i>Gaming Machine Act 1995</i>
DATE OF DECISION:	13 March 2026

DECISION

1. After due consideration of all the issues as outlined in this Decision Notice, as Delegate of the Director of Gaming Machines, I grant the application for substitution of gaming machine licence number GM239, from 5 Nurdina Street, Batchelor 0845, to the new location 28 Mitchell Street, Darwin NT 0800, for the applicant Bluehole Steakhouse Pty Ltd.

BACKGROUND

2. Bluehole Steakhouse Pty Ltd (the Applicant) is the licensee of gaming machine licence number GM239 for premises formerly known as Rum Jungle Tavern, 5 Nurdina Street, Batchelor, NT, 0845. The Applicant is approved to operate 10 gaming machines.
3. On 25 November 2025 an application was lodged for the substitution of premises in accordance with the *Gaming Machine Act 1995* (Act). There is no prescribed fee for such an application.
4. Attached with the application was a concurrent application for a substitution of the liquor licence held by the Applicant. The application made pursuant to the *Liquor Act 2019* has been determined by the Liquor Commission (Commission) with approval granted on 26 February 2026.
5. With the liquor licence application determined, the application for substitution of gaming machine licence can now be considered by the Director of Gaming Machines (the Director).

APPLICATION

6. This application is to substitute the gaming machine licence from 5 Nurdina Street, Batchelor NT 0845 to 28 Mitchell Street, Darwin.
 7. The application was made by Mr Arminio Niceforo. Mr Niceforo, through another entity, is the owner of the proposed premises which includes two tenancies, one of which is vacant. The other tenancy is currently licensed and operates as Bub & Sool, with Liquor Licence 80807967.
 8. The Applicant provided the following information in support of their application:
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- a. Section 42C(1)(a) - A copy of the substitution application under the *Liquor Act 2019*;
- b. Section 42C(1)(b) - Information in accordance with section 24(3)(d)(iii), being a copy of the resolution or minute of proceedings of the governing body of the body corporate;
- c. Section 42C(1)(b) - Information in accordance with 24(3)(e), was not required as the Applicant is not a club;
- d. Section 42C(1)(b) - Information in accordance with Section 24(3)(g), including plans for the new premises;
- e. Section 42C(1)(b) - Information in accordance with Section 24(3)(j) regarding ownership of the premises;
- f. Section 42C(1)(b) - Information in accordance with Section 24(3)(ka) pertaining to monitoring arrangements for gaming machines;
- g. Section 42C(1)(b) - Information in accordance with Section 24(3)(ma) was not required as the applicant is not a club;
- h. Section 42C(1)(c) - A statutory declaration in accordance with Section 24(3)(h);
- i. Section 42C(1)(d) - A statement of the number of gaming machines that the Applicant seeks to have authorised for use under the licence at the new premises, being 10;
- j. Section 42C(1)(e) - A Community Impact Analysis (CIA);
- k. Section 42C(1)(f) - Details of the applicant's problem gambling risk management and responsible gambling strategies for the new venue; and
- l. Section 42C(1)(g) - No additional information was requested by the Director.

PUBLICATION

9. Public notices of the application were published in the NT News on 29 November 2025, concurrent with the liquor substitution application. Those seeking to make a submission were advised that the 30 day notice period expires on Monday 29 December 2025.

SUBMISSIONS

10. Being concurrent applications, persons submitted objections per the *Liquor Act 2019*, or submissions under the *Gaming Machine Act 1995*.
11. The Act requires a submission can be lodged on the application for substitution of gaming machine licence, where that submission could be either positive or negative. The Act does not outline a requirement for any submission received to be sent to the Applicant for comment or response.
12. As a result of publication of the joint applications, no submissions were received for the gaming application.
13. Separately, it is noted that there were no objections received from the public in regard to the liquor licence application.

