

# NSW Independent Liquor & Gaming Authority

Our ref: DF25/014989

Mr Justin Layden  
Bestnett Gaming

7 March 2025

Dear Mr Layden

Application No.	1-9317420002 and 1-9317420026
Applicant	POTTSVILLE DISTRICT BOWLS & SPORTS CLUB LIMITED
Application for	Gaming machine threshold increase and gaming machine entitlement transfer
Application date	15 November 2024
Decision date	22 January 2025
Licence name	Pottsville District Bowls & Sports Club Limited
Licence number	LIQC300200469
Trading hours	Monday to Sunday 05:00 AM – 05:00 PM
Gaming machine shutdown hours	Monday to Friday 04:00 AM – 10:00 AM Public holidays 04:00 AM – 10:00 AM Saturday and Sunday 06:00 AM – 09:00 AM
Premises	479 Coast Road Pottsville NSW 2489
Legislation	Sections 3, 19, 21, 34 and of the <i>Gaming Machines Act 2001</i>

## Decision of the Independent Liquor & Gaming Authority

### Application for a gaming machine threshold increase and gaming machine entitlement transfer – Pottsville District Bowls & Sports Club Limited

We **refuse** the application above under sections 19 and 34 of the *Gaming Machines Act 2001*.

#### Statement of reasons

We cannot be satisfied that the overall impact of approving the application will not be detrimental to the well-being of the local or broader community.

## **Our main findings**

The local community for the purposes of this decision is SA2 of Pottsville. The broader community is the Local Government Area (LGA) of Tweed.

The application seeks a significant threshold increase within an area characterised by several important risk factors including higher than average levels of gaming intensity, a comparatively large Aboriginal and Torres Strait Islander (ATSI) population and a higher than average percentage of people with lower levels of education.

The profitability of gaming machines at the venue is significantly higher than at comparable venues, suggesting high gaming intensity at the venue, a recognised risk factor for gambling harm. The applicant's most recent Annual Report indicates a profit underpinned by annual poker machine revenue of \$1,977,023 up 7.5% from the previous year. This and the lack of any specific plans for, or costings of, the proposed improvements or community programs caused the Authority to question the stated purpose of the application 'to generate sustainable revenue which will be reinvested in improving facilities, services and community programs' and the consequential benefit to the community.

The Authority noted that the trading hours are currently unrestricted and gaming shutdown hours are reduced. Nevertheless, it appears that the venue currently trades until approximately 11pm. The applicant declined to comment on a proposal to limit gaming to midnight. This suggested that if the application were granted, the potential increase in gaming at the venue could result in very substantial late-night gaming without the need to further consider the impact on the community or to approach the Authority.

We were unable to place significant weight on the additional harm minimisation strategies articulated in the Gaming Plan of Management as these measures are not enforceable and there is an absence of concrete examples of their successful implementation as a means of mitigating gambling harm.

## **Findings of concern**

We are concerned that if the application were granted it may increase the harm associated with the misuse and abuse of gambling activities due to the:

- size of the proposed increase in availability of EGMs in a small community – the applicant seeks a 24% increase to the venue's gaming machine threshold
- gaming intensity – the average profit per gaming machine at the venue is significantly higher than the SA2, LGA and comparable venues
- post-midnight gaming – although the venue's current advertised hours suggest it does not trade after midnight, based on the reduced gaming shut down hours above the venue has potentially 38 weekly hours of potential post-midnight gaming, with 24 of those in the higher risk post-2am period
- location factors – there are some location risk factors in the SA2 including higher than average levels of ATSI population and people with lower levels of education. These factors are given additional weight following the release of the NSW Gambling Survey 2024.

We acknowledge that the following may help to mitigate some of the risks in the community:

- banding – the venue is in a Band 1 SA2, indicating the venue is located in an LGA (Tweed) where the risk of gambling harm may be less than in 50% of LGAs in NSW
- gambling prevalence:

- the sum of low risk, medium risk and problem gamblers for the local health district (LHD) is below NSW averages
- the LHD has a lower rate of problem gambling compared to the state average
- limited late-night gaming - the venue appears not to be trading after midnight and if the application were approved, the applicant has consented to the no-gaming past 2am condition being imposed on the licence

The following factors suggest a reduction in gambling harm within the State as a whole if the transfer were approved:

- forfeiture – if the application was approved it would see the forfeiture of 5 gaming machines from higher risk Band 2 venues in Sydney. Although this would not affect the risk to the local community, it does indicate that the risk of gambling harm may be lessened in the State as a whole
- reduction in gaming venues – one venue (South Sydney Junior Leagues Bowls Club) would have their gaming machine threshold reduced to 0.

However, on balance, we are not satisfied that the proposed increase will provide a positive contribution towards the local community.

We are concerned that the potential 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 the following material when making our decision:

- the application material
- liquor licence documents as at 18 November 2024 and 12 December 2024
- applicant response to assessment and submissions
- proposed Gaming Plan of Management for the licenced business dated 19 September 2024
- location factors of the SA2 and LGA
- licence compliance history
- Pottsville District Bowls & Sports Club Limited Annual Report 2024.
- Relevant research on gambling harm as listed in Guideline 6 including the NSW Gambling Survey 2024.

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

Please contact L&GNSW at: [new.applications@liquorandgaming.nsw.gov.au](mailto:new.applications@liquorandgaming.nsw.gov.au) if you have any questions.

Yours sincerely



Caroline Lamb

**Chairperson**

**Independent Liquor & Gaming Authority**