

CLASS 1 - LOCAL IMPACT ASSESSMENT

Prepared under the Gaming Machines Act 2001
and the Gaming Machines Regulation 2010

To accompany an application for an increase of
two in the gaming machine threshold of

THE EL TORO MOTOR INN

LIQH400106734

Prepared for the licensee

Robert Arthur Maroon

27 September 2016

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EXECUTIVE SUMMARY

Robert Arthur Maroon, the licensee of the El Toro Motor Inn, 6 Homepride Avenue, Warwick Farm (the Hotel), is applying to Liquor and Gaming NSW (the Authority) for an increase of two (2) in the gaming machine threshold of the Hotel. This application is made concurrent with a transfer application for poker machine permits to be removed from the Hotel. Approval of the application will permit the number of gaming machines kept in the Hotel to remain at twenty nine (29) due to the sale of two (2) poker machine permits at the same time as the gaming machine threshold application accompanying this application.

The legislation requires applications of this type to be accompanied by a Local Impact Assessment (LIA). The City of Liverpool is classified as being in Band 2 by the Authority as the increase sought is deemed to be in a low range as specified in the regulation, the LIA required is a Class 1.

Section 2 of this LIA describes the Hotel's location and surroundings, section 3 describes the Hotel, its facilities, operation and clientele.

Section 4 describes the Hotel's gaming room and section 5 details the measures for harm minimisation and responsible gaming which are employed in it. Each of these matters complies with the relevant provisions of the legislation.

Section 6 sets out the pertinent characteristics of the local and broader communities of the Hotel. Section 7 comments briefly on the competitive facilities within those communities.

Section 8 sets out the community benefit which will result from the granting of this application. The benefit will include a donation of \$5,000 per unit increase in the gaming threshold approved to Liverpool Hospital, which is located near the Hotel and which provides essential medical services to the local community and beyond.

Section 9 sets out the measures which will be undertaken to consult with the local community, gambling counsellors and others when the application is lodged.

The conclusions reached in section 10 are that the LIA complies with the relevant provisions and considerations of the legislation and regulations and that gaming activities in the Hotel will be (as they are currently) conducted in a responsible manner.

The applicant's submission is that granting of this application will result in a positive contribution to the local community.

1. Introduction

- 1.1. Robert Arthur Maroon, the licensee of the Hotel, El Toro Motor Inn, 6 Homepride Avenue, Warwick Farm, licence number LIQH400106734, is applying to the Authority for an increase of two (2) in the gaming machine threshold of the Hotel. This application is made concurrent with a transfer application for poker machine permits to be removed from the Hotel. Approval of the application will permit the number of gaming machines kept in the Hotel to remain at twenty nine (29) due to the sale of two (2) poker machine permits at the same time as the gaming machine threshold application accompanying this application (which would otherwise reduce the threshold to twenty seven (27)).
- 1.2. Under the Gaming Machines Act (the Act), certain applications made to the Authority to increase the gaming machine threshold (GMT) of a hotel need to be accompanied by a Local Impact Assessment. [The GMT establishes the number of gaming machines that can be kept in a hotel up to a maximum of thirty (30).] The Authority must be satisfied that the LIA meets specified criteria before it can approve it and that approval is a necessary prerequisite to the Authority approving the application for the GMT increase.
- 1.3. Section 36 of the Act specifies that, for the Authority to approve an LIA, it must be satisfied that:-
 - (a) the LIA complies with the requirements of the relevant provisions of the Act and the Gaming Machines Regulation (the Regulation);
 - (b) the LIA demonstrates the gambling activities in the relevant venue will be conducted in a responsible manner; and
 - (c) in the case of a Class 1 LIA (LIA1) related to an established hotel, that:-
 - (i) the proposed increase in the GMT will provide a positive contribution towards the local community; and
 - (ii) the LIA has adequately addressed community concerns arising out of the consultation process required under the Regulation.
- 1.4. The Hotel is in the suburb of Warwick Farm which is classified pursuant to Section 33 of the Act, as part of the Band 2 LGA of Liverpool. Because the increase in GMT sought is in the low range of increases as defined in Clause 34 of the Regulation, an LIA1 is required to accompany Mr. Maroon's application.
- 1.5. Shanahan Tudhope Lawyers are instructed by Robert Arthur Maroon to prepare this LIA to accompany his application.