STAKEHOLDER ENGAGEMENT

14. The Applicant conducted its own neighbourhood consultations by way of an online and letterbox survey, delivering 2,900 flyers. The consultation addressed both the liquor and gaming licence and asked separately whether the new Liquor Licence with a Public Bar Authority, and a gaming licence with ten

gaming machines will have a positive, negative or no impact on the local community. From the 19 survey results received in response to the proposed gaming licence, four were positive, 11 negative and four no impact.

15. Given the response rate was exceptionally low, responses from 19 individuals cannot be considered an accurate reflection of the community's position towards gaming machines.
16. Nevertheless, a summary of negative responses suggests that gaming machine venues were overrepresented in the Darwin CBD, impacting the lower economic social group and do not enhance a dining venue.
17. A summary of positive responses suggests that the city is in decline and new businesses could help bring life back to the CBD.
18. As part of a combined liquor and gaming notification, the following stakeholders were notified:
 - a. The Department of Health;
 - b. The NT Police;
 - c. City of Darwin; and
 - d. Northern Territory Fire and Rescue Service.
19. The Department of Health provided comment, but not a formal objection.
20. No comments have been received from NT Police or the Council.
21. Northern Territory Fire and Rescue Service responded stating they support the application subject to building permits (if required) and occupancy limits being issued.

ASSESSMENT

22. The Director must have regard to relevant provisions of the Act and Gaming Machine Regulations 1995 (Regulations), including but not limited to the statutory objects of the Act which are:
 - a. to promote probity and integrity in gaming;
 - b. to maintain the probity and integrity of persons engaged in gaming in the Territory;
 - c. to promote fairness, integrity and efficiency in the operations of persons engaged in gaming in the Territory;
 - d. to reduce any adverse social impact of gaming; and
 - e. to promote a balanced contribution by the gaming industry to general community benefit and amenity.
23. In determining this application, the Director must consider a range of issues which are prescribed in section 42E of the Act. Those being:
 - a. The matters mentioned in Section 25(3)(a) to (e);
 - b. The CIA, unless otherwise exempted;
 - c. Any submissions received in response to the notice;
 - d. Section 25(13) referring to the number of gaming machines, hours of trade, size, layout and facilities of the premises, along with the anticipated level of gaming; and
 - e. Any other matters the Director considers to be relevant.

24. The matters prescribed under section 25 of the Act may also be captured under the requirements of the CIA. To avoid duplication, the Decision notice will assess each requirement once.

COMMUNITY IMPACT ANALYSIS

25. The application was accompanied by a Community Impact Analysis (CIA) prepared by DNS and pursuant to section 42D of the Act, the CIA must provide the following details:

- a. The suitability of the new premises having regard to the size, layout and facilities of the premises;
- b. The suitability of the new premises having regard to the primary activity conducted at the premises;
- c. The suitability of the new premises having regard to the population of the local area, the proximity of the premises to other gaming venues and the proximity of the premises to sensitive areas such as schools, shopping centres, other community congregation facilities, welfare agencies, banks and pawn brokers;
- d. The appropriateness of problem gambling risk management and responsible gambling strategies; and
- e. Economic impact of the proposal including contribution to the community, employment creation and significance or reliance of the venue to or on tourism.

Suitability of premises – primary activity, size, layout, and facilities

26. The Applicant intends to operate a community focused Tavern specialising as a steakhouse serving local residents (including families), visitors and tourists, with live streaming of sporting events and a gaming room of ten gaming machines.

27. It is a requirement under the Regulations, that there must be a clear passageway between banks of gaming machines of at least two metres, with gaming equipment installed in a way that allows for the proper cleaning and maintenance, unrestricted access to fire exits, and the proper use of safety and security features on the premises.

28. The proposed gaming room will be approximately 26.5m². The Gaming Room Floor Plan shows 10 gaming machines with the dimensions of 994mm by 795mm, and space between banks of gaming machines of approximately 2.5m. There is no provision for a Cash Redemption Terminal (CRT) being provided in the plan, however there is limited space available for an additional amenity. The layout of the gaming machines will allow for an unimpeded exit from the gaming room in the event of an emergency.

