

NSW Independent Liquor & Gaming Authority

Our ref: DF26/031972

Mr Glenn Cook

Glen Cook P/L

9 July 2026

Dear Mr Cook

Application No.	1-9763534064
Applicant	Macquarie Club (Dubbo) Ltd
Application for	Gaming Machine Threshold Increase with Class 1 Local Impact Assessment
Application date	30 March 2026
Decision date	17 June 2026
Licence name	Macquarie Sports Club (Dubbo) Ltd
Licence No.	LIQC300237141
Trading hours	<u>Monday to Sunday 05:00 AM – 05:00 AM (unrestricted)</u>
Gaming machine shutdown hours	<u>Monday to Sunday 04:00 AM – 10:00 AM</u>
Premises	313 Macquarie Street Dubbo NSW 2830
Legislation	Sections 3, 34, 35 and 36 of the <i>Gaming Machines Act 2001</i>

Decision of the Independent Liquor & Gaming Authority Application for a Gaming Machine Threshold Increase with Class 1 Local Impact Assessment – Macquarie Sports Club (Dubbo) Ltd

We **refuse** 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.

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

Statement of reasons

We are not 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 proposed increase in the GMT for the venue will provide a positive contribution towards the local or broader community where the venue is situated
- the LIA has adequately addressed community concerns arising out of the consultation process under the Regulation.

Our main findings

The local community for the purposes of this decision is Dubbo – South, Statistical Areas Level 2 (**SA2**). The broader community is the Local Government Area (**LGA**) of Dubbo Regional Council.

The applicant sought approval to increase its GMT by 6 (from 25 to 31) under a Class 1 LIA. The proposal was presented as a measured response to population growth in South Dubbo, aimed at supporting financial sustainability rather than expansion. We refused an application in July 2024 to increase the GMT from 21 to 31 GMEs, and in April 2025 we approved an increase in the GMT of 4 from 21 to 25.

Our key concerns underpinning our 2024 refusal remain largely unchanged, including above-average gambling participation and prevalence, low socio-economic indicators, and an increasing reliance on gaming revenue. While we acknowledge the absence of late-night gaming and the presence of some harm minimisation measures, we were not satisfied that these were sufficient to offset the risks.

We considered the factors below which may mitigate against an increase in gaming harm or facilitate the balanced development, in the public interest, of the gaming industry, including:

- the average profit per gaming machine at the venue is lower than in the SA2 and LGA
- the venue currently has no post-midnight gaming due to the imposition of a late-night gaming condition

Notwithstanding the mitigating factors, we found that approval of the application might increase gambling harm and fail to facilitate the balanced development of the gaming industry, in the public interest, because:

- the venue seeks to increase its GMT by 6, representing an approximately 24% increase on the current threshold
- the venue is in a Band 2 SA2
- the average profit per gaming machine at the venue is higher than that of comparable venues, indicating high gaming intensity
- the venue has unrestricted trading with an occasional extended trading condition

- the SA2 has a higher than NSW average rate of single people, Aboriginal and Torres Strait Islander (**ATSI**) people and people with lower levels of education, which are groups known to be at higher risk of gambling related harm
- the prevalence of moderate and high-risk gamblers in the Local Health District (**LHD**) is higher than the rate for NSW
- the gambling participation rate in the LHD is above the rate for NSW.

We also gave significant weight to a submission from Lifeline Central West (**Lifeline**), which raised concerns regarding gambling harm and provided detailed recommendations aimed at better supporting members of the Dubbo community affected by gambling harm.

We had regard to the applicant's submission in response which expressed a willingness to work with Lifeline and related services, however, they declined to share incident register data due to privacy obligations. In our view, the applicant's response to the measures recommended by Lifeline did not reflect a genuine appreciation of the issues raised in their submission, particularly the recommendation to provide de-identified data which we considered could have been achieved.

We were not satisfied that there had been a material change in circumstances since our decision in 2024 or that approval of the application would be consistent with the objects of the Act. Accordingly, we determined to refuse the application.

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 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



Caroline Lamb

Chairperson

Independent Liquor & Gaming Authority