

# NSW Independent Liquor & Gaming Authority

Our ref: DF24/140012

Mr Grant Cusack  
Hatzis Cusack Lawyers

26 June 2024

Dear Mr Cusack

Application No.	1-9022757922
Applicant	BLAIRGROVE PTY. LIMITED
Application for	Gaming machine threshold (GMT) increase with class 1 Local Impact Assessment (LIA)
Decision date	15 May 2024
Licence name	The Grand Shanghai Hotel
Licence number	LIQH440019012
Trading hours	Monday to Saturday 09:00 AM – 12:00 midnight Sunday 10:00 AM – 10:00 PM
Premises	21-23 Belmore Street Burwood NSW
Legislation	Sections 3, 34, 35, 36 and 37 of the <i>Gaming Machines Act 2001</i> Clauses 33 and 40 of the <i>Gaming Machines Regulation 2019</i>

## Decision of the Independent Liquor & Gaming Authority Application for a GMT increase with class 1 LIA – The Grand Shanghai Hotel

We **refuse** the Local Impact Assessment (LIA) under section 36 of the *Gaming Machines Act 2001* (the Act) and **refuse** the application for a gaming machine threshold increase under section 34 of the Act.

### Statement of reasons

In 2022, we informed you that we require 12 months of trading data to consider whether we are satisfied that the venue is being conducted appropriately and that the harm minimisation measures adopted by the venue are adequate to address the risk factors. At the time of considering the present application, the venue had not accumulated 12 months'

of trading data. As such, the requirements under the Act and *Gaming Machines Regulation 2019* (the Regulation) have not been met.

### **Our main findings**

In 2022, we considered a LIA and threshold increase application for the venue. We wrote to you on 2 May 2022 in relation to that application stating that we could not be satisfied of the requirements in section 36(3) of the Act, which include that the threshold increase would provide a positive contribution to the local community, unless the venue had actively traded for 12 months. We stated that, without such a period of trade, we could not be satisfied of the effectiveness of the proposed gambling harm minimisation measures. In response to our letter, you agreed to withdraw the application and reapply after at least 12 months of active trading.

In relation to the present application lodged in October 2023, the requested 12 months of trading history has not been provided as the venue only commenced trading on 11 April 2024. This material was required to be provided in the LIA under clause 33(e) of the Regulation. As it has not been provided, the LIA does not comply with section 36(3)(a) of the Act, and therefore, we are unable to approve the LIA. As we have not approved the LIA, we are unable to approve the threshold increase due to section 36(1) of the Act.

Further, under clause 40(1)(b) of the Regulation, we must determine Class 1 LIA applications within 150 days. Clause 40(3) allows discretion to extend this by ‘...any period allowed by the Authority for the provision of additional information by the applicant’. On 10 April 2023, we determined to not extend the timeframe to provide the requested information and therefore we must determine the application based on the information provided to date to meet the requirements of clause 40(1)(b) of the Regulation.

As the relevant requirements of the Act and Regulation have not been met, we refuse the LIA and threshold increase.

### **The material we considered**

We considered the following material when making our decision:

- the application material
- local impact assessment (LIA) dated October 2023
- a gaming plan of management for the licensed business
- stakeholder submissions and the applicant’s response to them.

This decision will be published on the [ILGA website](#) in accordance with section 36C of the *Gaming and Liquor Administration Act 2007*.

### **If you have any questions**

Please contact the case manager, Charles Rivers, at Liquor & Gaming NSW if you have any questions.

Yours sincerely



Caroline Lamb

### **Chairperson**

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