

# NSW Independent Liquor & Gaming Authority

Our ref: DF25/043958

Mr Tim Calvert

JDK Legal

26 June 2025

Dear Mr Calvert

Application No.	1-9362536854 (club licence removal) SR0001395274 (non-restricted area authorisation) 1-9457539792 (gaming machine threshold increase and gaming machine entitlement transfer)
Applicant	Tamworth Aero Club Limited
Application for	Club licence removal, non-restricted area authorisation, gaming machine threshold increase and gaming machine entitlement transfer
Application date	31 January 2025 (club licence removal) 10 April 2025 (non-restricted area authorisation)
Decision date	21 May 2025
Licence name	Tamworth Aero Club Limited (Tamworth Airport)
Licence number	LIQC300200825
Trading hours	<u>Consumption on premises</u> UNRESTRICTED (with occasional extended trading condition) <u>Take away sales</u> Monday to Saturday 05:00 AM – 12:00 AM Sunday 10:00 AM – 10:00 PM
Gaming machine shutdown	Monday to Sunday 04:00 AM – 10:00 AM
Current premises	New Winton Road Tamworth NSW 2340
Proposed premises	2-26 Basil Brown Drive Westdale NSW 2340
Legislation	Sections 3, 18, 19, 20, 40, 45, 48, 53, 59A and 66 of the <i>Liquor Act 2007</i> Sections 10 and 22 of the <i>Registered Clubs Act 1976</i> Sections 19, 34, 35 and 37 of the <i>Gaming Machines Act 2001</i>

## Decision of the Independent Liquor & Gaming Authority

### Applications for a club licence removal, non-restricted area authorisation, gaming machine threshold increase and gaming machine entitlement transfer – Tamworth Aero Club Limited (Tamworth Airport)

We **approve** the applications above under section 59 of the *Liquor Act 2007*, section 22 of the *Registered Clubs Act 1976*, and sections 19 and 34 of the *Gaming Machines Act 2001* – with the conditions set out in Schedule 1. A revoked condition is set out in Schedule 2.

### Statement of reasons

We are satisfied that the overall impact of approving the applications will not be detrimental to the well-being of the local or broader community.

### Our main findings

The local community for the purposes of this decision is the suburb of Westdale and the Statistical Areas Level 2 (**SA2**) of Tamworth-West. The broader community is the Local Government Area (**LGA**) of Tamworth Regional.

#### *Positive social impacts*

The applicant seeks to move the venue to nearby premises within the Tamworth Regional Airport Precinct. The Club's clientele is predominantly students at the Sydney Flight College Tamworth. The Club will continue to have unrestricted trading hours although it is subject to an occasional extended trading condition (**OETC**) which limits post-midnight trading to no more than 12 occasions per year.

No gaming has been conducted at the Club since 2019 and the Club does not intend to re-introduce gaming, with the proposed gaming machine threshold (**GMT**) increase from 0 to 3 being designed to preserve the value of the Club's asset.

We are satisfied that the proposal would provide increased convenience and choice while not being detrimental to the local and broader communities.

#### *Negative social impacts*

We accept that the proposal could contribute to an increase in alcohol-related and gaming-related harm in the local and broader communities because of the:

- Increase, by 675m<sup>2</sup>, in the size of the premises
- crime rates across all categories we considered being higher in the LGA than in NSW
- Aboriginal and Torres Strait Islander population in the suburb and LGA being higher than the NSW average, which has been identified in research as a probable risk factor
- alcohol-attributable deaths in the LGA being higher than in NSW although alcohol-attributed hospitalisations are lower in the LGA than in NSW
- venue being located in a Band 3 SA2
- notwithstanding the lack of gaming currently, SA2 showing higher than NSW average levels of levels of young people, single people, people with lower levels of education, Aboriginal and/or Torres Strait Islander people and level of socio-economic

disadvantage, all factors associated with increased vulnerability to gaming related harm in the event that gaming were to revive.

However, the Club is not proposing general public access and therefore these factors would be less relevant to the assessment of risk. We are also satisfied that these risk factors, if relevant, are reduced by the:

- venue not being located in any crime hotspots across all categories we considered
- crime rates across all categories we considered being lower in the suburb than in NSW
- saturation rate of club licences in the suburb and LGA remaining unchanged
- trading hours remaining unchanged
- Socio-Economic Indexes for Areas (**SEIFA**) data indicating an average level of socio-economic advantage and disadvantage in the LGA compared to other communities in NSW although SEIFA data for the suburb indicates a below average level of socio-economic advantage and disadvantage in the suburb and SA2 compared to other communities in NSW. This suggests it may be unsafe to extrapolate higher rates of socio-demographic disadvantage to the broader community
- venue not currently operating gaming machines (despite retaining gaming machine entitlements) since 2019, with the applicant indicating that there are no current plans to operate these after the removal
- number of local gaming machine entitlements remaining unchanged
- harm-minimisation measures outlined in the plan of management and licence conditions, as set out in Schedule 1, including a late-night gaming condition which prohibits the Club from operating gaming machines after midnight in the event the Club wished to revive gaming.

