

NSW Independent Liquor & Gaming Authority

Our ref: DF24/028319

Mr Michael McCluskey

Pigott Stinson

4 June 2025

Dear Mr McCluskey,

Application No.	1-9183276482
Applicant	YASS BOWLING CLUB LTD
Application for	Gaming Machine Threshold increase with a Class 1 Local Impact Assessment
Application date	14 August 2024
Decision date	20 November 2024
Licence name	Yass Bowling Club Limited
Trading hours	UNRESTRICTED (with occasional extended trading condition)
Shutdown hours	Monday to Sunday 4:00 AM – 10:00 AM
Premises	6 Adele Street Yass NSW 2582
Legislation	Sections 3, 34, 35 and 36 of the <i>Gaming Machines Act 2001</i> Clauses 33, 34, 35, 37 and 39 of the <i>Gaming Machines Regulation 2019</i> Section 53 of the <i>Liquor Act 2007</i>

Decision of the Independent Liquor & Gaming Authority Application for a Gaming Machine Threshold Increase and Class 1 Local Impact Assessment – Yass Bowling Club Limited

We **approve** the application for a Gaming Machine Threshold (**GMT**) increase under section 34(4) of the *Gaming Machines Act 2001* (the **Act**) and the class 1 Local Impact Assessment (**LIA**) under section 36(3) of the Act.

Impact of *ILGA v Whitebull & Ors [2023] NSWCA 224*

The court in *ILGA v Whitebull & Ors [2023] NSWCA 224* (the **Whitebull decision**) confirmed that the Independent Liquor & Gaming Authority (the **Authority**) may take into account harm minimisation considerations when making a decision under section 34 of the Act.

It also confirmed the Authority's power to impose conditions in relation to the operation of gaming machines under section 53 of the *Liquor Act 2007* (the **Liquor Act**).

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The principles in the *Whitebull* decision underpin the Authority's decision-making under section 34 of the Act.

Statement of reasons

We are satisfied that:

- the GMT increase application and LIA comply with the requirements of Part 4 Division 1 of the Act and Part 3 Division 3 of the *Gaming Machines Regulation 2019* (the **Regulation**);
- the LIA has demonstrated that gambling activities in the relevant venue are likely to be conducted in a responsible manner;
- the proposed increase in the gaming machine threshold for the relevant venue will provide a positive contribution towards the local community where the venue is situated;
- the LIA has adequately addressed any community concerns arising out of the consultation process under the regulation; and
- it is otherwise appropriate that the LIA be approved.

Our main findings

The local community for the purposes of this decision is Yass. The broader community is the Local Government Area (**LGA**) of Yass Valley.

The venue has proposed to make a financial contribution of \$41,632.88 to the Responsible Gambling Fund over the next five years in five equal instalments of \$8,326.58, commencing within 28 days of the approval and then annually thereafter.

Factors which may suggest that the grant of the application may increase the harm associated with the misuse and abuse of gambling activities or fail to facilitate the balanced development, in the public interest, of the gaming industry include:

- the increase of the venue's gaming machine threshold by 2. This is a 20% increase in the current threshold;
- the venue is in a Band 2 (medium risk) Statistical Areas 2 (**SA2**);
- the gaming intensity of the venue, measured by the average profit per gaming machine (\$27,755), is higher than the SA2 average (\$25,383), the LGA average (\$19,823) and other comparable venues (\$20,745);
- the venue is licensed for 28 hours of post-midnight gaming, with 14 of those hours in the higher risk post-2am period;
- the SA2 has some identified location factors including higher levels of single people, people with lower education levels and Aboriginal and Torres Strait Islander people, who are at a higher risk of harm;
- there is a higher rate of gambling participation in the local health district (**LHD**) (56%) compared to the NSW rate (53%); and
- an objection from Southern NSW LHD dated 15 October 2024 was received, recommending no further increase in the number of gaming machines at the venue.

Factors which may partially or fully mitigate against the above include:

- the venue's licence is endorsed with an occasional extended trading condition (**OETC**), limiting liquor trade past 1:30AM to no more than 12 occasions a year;
- the venue's advertised trading hours are until 12.00AM latest on any day of the week;
- the applicant has no objections to a no gaming past 12.00AM condition being imposed on the licence;

- the LHD exhibits a below average rate of problem gambling (0.7%) when compared to the NSW average (1.9%) with the sum of low risk, medium risk and problem gamblers (14.5%) lower than the NSW average (19.5%);
- a submission was received from NSW Police dated 15 October 2024 raising no objection to the application; and
- while the application involves a Class 1 LIA, the applicant has indicated an agreement to purchase gaming machine entitlements (**GMEs**) from Bungendore Bowling Club within the same area. This will result in a GME being forfeited if that future application is approved.

The material we considered

We considered the following material when making our decision:

- the application material — including evidence that stakeholders and the community were notified about the application;
- the liquor licence;
- the local impact assessment;
- conditions proposed by Liquor & Gaming NSW (**L&GNSW**) to be imposed on the liquor licence;
- venue map and images;
- data provided by L&GNSW pertaining to:
 - location factors for the LGA and SA2 where the venue is located
 - gaming profits at the venue; and
 - gaming participation and prevalence in the LHD compared to NSW; and
- stakeholder submissions and the applicant's response to them.

We also considered [Guideline 11](#) Class 1 Local Impact Assessment process guidelines.

This decision will be published in accordance with section 36C of the *Gaming and Liquor Administration Act 2007*.

Opportunity for review

The applicant and anyone who was notified of the application and made a submission, may apply to [NCAT](#) for a review of the decision.

An application for review must be made no later 28 days after the decision is published on the website. There is a fee to lodge the application.

For more information, please contact the NCAT Registry at Level 10 John Maddison Tower, 86-90 Goulburn Street Sydney or visit the NCAT website.

If you have any questions

Please contact Liquor & Gaming NSW at: new.applications@liquorandgaming.nsw.gov.au if you have any questions.

Yours sincerely,



Caroline Lamb

Chairperson

Independent Liquor & Gaming Authority

Schedule 1: Licence conditions to be imposed – Yass Bowling Club Limited

No.	Condition to be imposed	Description
1.	Positive Contribution	The venue is to make a financial contribution of \$41,632.88 to the Responsible Gambling Fund over the next five years in five equal instalments of \$8,326.58, commencing within 28 days of the approval and then annually thereafter.
2.	CCTV	<ol style="list-style-type: none"> 1. The licensee must maintain a closed-circuit television (CCTV) system on the premises in accordance with the following requirements: <ol style="list-style-type: none"> a. the system must record continuously from opening time until one hour after the premises is required to close (or, in the case of a premises that is not required to cease trading, continuously at all times); b. recordings must be in digital format and at a minimum of ten (10) frames per second; c. any recorded image must specify the time and date of the recorded image; d. the system's cameras must cover the following areas: <ol style="list-style-type: none"> i. all entry and exit points on the premises; ii. the footpath immediately adjacent to the premises; and iii. all publicly accessible areas (other than toilets) within the premises. 2. The licensee must also: <ol style="list-style-type: none"> a. keep all recordings made by the CCTV system for at least 30 days; b. ensure that the CCTV system is accessible at all times the system is required to operate pursuant to sub-clause 1(a), by at least one person able to access and fully operate the system, including downloading and producing recordings of CCTV footage; and c. provide any recordings made by the system to a police officer or Liquor and Gaming NSW inspector within 24 hours of any request by the police officer or Liquor and Gaming NSW inspector to provide such recordings.
3.	Late Night Gaming	Gaming machines are to cease operation by 12:00AM midnight.