2. The Hotel's Location and Surroundings

- 2.1. The Hotel stands at 4-6 Homepride Avenue, Warwick Farm, on the western side of the intersection of Renshaw Street and Homepride Avenue, (vide Plans 1 , 2 and 3).
- 2.2. To the north of the premises lies an access road benefiting the commercial and industrial occupants of the El Toro Estate.
- 2.3. Along each side of the premises north, south and west of the Hotel, the development consists almost wholly of automotive repairs, wrecking yards and commercial suppliers, separated by driveways and car parks.
- 2.4. To the east of the Hotel across Homepride Avenue, approximately 50 meters away, are low density residential premises.
- 2.5. Homepride Avenue adjoins the Hume Highway to the south of the premises, which carries very large volumes of traffic, both day and night.
- 2.6. The Hotel is situated in the Liverpool City Local Government Area and 5 kilometers from the boundary of the Fairfield City Local Government Area.

3. The Hotel

- 3.1. The land on which the Hotel stands has been occupied as a hotel motel for over (30) thirty years. The bulk of the present building was erected in the 1970's. The hotel on the land has always been known as the El Toro Hotel Motel or the El Toro Motor Inn, the same names being adopted following its acquisition by the present owner, Homepride Property Pty Ltd, in February 2016.
- 3.2. The Hotel is a Spanish style multi storey construction, with adjoining motel style accommodation, built to the alignment of Homepride Avenue. In the 1980's, development consent was obtained to construct one single and one double storey building containing 18 motel units, an entertainment room, car parking and a swimming pool to the north of the original Hotel and motel buildings, adjacent to Homepride Avenue. The Hotel provides surface car parking for 150 vehicles at the south. Annexure 1 is a floor plan depicting the premises.
- 3.3. The ground floor of the Hotel contains a bottle shop at the southern end of the Hotel premises, adjacent to the main car park. The various amenities within the public trading areas of the Hotel are depicted on the plan of the premises, at Annexure 2.
- 3.4. Patrons can enter the Hotel from Homepride Avenue via the carpark, or from the motel. The first is the principal point of entry, particularly for patrons who are not seeking accommodation

from the motel rooms. It opens into a lobby where there are means to record patrons' identities.

- 3.5. The Hotel engages security personnel every night and, on Friday and Saturday nights, has an additional officer stationed in the car park.
- 3.6. The Hotel is authorised to trade from 5 am each day until 5 am the following day, Monday to Saturday and from 5am until 12 midnight on Sunday in the Picador Room, Toledo Bar and Galleon Bar. The Hotel is authorised to trade from 5am until 12 midnight Monday to Saturday in all other areas of the Hotel (however it closes earlier in accordance with patron demand and regulatory shut down periods); and from 10am until midnight on Sunday.
- 3.7. The bottleshop is open from 5am each day until 10pm, Monday to Saturday; and from 10am until 10pm on Sunday.
- 3.8. The Hotel does not currently host live entertainment for its patrons. However, the Hotel has a current Foxtel subscription which broadcasts live NRL and sports.
- 3.9. The Hotel is well patronised. During the daytime, its clientele consists mainly of commercial and industrial employees in the neighbouring industrial estate. In the evenings, it principally attracts local residents and industrial employees after work. The restaurant has a solid lunch time trade and evening dining is also popular. The majority of the patrons appear to be of Caucasian descent with those of Indian and Vietnamese descents forming recognizable minorities.
- 3.10. There are 21 people on the payroll of the hotel and on busy Friday and Saturday nights, 10 bar and floor staff are usually on duty plus security personnel.

