

# NSW Independent Liquor & Gaming Authority

Our ref: DF25/043955

Mr Harry Harris

Russell Corporate Advisory

26 June 2025

Dear Mr Harris

Application No.	1-9435924954
Applicant	WYONG RUGBY LEAGUE CLUB LTD
Application for	Gaming Machine Threshold Increase with Class 1 Local Impact Assessment
Application date	12 December 2024
Decision date	21 May 2025
Licence name	Cootamundra Golf & Sports Club
Trading hours	<u>Consumption on premises</u> UNRESTRICTED (with occasional extended trading condition) <u>Takeaway sales</u> Monday to Saturday 05:00 AM – 12:00 AM Sunday 10:00 AM – 10:00 PM
Premises	94 Hurley Street Cootamundra NSW 2590
Legislation	Sections 3, 34, 35 and 36 of the <i>Gaming Machines Act 2001</i> Clauses 31, 32, 33, 37 and 40 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 – Cootamundra Golf & Sports Club

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 - with conditions as set out in Schedule 1.

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

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The court in *ILGA v Whitebull & Ors [2023] NSWCA 224* (the **Whitebull decision**) confirmed that 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**).

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 GMT 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
- it is otherwise appropriate that the LIA be approved.

## Our main findings

The local community for the purposes of this decision is Cootamundra Statistical Areas Level 2 (**SA2**). The broader community is the Local Government Area (**LGA**) of Cootamundra-Gundagai Regional.

The importance of the Club's survival to the social fabric of the community and strong support from the Police, Council and community were considered as factors in favour of approval.

The venue has proposed to make a financial contribution of **\$158,678.76** to the Responsible Gambling Fund over the next five years in five equal instalments of **\$31,735.75**, commencing within 28 days of the approval and then annually thereafter.

After two years from grant of this application the applicant's total contribution will be recalculated as 15% of the average annual profit per gaming machine operated by the venue, multiplied by the GMT increase granted, multiplied by five, LESS any payments made in years 1 and 2, with any remaining balance then to be paid annually, in equal instalments over the remaining 3 years.

It is the applicant's responsibility to request such a recalculation and to provide Liquor & Gaming NSW with the appropriate information to recalculate the contribution within 30 months from the grant of the application.

The proposal to impose LIA contribution at variance from the standard formula was **not accepted**.

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 large increase of the venue's GMT from 12 to 32
- the venue's location in a Band 2 (higher risk) SA2
- 28 hours of potential post-midnight gaming, with 14 hours of these during the highest risk post 2AM period

- the SA2 has some identified location factors including high levels of both people with lower levels of education and Aboriginal and/or Torres Strait Islander People, who are at an increased risk of harm
- there is a higher rate of gambling participation in the local health district (**LHD**) (66.3%) compared to the NSW rate (53.5%) and specifically, the high rate of participation on gaming machines in the **LHD** (23.3%) compared to the NSW rate (14.3%)
- Socio-Economic Indexes for Areas (**SEIFA**) data indicating a below average level of socio-economic advantage and disadvantage in the suburb compared to other communities in NSW.

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

- the **LHD** exhibits a below average rate of combined moderate and high-risk gambling prevalence (2.4%) compared to the NSW rate (4%), which may indicate a lower number of individuals who are participating in gambling.
- the gaming intensity of the venue, measured by the average profit per gaming machine (\$10,578), is lower than the SA2 average (\$23,848), the LGA average (\$29,449) and other comparable venues (\$21,578)
- the venue's licence is endorsed with an occasional extended trading condition (**OETC**), limiting liquor trade past 12:00AM to no more than 12 occasions a year, indicating that the licensed trading hours, late night gaming is unlikely to be a significant risk factor
- sourcing the additional machines from a Band 2 or 3 areas would further mitigate the overall impact of the increase
- the Club's GPOM was further noted as well above standard regarding harm minimisation considerations, for example the use of technology to monitor time in play.
- strong support from the applicant club and the local community suggests a positive culture of harm minimisation at the venue

### **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 local impact assessment
- the gaming plan of management
- conditions proposed by Liquor & Gaming NSW (**L&GNSW**) to be imposed on the liquor licence
- venue map and images
- venue compliance history
- data provided by L&GNSW pertaining to:
  - location factors for the LGA and SA2 where the venue is located
  - gaming profits at the venue
  - gaming participation and prevalence in the local health district (**LHD**) compared to NSW
- L&GNSW compliance materials
- 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](mailto: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 - Cootamundra Golf & Sports Club

No.	Condition to be imposed	Description
1.	Late night gaming	Gaming machines are to cease operation by 2:00AM.
2.	Community contribution	<p>The venue is to make a financial contribution of \$ 158,678.76 to the Responsible Gambling Fund over the next five years in five equal instalments of \$ 31,735.75 commencing within 28 days of the approval and then annually thereafter.</p> <p>After two years from grant of this application the applicant's total contribution will be recalculated as 15% of the average annual profit per gaming machine operated by the venue, multiplied by the GMT increase granted, multiplied by five, LESS any payments made in years 1 and 2, with any remaining balance then to be paid annually, in equal instalments over the remaining 3 years.</p> <p>It is the applicant's responsibility to request such a recalculation and to provide Liquor &amp; Gaming NSW with the appropriate information to recalculate the contribution within 30 months from the grant of the application.</p>
3.	CCTV	<ol style="list-style-type: none"> <li>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"> <li>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),</li> <li>b. recordings must be in digital format and at a minimum of ten (10) frames per second,</li> <li>c. any recorded image must specify the time and date of the recorded image,</li> <li>d. the system's cameras must cover the following areas: <ol style="list-style-type: none"> <li>i. all entry and exit points on the premises,</li> <li>ii. the footpath immediately adjacent to the premises, and</li> <li>iii. all publicly accessible areas (other than toilets) within the premises.</li> </ol> </li> </ol> </li> <li>2. The licensee must also: <ol style="list-style-type: none"> <li>a. keep all recordings made by the CCTV system for at least 30 days,</li> <li>b. ensure that the CCTV system is accessible at all times the system is required to operate pursuant to 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</li> <li>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.</li> </ol> </li> </ol>
4.	Sourcing	The gaming machine entitlements transferred to the Club as a result of this gaming machine threshold increase must be transferred from clubs located in Band 2 or Band 3 SA2 Areas.