

NSW Independent Liquor & Gaming Authority

Our ref: DF26/044802

Mr Andrew Wennerbom
Pigott Stinson Lawyers

16 September 2026

Dear Mr Wennerbom

Application No.	1-9844632213
Licence name	Narooma Hotel
Licence number	LIQH400116071
Licensee	Victoria Tapp
Application date	28 May 2026
Decision date	19 August 2026
Trading hours	Monday to Saturday 5:00 AM – 1:00 AM Sunday 10:00 AM – 10:00 PM
Gaming machine shutdown hours	Monday to Sunday 4:00 AM – 10:00 AM
Premises	Princes Highway Narooma NSW 2546
Legislation	Sections 3, 34, 35 and 36 of the <i>Gaming Machines Act 2001</i> Sections 3 and 47B 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

We **approve** the application for a Gaming Machine Threshold (**GMT**) increase under section 34(4) of the *Gaming Machines Act 2001* (the **Gaming Machines Act**).

We **approve** the Class 1 Local Impact Assessment (**LIA**) under section 36(3) of the Gaming Machine Act.

We **impose** conditions on the liquor licence under section 47B of the *Liquor Act 2007* (the **Liquor Act**) as set out in Schedule 1.

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 Gaming Machines Act.

It also confirmed the Authority's power to impose conditions in relation to the operation of gaming machines under the former section 53 (now section 47B) of the Liquor Act.

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

Statement of reasons

Having considered your application and the relevant material, and with reference to the objects of the Gaming Machines Act, we are satisfied that it is appropriate to approve your GMT increase application and Class 1 LIA.

We also decided to impose conditions on your liquor licence to minimise the risk of harm, having regard to the circumstances of the venue and the objects of the Liquor Act.

Background

The applicant sought to increase the GMT of the Narooma Hotel (the **Hotel**) by 4 (from 12 to 16), supported with a Class 1 LIA. If approved, the Hotel proposed to make a financial contribution of **\$174,264** to the Responsible Gambling Fund (**RGF**) over the next five years.

Our main findings and reasons

The Hotel is in the Statistical Area Level 2 (**SA2**) of Narooma – Bermagui, which is classified as a Band 2 (higher risk) area. The broader community is the local government area (**LGA**) of Eurobodalla. The demographic data for these locations help the Authority to assess the risk of gaming related harm which may be associated with increased availability of gaming in the area.

We considered that the requirements under the Gaming Machines Act and Gaming Machine Regulations 2019 (the **Regulations**) are satisfied, including 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 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
- approving the GMT increase application and Class 1 LIA is consistent with the objects of the Gaming Machines Act and
- It is otherwise appropriate for the application to be approved

In assessing the application, we considered several factors that may increase the risk of gambling harm. These included that the Hotel is in a Band 2 (high risk) SA2 and offers six hours of post-midnight gaming. The SA2 has higher rates of Aboriginal and Torres Strait Islander people and people with lower education levels, which are groups at risk of gaming harm. We noted that the average profit per gaming machine at the venue is higher than the LGA average. Further, the percentage of moderate and high-risk gamblers, and gaming machine participation is higher in the local health district (**LHD**) compared to the NSW average.

We also had regard to a number of factors that weighed in favour of approving the application and which we considered mitigated some of the risks identified above. These included the relatively low gaming intensity and that the average profit per gaming machine is lower than the SA2 average and comparable venues. We had regard to the Hotel's harm minimisation measures and Gaming Plan of Management, and that the applicant agreed to conditions prohibiting gaming after midnight and requiring a Responsible Gambling Officer when more than 15 gaming machines are in operation. We also considered that the applicant's contribution to the RGF would assist with funding local responsible gambling initiatives.

We determined that imposing the conditions as set out in Schedule 1 would reduce the potential for harm in light of the identified risks.

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 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.

What happens next

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 imposed - Narooma Hotel

No.	Condition	Description
1.	Financial community contribution	The venue is to make a financial contribution of \$174,264 to the Responsible Gambling Fund over the next five years in five equal instalments of \$34,853, commencing within 28 days of the approval and then annually thereafter.
2.	GME Sourcing	The gaming machine entitlements transferred to the venue as a result of this gaming machine threshold increase must be transferred from venues in Band 2 or Band 3 SA2 areas.
3.	Closed-circuit television system	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. 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.
4.	Late-night gaming	Gaming machines are to cease operation by 12:00 AM.