4. The Hotel's Gaming

- 4.1. The Hotel's GMT is twenty nine (29). Until recently and concurrent with a transfer application for poker machine permits to be removed from the Hotel, it kept twenty nine (29) machines but the number kept has now been reduced to twenty seven (27) due to the sale of two (2) poker machine permits at the same time as the gaming machine threshold application accompanying this LIA.
- 4.2. The proposed location of machines will remain unchanged when the GMT is increased, as the gaming machine entitlements are intended to replace the poker machine permits being removed and no additional gaming machines will be required other than those to reinstate the original twenty nine (29).
- 4.3. The Hotel's gaming machines are all located in the gaming room which conforms with the provisions in Clause 8 of the Regulation in that:-

- (a) the gaming room is located in/off a bar area and is not part of an area where minors are permitted;
- (b) the gaming room is physically separated from the general bar area;
- (c) patrons are not compelled to pass through the gaming room in order to enter or leave the Hotel or in order to gain access to another part of it;
- (d) entry to the gaming room is free-of-charge;
- (e) the gaming machines cannot be seen or heard from any place outside the Hotel that is used by the public or to which the public has access;
- (f) all gaming machines are suitably spaced in order to facilitate access;
- (g) the gaming room is supervised at all times by electronic means and/or the physical presence of the licensee or an employee;
- (h) there is internal access from the gaming room to at least (1) one operating bar and one toilet for each gender elsewhere in the hotel, not requiring the patron to leave the hotel to access same; and
- (i) the gaming room cannot be accessed directly from a public street.

4.4. Liverpool is now experiencing rapid redevelopment which, coupled with the proposed refurbishment of the Hotel's premises and its new management, have and will continue to result in greatly improved trading conditions in the Hotel. However, a reduction in the gaming machine threshold at the Hotel arising from the recent poker machine permit sale, if the GMT sought is not granted, will result in the Hotel failing to maintain the reasonable expectations of those of its patrons who wish to play and that, in turn, adversely affects its business. The GMT increase sought would assist the Hotel continue to meet the peak period demands of players and should maintain its profitability, thereby enabling it to finance further improvements to its premises and/or its operations.

5. Competitive facilities

5.1. There are a limited number of hotels in, or on the fringes of, the Warwick Farm. There are registered clubs in the Liverpool area which keep, more gaming machines than all of the hotels combined. It is noted that these club facilities are not permitted to be available to the public, but only to members and their guests.

5.2. The Warwick Farm Racecourse is a major feature of the local area. More recently, the proposed redevelopment adjacent to Warwick Farm Racecourse is expected to consist of a 145 room hotel with bars. Undoubtedly, this will incorporate TAB facilities and other gambling facilities.

5.3. The City of Liverpool (the City) extends far beyond the City Centre, spreading east to Greendale and Wallacia; with Cecil Hills along the north-eastern side of the City Centre; northwest to include Warwick Farm; east to include Moorebank and Chipping Norton and south to include Moorebank and Holsworthy.

- 5.4. The City covers 305 sqkm and, in 2011, the Census of Australia recorded its resident population as 180,143. Warwick Farm covers 5 sqkms. and its population was recorded as 4,568 while the Liverpool had a population of 24,005 and covers 6 sqkm.
- 5.5. The Liverpool City Centre, as the dominant centre in south west Sydney, attracts people from much of that area who come to it to work, to shop, for business and professional services, to attend public offices, for recreation and so on. As such, its daytime population is large. The Hotel contributes to that trend by providing entertainment and a convivial environment for socialising and dining.

6. The local community

- 6.1. For the purpose of this application, the area adopted as being that within which the local community lives or works is that lying within about a kilometre radius of the Hotel. That local community embraces the localities (or parts of the localities) of Warwick Farm, Chipping Norton, the City Centre) as well as the southern edges of Cabramatta. Plans 3 shows the extent of that area. See also clause 2.1.
- 6.2. At the 2011 Census, Liverpool accommodated a population of 24,005. Based on data from the 2011 Census, some 20,621 people worked in the City of Liverpool, most being located in the City Centre, just over 1km to the south west of the Hotel.
- 6.3. The Hotel is busier in the evenings than during the daytime. That appears to be due, in part, to it being patronised by workers after work and, in part, to the attraction it provides through its entertainment. As an entertainment venue, it attracts patronage from areas well beyond the local community described above. It is difficult to define the extent of that broader area but it would appear reasonable to include within it most, if not all, of the Liverpool local government area, including Warwick Farm, Chipping Norton and Liverpool. Together, they housed some 180,142 people at the 2011 Census and could be termed the broader community of the Hotel.
- 6.4. While the local community embraces much of the Liverpool City Centre, the Hotel lies outside the part of the Centre where there is a high level of daytime pedestrian activity. However, the Hotel neighbours a large industrial area which is not served by any other hospitality or dining venue, which brings a significant level of daytime patronage to the Hotel.
- 6.5. On the assumption that the characteristics of the population living in the local and broader communities have not changed significantly since 2006, the ABS Sydney – A Social Atlas provides simple visual insights into those characteristics. (ABS has not published a similar Atlas for the 2011 Census.)
- 6.6. While space does not permit the reproduction of relevant maps from the Social Atlas at a legible scale, the contents of those maps may be summarised as:

- (a) most Census Collectors Districts (CCD) in the local community experienced growth of 7% or more in population in the 2001/6 period. [Given the amount of construction work recently completed in that area, similar rates of growth appear likely at present.];
- (b) the percentages of children aged 0-4 years was 7.8% compared to the Sydney metropolitan area figure of 6.6%;
- (c) the percentages of people aged over 75 years were somewhat lower than in the metropolitan area as a whole, at 5.2% compared to 5.9% in Greater Sydney;
- (d) the percentages of people born overseas were high, being generally above 30% compared to 37% across the metropolitan area;
- (e) the local community was one where there were markedly lower percentages of persons who had recently arrived from overseas than the metropolitan average;
- (f) there were moderate to high levels of persons who were not fluent in English, in Warwick Farm this percentage was 15.1% and in Liverpool was over 16%. The neighbouring suburb of Cabramatta had the highest concentration of persons who were not fluent in English, at just under 40%.
- (g) there were high percentages of the population which spoke a language other than English at home;
- (h) in almost every CCD in the local community, more than 12% of the population in the labour force held university degrees;
- (i) comparatively higher percentages of the populations in the labour force held Certificate III (trade) qualifications (17.3%);
- (j) the percentages of low income households (less than \$600/week) was about , or slightly above the metropolitan average;
- (k) the percentages of lone person households were generally lower than across the metropolitan area as a whole (15.2%);
- (l) the percentages of one parent families with dependent children were slightly above the level in the metropolitan area; and
- (m) Most CCDs had high proportions of dwellings which were rented.

6.7. When considering these characteristics, it needs to be borne in mind that:

- (a) some of the CCDs were small and had small populations so that a high percentage might not translate into a large absolute number of people;
- (b) the City Centre is an area which has, in recent years, attracted a significant number of people from the Indian sub-continent which may explain the apparent conflict between (f) and (g) above;
- (c) recent residential development in the City Centre has mainly been in the form of multi-storeyed residential flat buildings which attract lone person and other small households as well as providing a sizeable stock of rental housing.

6.8. In terms of the SEIFA Disadvantage and Advantage, the bulk of the 50 Statistical Local Areas (the smallest areas for which data are readily available) making up the local community at the 2011

Census scored in the range, 900 to 1000. Nine had SEIFA below 900 and 14 had SEIFA above 1000. The latter were clustered south east of the hotel in Chipping Norton, Wattle Grove and Holsworthy.