### **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
- a Statement of Risks and Potential Effects
- the plan of the licensed premises and any authorisations
- a liquor plan of management for the licensed business
- a gaming plan of management for the licensed business
- a club constitution for the licensed business
- a development consent for the premises
- statistics from Liquor & Gaming NSW, Bureau of Crime Statistics and Research, NSW Health and Australian Bureau of Statistics on the socio-economic status, liquor licence density, alcohol-related crimes rates and health issues in the local and broader communities
- stakeholder submissions and the applicant's response to them
- L&GNSW compliance materials.

We also considered [Guideline 6](#) to assess the likely social impact to the local and broader community.

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

A handwritten signature in cursive script, appearing to read 'Caroline Lamb'.

Caroline Lamb

**Chairperson**

**Independent Liquor & Gaming Authority**

## Schedule 1: Licence conditions to be imposed - Tamworth Aero Club Limited (Tamworth Airport)

	Condition to be imposed	Description
1.	Non-Restricted Area Authorisation	Non-Restricted Area Authorisation: Whole of the licensed premises excluding the bar areas.
2.	Consumption on premises	<b>Good Friday:</b> Normal trading <b>Christmas Day:</b> Normal trading <b>December 31<sup>st</sup>:</b> Normal opening time until normal closing time or 2:00 AM on New Year's Day, whichever is the later
3.	Take away sales	<b>Good Friday:</b> Not permitted <b>December 24<sup>th</sup>:</b> Normal trading Monday to Saturday, 10:00 AM to 12:00 midnight on Sunday <b>Christmas Day:</b> Not permitted <b>December 31<sup>st</sup>:</b> Normal trading Monday to Saturday, 10:00 AM to 12:00 midnight on Sunday
4.	Liquor plan of management	The premises is to be operated at all times in accordance with the Plan of Management dated <b>12 February 2025</b> as may be varied from time to time after consultation with NSW Police. A copy of the Plan of Management is to be kept on the premises, and made available for inspection on the request of a police officer, council officer, Liquor and Gaming NSW inspector, or any other person authorised by the Independent Liquor and Gaming Authority.
5.	Overall impact	The business authorised by this licence must not operate with a greater level of overall impact on the well-being of the local and broader community than what could reasonably be expected from the information contained in the application and other information submitted in the process of removing this licence to the premises at <b>2-26 Basil Brown Drive, WESTDALE NSW 2340.</b>
6.	Liquor accord	The licensee or its representative must join and be an active participant in the local liquor accord.
7.	CCTV	<ol style="list-style-type: none"> <li>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>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>recordings must be in digital format and at a minimum of <i>ten (10)</i> frames per second,</li> <li>any recorded image must specify the time and date of the recorded image,</li> <li>the system's cameras must cover the following areas: <ol style="list-style-type: none"> <li>all entry and exit points on the premises,</li> <li>the footpath immediately adjacent to the premises, and</li> <li>all publicly accessible areas (other than toilets) within the premises.</li> </ol> </li> </ol> </li> </ol>

	Condition to be imposed	Description
		<p>2. The licensee must also:</p> <ul 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> </ul>
8.	Complaints register	<ul style="list-style-type: none"> <li>1. A complaints register is to be maintained at the premises at all times which records the following: <ul style="list-style-type: none"> <li>a. the name and number of the complainant</li> <li>b. the time and date on which the complaint was received</li> <li>c. the nature of the complaint, and</li> <li>d. the measures taken to resolve the complaint.</li> </ul> </li> <li>2. Details of complaints received, either in person or over the phone, must be: <ul style="list-style-type: none"> <li>a. recorded in the complaints register, and</li> <li>b. reported to the duty manager.</li> </ul> </li> <li>3. A mobile or dedicated contact number for the duty manager is to be published on the club's Facebook page, and on a sign to be posted at the premises entrance. If requested, the duty manager's contact details must be provided to complainants. A messaging service must be in place if the dedicated contact number is unattended.</li> </ul>
9.	Late night gaming	Gaming machines are to cease operation by 12:00 AM

## Schedule 2: Licence conditions to be revoked - Tamworth Aero Club Limited (Tamworth Airport)

Condition to be revoked	Description
Condition 290 (to be replaced by condition 1 above)	Non-restricted area authorisation: Amenities, Lounge, BBQ Area, Kitchen & Office Areas.