



Mr Justin Sammut

LAS Lawyers

By email to: j.sammut@laslawyers.com.au

3 April 2024

Dear Mr Sammut

Applicant	Argenton Hotel Operations Pty Ltd
Application for	Increase time allowed to fulfil gaming machine threshold increase (Class 1 Local Impact Assessment (LIA))
Licence name	Argenton Hotel
Licence number	LIQH400117086
Decision date	18 October 2023
Licensed trading hours	Monday to Saturday 5:00 AM – 3:00 AM Sunday 10:00 AM – 10:00 PM
Gaming machine shutdown hours	Monday to Sunday 4:00 AM – 10:00 AM
Premises	515 Lake Road Argenton NSW 2284
Legislation	Sections 3 and 37 of the <i>Gaming Machines Act 2001</i>

**Decision of the Independent Liquor & Gaming Authority
Application to increase time allowed to fulfil Class 1 LIA – Argenton Hotel**

We **refuse** the application under section 37 of the *Gaming Machines Act 2001*.

Statement of reasons

We note that we approved a gaming machine threshold (GMT) increase of 11 (from 19 to 30) in June 2022 for the venue. We note that you still have time, until October 2024, to acquire your approved increase in gaming machines entitlements.

Our findings

Community impact

Local and broader communities

The relevant 'local community' is the community in the suburb of Argenton and the relevant 'broader community' comprises the Local Government Area of Lake Macquarie.

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 Lake Macquarie 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 the population who are Indigenous is above the NSW average
- the proportion of lone person households is above the NSW average

We note that since the Class 1 LIA was granted in June 2022:

- SEIFA data has not changed as the census data is reported up to 2021
- problem gambling prevalence, gambling participation rates and ORG risk factors remain the same
- gaming intensity at the venue also remains above average compared to hotels in the same LGA, SA2 area and to other comparable venues
- the venue has been meeting required payments to the RGF.

However, we also note:

- the venue's availability of 18 hours of post-midnight gaming, with 6 hours of these during the higher risk post-2AM period
- the *Independent Liquor & Gaming Authority v Whitebull HTL Pty Ltd, Area Hotel and The Griffith Hotel Pty Ltd* court proceedings and our deferral of gaming related applications, resulted in the venue receiving the benefit of an extension to the period it could acquire its approved increase in gaming machine entitlements to October 2024.

We are not satisfied that a compelling case for an extension to the already extended timeframe has been made, and on balance, find that granting the extension would not be in the public interest. No further extensions will be granted.

The material we considered

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

Application Material

- the applicant's solicitors' LIA Quota Fulfilment Extension request
- Liquor Licence Documents dated 10 October 2023
- payment confirmation from the Office of Responsible Gambling dated 28 September 2023
- the venues' Gaming Machine Threshold Increase with Class 1 LIA application lodged 21 February 2022

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

If you have any questions

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

Yours sincerely



Caroline Lamb

Chairperson

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