7. Harm Minimisation and Responsible Gaming

- 7.1. Under Clause 38 (c) of the Regulation, details of the harm minimization and responsible gambling measures that are in place must be provided.
- 7.2. The applicant conducts gaming in the hotel in compliance with the provisions of the Act and Regulations as well as the policies and guidelines adopted by the Australian Hotels Association (NSW). It has a standard arrangement with the AHA/Centa-Care Gambling Counselling Program if counselling is required.
- 7.3. Thus, gaming in the Hotel is conducted in accord with the provisions of the Act and Regulation in that:-
- The applicant and all staff involved in gaming duties hold Responsible Conduct of Gambling Certificates. Copies of those certificates are kept on the premises and are available for inspection by relevant authorities.
 - The Hotel operates a self-exclusion scheme which complies with the provisions of the legislation through AHA/Centa-Care.
 - The Hotel has an arrangement with that organization in relation to the provision of problem gambling counselling and patrons are advised of the gambling HELP service.
 - Relevant staff members have training in self-exclusion and on referral to counselling services.
 - All required signage and notices are displayed in conspicuous positions and are maintained.
 - Gambling counselling service contact cards are attached to each bank of approved gaming machines.
 - Player activity statements under player reward schemes are made available on request from patrons in accordance with the Regulation.
 - A clock is visible from any seated position in the gaming room.
 - No ATM is located in the gaming room.
 - The Hotel does not provide credit.
 - There is a limit of \$5,000 on cash payments for winnings.
 - The Hotel does not cash cheques.
 - The Hotel does not offer promotional prizes that are indecent or offensive.
 - The Hotel does not offer any inducement to gaming.
 - Staff members are not permitted to play gaming machines when on duty at the Hotel.
 - The presence of gaming machines is not made known outside the Hotel.
 - No player reward system is operated at the Hotel.
- 7.4. If the application for a GMT increase is granted, these practices will be maintained.

7.5. The applicant reports that neither he nor any of his managers have been approached by any patron seeking gambling counselling or self-exclusion during the time he has been licensee of the Hotel. He is aware that there a number of people who are self-excluded from hotels in Warwick Farm generally and the Hotel observes those self-exclusions.

8. Community Benefit

8.1. If the application is approved in full, or in part, the applicant will arrange and has received acceptance for equal donations to be made to the Liverpool Hospital (the Hospital) on the basis of \$5,000 for each unit increase in GMT granted up to a maximum of \$5,000. Annexure 3 contains copies of correspondence regarding these donations.

8.2. The applicant selected and sought acceptance of the proposed donation to be provided to this organisation because the Hospital provides invaluable health care for the local community. All donations assist the Hospital in purchasing valuable equipment and resources to enhance the quality of patient care in the Liverpool area. The donation is not specified for any particular department or ward, but rather is designed to be used by the Hospital for use in the area in most need.

8.3. This donation would be in addition to the regular donations which the licensee and the owner of the Hotel make to various charity, community and sporting organisations.

Non Proliferation of Gaming Machines

8.4. This statewide application is made in conjunction with the transfer of two trading blocks of Gaming Machine Entitlements from the Piccadilly Hotel in Kings Cross to the Hotel, this will entail the surrender of two Gaming Machine Entitlements in accordance with the stated aim of the legislature to reduce the total number of gaming machines in NSW.

8.5. Interdependent and simultaneous with the transfer of Gaming Machine Entitlements accompanying this application for increase in gaming machine threshold is the sale and transfer from the Hotel or two (2) poker machine permits in circumstances where that transfer brings about a reduction in the gaming machine threshold at the Hotel, this application will not occasion any net increase in gaming machine holdings in the vicinity of the Hotel.

