

Mr Tim Calvert  
JDK Legal  
By email to: [t.calvert@jdklegal.com.au](mailto:t.calvert@jdklegal.com.au)

19 January 2024

Dear Mr Calvert

<b>Application No.</b>	1-8755950612
<b>Applicant</b>	Captain Cook Hotel Operations Pty Limited
<b>Application for</b>	Vary gaming machine shutdown hours
<b>Decision Date</b>	16 August 2023
<b>Licence name</b>	Captain Cook Hotel
<b>Licence No.</b>	LIQH400101023
<b>Trading hours</b>	Monday to Saturday 5:00 AM – 5:00 AM Sunday 10:00 AM – 12:00 AM
<b>Current gaming machine shutdown hours</b>	Monday to Saturday 2:00 AM – 8:00 AM Sunday 4:00 AM – 10:00 AM
<b>Proposed gaming machine shutdown hours</b>	Monday to Sunday 4:00 AM – 10:00 AM
<b>Premises</b>	1114 Botany Road Botany NSW 2019
<b>Legislation</b>	Sections 3, 41 and 42 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 change of conditions - Gaming machine shutdown hours –  
Captain Cook Hotel**

We **refuse** the application under section 42(3) of the Gaming Machines Act 2001.

**Statement of reasons**

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

We note that the proposal is seeking to increase the availability of post-midnight gaming at the venue from 12 hours to 24 hours per week of which 12 hours will be during the higher risk period of post 2 AM.

**Our findings**

**Procedural requirements**

The Authority is satisfied that the hotelier holds a recognised competency card with a current RCG endorsement.

**Community impact**

*Local and broader communities*

The relevant 'local community' is the suburb of Botany, and the relevant 'broader community' comprises the Local Government Area of Bayside.

### *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 Bayside LGA:

- proportion of the total population aged 20-24 years is above the NSW average
- proportion of the population who speak a language other than English at home is above the NSW average
- proportion of lone person households is above NSW average.

### **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 or fail to facilitate the balanced development, in the public interest, of the gaming industry due to:

- the proposed increase of post-midnight and post 2AM gaming at the venue
- the ORG risk factors as outlined above
- the venue being located in an area of average problem gambling prevalence

The risks may be mitigated by the:

- the venue's proposed gaming plan of management (GPOM) having been assessed as exceeding the Authority's standards for a venue of this type
- venue being located in a Band 1 (low risk) SA2
- venue showing lower than average levels of gaming intensity when compared to the SA2 and LGA

However, on balance, we are concerned that the likelihood of adverse social impact 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 5 May 2023
- liquor Licence Document recorded as at 11 May 2023
- proposed Gaming plan of management documents for the premises, titled Gaming Plan of Management Captain Cook Hotel, Botany LIQH400101023 and dated May 2023

#### Other relevant material

- correspondence between L&GNSW staff and the applicant between 5 May 2023 and 4 July 2023 in relation to the assessment of the Application

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](mailto:Charles.Rivers@liquorandgaming.nsw.gov.au) if you have any questions.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Caroline Lamb', with a stylized flourish at the end.

Caroline Lamb

**Chairperson**

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