

NSW Independent Liquor & Gaming Authority

Our ref: DF25/046360

Mr Michael Anderson

Elite Legal Advisory

25 July 2025

Dear Mr Anderson

Application No.	1-9435927592 and 1-9440958212
Applicant	TORONTO RSL MEMORIAL CLUB LTD
Application for	Gaming machine threshold increase and gaming machine entitlement transfer with Class 1 Local Impact Assessment
Application date	11 March 2025
Decision date	18 June 2025
Licence name	Toronto RSL Memorial Club Limited
Licence number	LIQC300241181
Trading hours	UNRESTRICTED (with occasional extended trading condition)
Premises	41 The Boulevard Toronto NSW 2283
Legislation	Sections 3, 34, 35, 36 and 37B 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 – Toronto RSL Memorial 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 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 GM Act.

Statement of reasons

We are satisfied that:

- the GMT increase application and LIA complies 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 is likely to 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.

Our main findings

The local community for the purposes of this decision is the SA2 of Toronto - Awaba. The broader community is the Local Government Area (**LGA**) of Lake Macquarie.

The venue has proposed to make a financial contribution of **\$1,008,675.00** to the Responsible Gambling Fund over the next five years in five equal instalments of **\$201,735.00**, 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:

- increase to the venue's gaming machine threshold – the applicant seeks to increase the venue's gaming machine threshold by 20 (from 85 to 105), a 24% increase
- banding – the venue is in a Band 2 SA2
- gaming intensity – the average profit per gaming machine (\$67,245) is higher than the SA2 (\$48,464), LGA (\$34,717) and comparable venues (\$54,603) in NSW
- post-midnight gaming – the venue has 21 hours of post-midnight gaming per week, with 7 of those in the higher risk post-2AM period (up to 12 times per year only)
- location factors – the SA2 has some location factors including higher rates of people with lower levels of education and Aboriginal and/or Torres Strait Islander People
- gambling participation – the gambling participation rate for pokies/gaming machines in the local health district (18.7%) is above the NSW rate (16%).

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

- forfeiture of gaming machine entitlement (GME) – six (6) GMEs will be permanently forfeited (from a Band 2 SA2) as a result of the approved application
- gambling prevalence – the rate of moderate and high-risk gambling in the local health district (3.9%) aligns with the NSW rate (4.0%)

- occasional Extended Trading Condition (OETC) - the licence is endorsed with an OETC condition
- the applicant has agreed to a condition that gaming machines cease operation at 2AM
- harm minimisation measures as outlined in the gaming plan of management and appropriate licence conditions have been imposed as set out in Schedule 1
- based on advertised trading hours, the applicant does not trade past 12AM on any day of the week.

The material we considered

We considered the following material when making our decision:

- the legislation
- 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 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 - Toronto RSL Memorial Club Limited

No.	Condition to be imposed	Description
1.	Positive Contribution	The venue is to make a financial contribution of \$1,008,675.00 to the Responsible Gambling Fund over the next five years in five equal instalments of \$201,735.00, commencing within 28 days of the approval and then annually thereafter.
2.	CCTV	1) The licensee must maintain a closed-circuit television (CCTV) system on the premises in accordance with the following requirements: 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: 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: 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 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. (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 2:00 AM.