9. Consultation

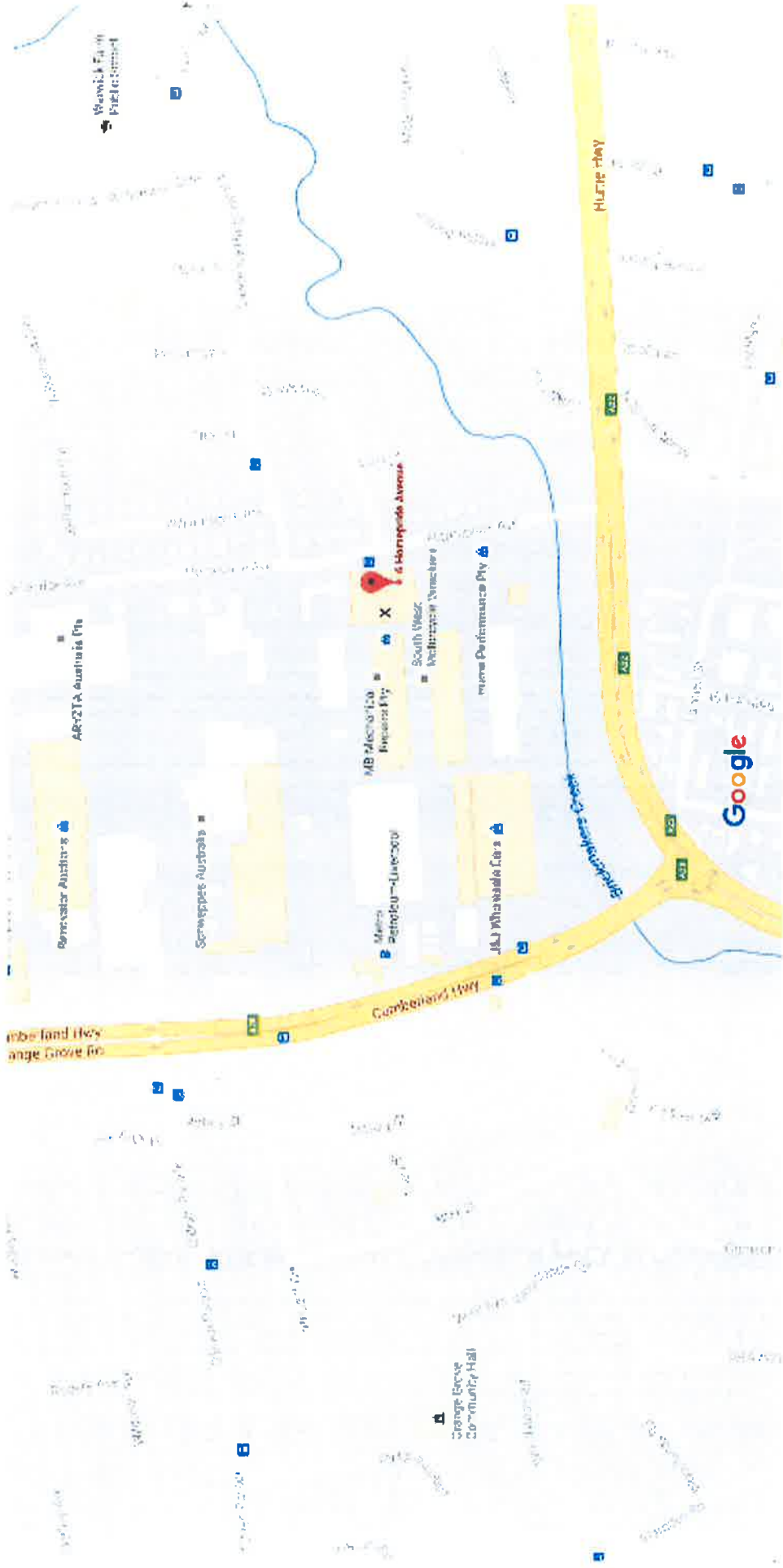
9.1. In accordance with Clause 41 of the Regulation, within two working days of the application being lodged with the Authority, copies of the application and this LIA will be provided to Liverpool City Council and to the Police in Liverpool LAC. Notification of the application will be provided to the Council of Social Services of NSW and the South Western Sydney Local Health District. Four organisations funded by the Responsible Gambling Fund for the purpose of providing gambling-related counselling or treatment services will be notified of the application.

In addition, an advertisement will be placed in a local newspaper and a notice will be posted on the outside of the Hotel.

- 9.2. All notifications and the public advertisement will outline and explain:-
- (a) the nature of the application;
 - (b) the LIA that accompanies it;
 - (c) that the application and this LIA may be inspected on the Authority's website; and
 - (d) that any person may make a submission to the Authority in relation to the application within 30 days of the date specified on the advertisement or in the notice.
- 9.3. If the Authority forwards any submissions it may receive on behalf of the applicant to Shanahan Tudhope Lawyers, endeavours will be made to resolve any relevant concerns raised and copies of the correspondence will be forwarded promptly to the Authority.

