



Andrew Wennerbom

AMW Lawyers

By email to: awennerbom@amwlawyers.com.au

19 December 2023

Dear Mr Wennerbom

Application No.	1-8808281033, 1-8808281014
Applicant	Lorenzo Pastrello
Application for	Gaming machine threshold increase and gaming machine entitlement lease
Licence name	Eagle Hawk Hotel
Licence number	LIQH424000926
Trading hours	Monday to Saturday 5:00 AM – 3:00 AM Sunday 10:00 AM – 10:00 PM
Shutdown hours	Monday to Sunday 4:00 AM – 10:00 AM
Premises	RMB 1542 Federal Hwy Sutton NSW 2620
Legislation	Sections 3, 24, 25 and 34 of the <i>Gaming Machines Act 2001</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 gaming
machine entitlement lease – Eagle Hawk Hotel**

We were to consider your application at our meeting on 20 September 2023, however we deferred our decision in view of the Supreme Court decision in *Whitebull HTL Pty Ltd & Ors v Independent Liquor and Gaming Authority [2023] NSWSC 588* and the subsequent appeal. Following the decision of the Court of Appeal on 20 September 2023 we considered the application on 27 September 2023 and decided to **refuse** the application under section 34 of the *Gaming Machines Act 2001*.

Statement of reasons

Overall, we are concerned that approving the application is likely to be detrimental to the well-being of the local or broader community.

We are concerned with the high intensity of gaming activity and long trading hours at the venue. We are concerned with the venue's cross-border proximity and isolated location that is not in proximity to any town or settlement. We considered the Gaming Plan of Management to provide inadequate protections to the community and that it would be difficult to adequately mitigate risks of potential harm in the community even if conditions were imposed.

Our findings

Community impact

Local and broader communities

The relevant 'local community' is the community in the suburb of Sutton and the relevant 'broader community' comprises the Local Government Area of Queanbeyan-Palerang Regional.

Office of Responsible Gambling identified risk factors

The Office of Responsible Gambling (ORG) has identified a number of problem gaming risk indicators for local areas and recommend proceeding with caution in cases where these exceed NSW average figures. The following risk indicators have been identified for the Queanbeyan-Palerang Regional LGA:

- the proportion of the total population aged 15 years and over who have completed Year 12 or equivalent or higher is below the NSW average
- the proportion of lone person households is above the NSW average

Findings of concern

We are concerned that if the application were granted it is likely to 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 due to:

- post-midnight trading – the venue is licensed to trade up to 18 hours post-midnight per week, six of these during the higher risk post-2:00AM period
- the gaming intensity at the venue is above the NSW average
- the venue is located in an area exhibiting two of six ORG identified problem gaming risk factors
- the venue's cross-border proximity and isolated location that is not in proximity to any town or settlement

The risks may be mitigated by the:

- the venue being located in a Band 1 SA2 low risk area
- the below average problem gambling rates in the Southern NSW Local Health District compared to NSW rates

However, on balance, we are concerned that the potential for harm from approving the application outweighs any benefit to the local or broader community and accordingly, approval of the application is not in the public interest.

The material we considered

We considered all the material we received about the application, including:

Application Material


- completed application dated 9 June 2023
- Liquor Licence Documents dated 14 June 2023
- Gaming plan of management (GPOM) documents for the premises, titled Eaglehawk Hotel Gaming Plan of Management and dated November 2022
- Applicant response to assessment and submissions dated 14 June 2023.

This decision will be published on the [Liquor & Gaming NSW website](#).

If you have any questions

Please contact the case manager, Charles Rivers, at Charles.Rivers@liquorandgaming.nsw.gov.au if you have any questions.

Yours sincerely

A handwritten signature in blue ink that reads "Caroline Lamb". The signature is written in a cursive style with a large initial 'C'.

Caroline Lamb

Chairperson

For and on behalf of the **Independent Liquor & Gaming Authority**