29. Should the application be approved, Gaming Inspectors appointed under the Act will ensure the gaming room is compliant with the Act and subordinate legislation prior to the gaming machines commencing operations.

Suitability of Location – population of local area, proximity to other gaming venues and proximity to sensitive areas

30. The Premises is located at 28 Mitchell Street.

31. The CIA provides an overview of the Local Community Area (LCA) using a combination of Australian Bureau of Statistics (ABS) areas with analysis around the defined LCA in comparison with the broader Darwin Local Government Area (LGA) and NT benchmarks.

32. The LCA, which includes Darwin City, Larrakeyah, Stuart Park, Fannie Bay, The Gardens, Parap, Woolner, Bayview and Winnellie have a population of 24,539 (20,850 being adults) according to the Australian Bureau of Statistics 2021.

33. The LCA has a higher education profile with 51.2% of residents having a bachelor's degree or higher, compared to the LGA, 47.4% and the NT, 35%.
34. Information obtained from the Australian Bureau of Statistics 2021 Census for the LGA of Darwin, identified a population of 80,530 people, with the median age of 35. 8.7% of the Darwin population identified as being of aboriginal or Torres Strait Islander compared with 26.3% throughout the NT. 70.1% of the Darwin population were in the labour force, with 64.8% of those persons employed full-time.¹
35. There are 18 licensed gaming venues with 323 gaming machines licensed in Darwin City precinct. However, only 12 gaming machine licensees with 263 gaming machines are currently in operation. Six venues have inactive gaming machine venue licences.
36. In the LGA of Darwin, 36 venues are licensed to operate 844 gaming machines (excluding Mindil Beach Casino Resort), including the six inactive licences mentioned in paragraph 35.
37. Section 25(3)(c) of the Act provides examples of what may be considered a sensitive site, schools, shopping centres, other community congregation facilities, welfare agencies, banks and pawn brokers.
38. Within Darwin City, there is a mix of health, counselling and emergency services, shopping centres, schools, churches, banks and community organisations; there are no organisations or individuals within Darwin City that specialise in gambling issues.
39. The premises will be located within Darwin City, and in close proximity to cultural, entertainment and numerous other gaming venues however there is no reason to believe the relocation to the new premises will have an impact on any of these sites.

Appropriateness of problem gambling risk management and responsible gambling strategies

40. The Applicant is aware of the various 'at risk' groups within the community and will therefore manage the venue taking these matters into consideration.
41. The Applicant has their own in-house gambling policy document and will ensure all staff involved in the service of gambling products are suitably trained in the Responsible Service of Gambling (RSG), holding the appropriate certification. The Applicant will ensure that all staff are kept up to date with industry and legislative requirements through on-site training and meetings.
42. The Applicant submits they would comply with the NT Code of Practice for Responsible Gambling 2022 (the Code); a copy of this document will be maintained on the premise with all gaming staff being required to read, understand and comply with the Code.
43. The Code sets out the minimum requirements that gaming machine licensees and their staff are to adopt to reduce harms associated with gambling.

Economic impact – contribution to the community, employment creation and significance / reliance of the venue to or on tourism

44. With the primary business being a steakhouse, the gaming room operation is not expected to have a material effect on job creation. Nevertheless, the Regulations requires that the licensee has continuous supervision of each gaming machine, therefore the Applicant must have a sufficient number of staff rostered on duty to ensure the gaming room is supervised when open.
45. Section 150(1) of the Act provides that a licensee must pay a gaming machine community benefit levy to the Director each month. The gaming machine community benefit levy is the prescribed percentage of

¹ <https://www.abs.gov.au/census/find-census-data/quickstats/2021/LGA71000>

the gross monthly profit of the licensed premises. As the Applicant will be a Category 1 licensed premise, a 10% community benefit levy will be payable.

