

NSW Independent Liquor & Gaming Authority

Our ref: DF26/009890

Mr Michael McCluskey
Pigott Stinson

16 April 2026

Dear Mr McCluskey

Application No.	1-9669322072
Applicant	The Cootamundra Ex-Servicemens and Citizens Memorial Club Ltd
Application for	Gaming Machine Threshold Increase with Class 1 Local Impact Assessment
Application date	19 December 2025
Decision date	18 March 2026
Licence name	Cootamundra Ex-Servicemens & Citizens Memorial Club Limited
Licence No.	LIQC300236811
Trading hours	Monday to Sunday 5:00 AM – 5:00 AM
Gaming machine shutdown hours	Monday to Sunday 4:00 AM – 10:00 AM
Premises	Wallendoon Street Cootamundra NSW 2590
Legislation	Sections 3, 34, 35, 36 and 37B of the <i>Gaming Machines Act 2001</i> Clauses 35, 37, 38 and 57 of the <i>Gaming Machines Regulation 2019</i> Section 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 – Cootamundra Ex-Servicemens & Citizens 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 – with the conditions 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 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 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
- 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 applicant sought a significant GMT increase of 10 (from 42 to 52) for the Cootamundra Ex-Servicemen's & Citizens Memorial Club. The application is accompanied by a Class 1 LIA.

The venue has proposed to make a financial contribution of \$434,823.38 to the Responsible Gambling Fund (**RGF**) over the next five years in five equal instalments of \$86,964.68, 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 venue seeks to increase its GMT by 10, around 23.8% of the current threshold
- the venue is in a Band 2 SA2
- the gaming intensity statistics indicate that the average profit per gaming machine at the venue is higher than comparable venues, as well as the SA2 and LGA averages
- the venue has unrestricted trading, although limited by the gaming machine shutdown hours of 4am to 10am
- the SA2 has a higher than NSW average rate of people with lower levels of education and Aboriginal and Torres Strait Islander people, which are groups known to be at higher risk of gambling related harm

- the gambling participation rate in the Local Health District (**LHD**) is above the corresponding statewide rate for NSW.

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

- the venue will be contributing to the RGF
- the gambling prevalence of moderate and high-risk gamblers in the LHD is lower than the corresponding statewide average for NSW
- the harm-minimisation measures outlined in the plan of management and licence conditions, as set out in Schedule 1.

The risk associated with the increase in gaming availability in the suburb as a result of our approval is further mitigated by imposition of conditions which requires gaming machines to cease operation from midnight.

In addition, the risks associated with the movement of GMEs from relatively lower risk SA2s to SA2s more likely to experience gambling harm is mitigated by the imposition of a condition that requires gaming machine entitlement to fill the increased Gaming Machine Threshold to be sourced from Band 2 or Band 3 SA2s.

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 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 and [Guideline 16](#) to assess late-night gaming applications.

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 than 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 - Cootamundra Ex-Servicemens & Citizens Memorial Club Limited

No.	Condition to be imposed	Description
1.	Financial contribution to the community	The venue is to make a financial contribution of \$434,823.38 to the Responsible Gambling Fund over the next five years in five equal instalments of \$86,964.68, commencing within 28 days of the approval and then annually thereafter.
2.	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.
3.	Sourcing Condition	The gaming machine entitlements transferred to the Club as a result of this gaming machine threshold increase must be transferred from clubs in Band 2 or Band 3 SA2 areas.
4.	Late night gaming	Gaming machines are to cease operation by 12:00 am.