46. In addition to the community benefit levy, there is a requirement to pay taxes as required by section 149(1) of the Act.

The number of gaming machines, hours of trade of the premises, along with the anticipated level of gaming

47. The venue is licensed under the *Liquor Act 2019* with licence number 80317827. Section 88(a) of the Act provides that gaming must not be conducted when, under the *Liquor Act 2019*, liquor is not permitted to be sold in that area.

48. The Applicant's liquor licence permits the venue to operate from 10am to 12am (midnight), Monday to Sunday; subsequently the gaming room cannot operate outside these licensed hours.

49. The projections for the venue show a low, medium and high forecast starting from financial year 2027 through to 2030. For financial year 2027, the low projection starts at \$134.00 Average Daily Revenue (ADR) per machine, increasing to the high projections of \$179.00.

CONSIDERATIONS

50. For section 25(3)(a) and (b), the new premise will be renovated and of satisfactory size and standard, ensuring that the gaming room complies with requirements specified in the Act and Regulations. The Applicant intends to provide a community focused Tavern serving local residents (including families), visitors and tourists, specialising as a steakhouse.

51. For section 25(3)(c), when the suitability of the location is considered, it is noted that there are 18 licensed gaming areas in the City of Darwin, as well as many other licensed venues. There is no reason to believe the addition of ten gaming machines will adversely affect established venues or sensitive sites.

52. As no submissions were submitted, no concerns have been raised that a new gaming venue will have a negative impact on any organisation defined as a sensitive site.

53. For section 25(3)(d), the Applicant has policies to address minimising the harms associated with the use of gaming machines at the premises. The harms associated with gaming machines are well documented and well known within the general community. I am satisfied the Applicant has committed to the provision of responsible gambling with the aim of minimising potential harms.

54. For section 25(3)(e), I am satisfied the approval will provide employment opportunities with the potential to attract visitors to the new premises.

55. For section 25(13), I am satisfied the Applicant has addressed each requirement in their application. The projected forecasts identify low, medium and high assumptions for ADR which are under the NT average as reported by Licensing NT in the Department of Tourism and Hospitality Annual Report 2024-25.² This is a reasonable assumption based on a new venue that is yet to establish their clientele.

56. In the NT, there is a cap of 1,659 gaming machines permitted to operate (excluding casinos). The cap has been reached; therefore, the Applicant does not have the option to increase their gaming machine allocation under the current legislature.

57. As stated in paragraph 12, there were no submissions received. Nevertheless, the negative responses in the stakeholder engagement identified concerns that gaming machines are overpopulated in the Darwin CBD, impact vulnerable persons, and do not enhance a dining venue. These responses are generally

² [DTH Annual Report 2024-2025](#)

accepted; however, I am satisfied the Applicant has in place policies and procedures that will have the effect of minimising the harms associated with the use of gaming machines in the new premises.

58. The Act specifically allows for an applicant to apply to substitute a gaming machine licence from one area to another. The question for the Director in terms of this application is whether the Applicant satisfies the statutory criteria provided for in paragraph 8.
59. In assessing the statutory criteria, there is nothing before the Director specific to the Applicant or the proposed premises that indicates that the application for substitution should not be approved.
60. It is important to note that the overall gaming machines allowed to operate in the NT (currently 1,659) are not affected by approval of this application.

REVIEW OF DECISION

61. Section 166C of the Act provides that a decision of the Delegate of the Director of Gaming Machines (Delegate) is reviewable by the Director of Gaming Machines (Director). A decision made under section 42H of the Act for a substitution is therefore a reviewable decision.
62. Section 166C(2) provides that an affected person may apply to the Director for a review of a Delegate's decision within 28 days after the written notice (decision) has been given to the affected person.
63. For the purpose of this decision, the affected persons are Bluehole Steakhouse Pty Ltd.



Ian Ford
Delegate of the Director of Gaming Machines