6 Homepride Ave

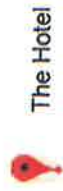
PLAN 1



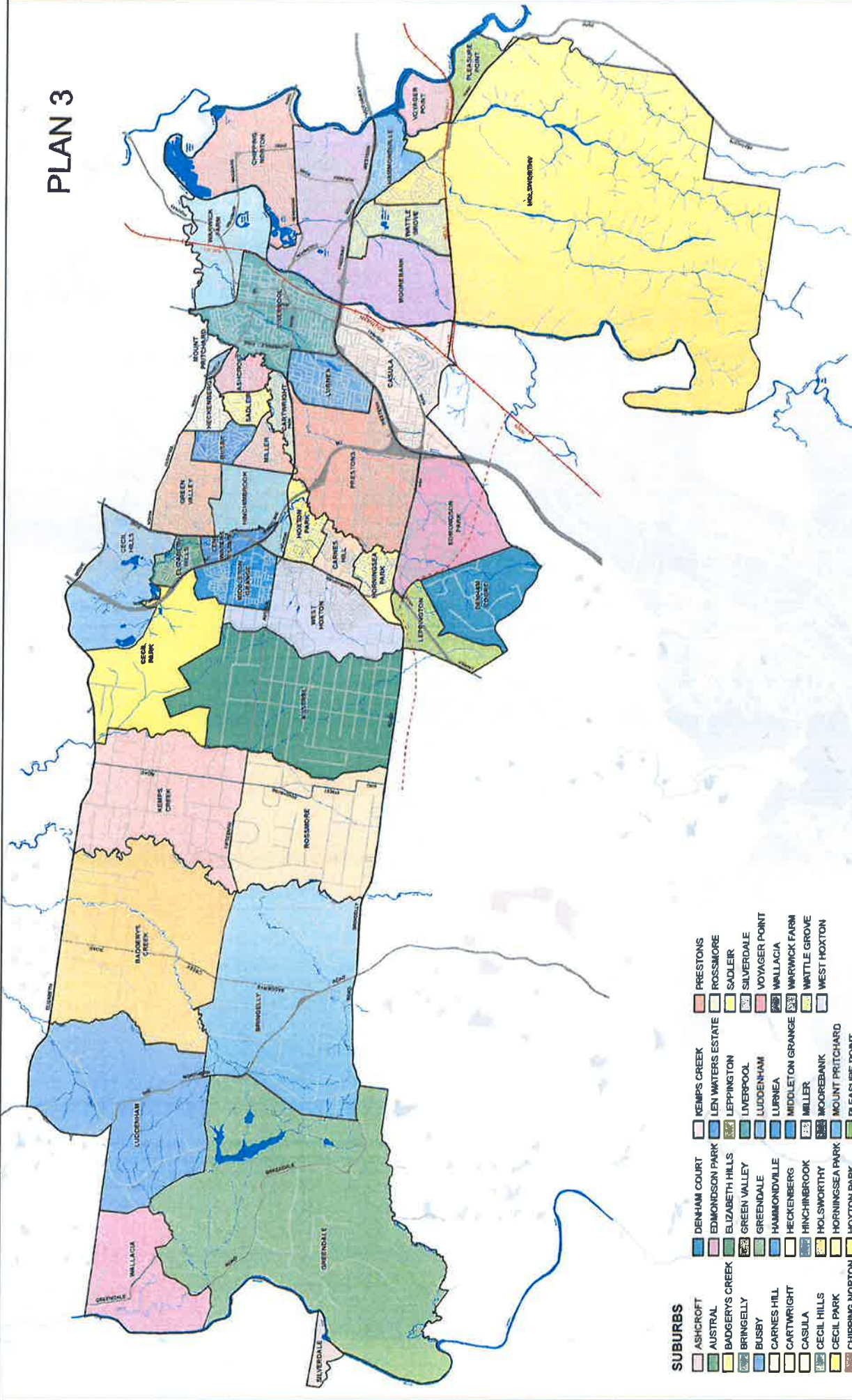
 = the subject site



Imagery ©2016 CNES / Astrium, DigitalGlobe, Map data ©2016 Google 100 m



PLAN 3



- SUBURBS**
- ASHCROFT
 - AUSTRAL
 - BADGERY'S CREEK
 - BRINGELLY
 - BUSSBY
 - CARNES HILL
 - CARTWRIGHT
 - CASULA
 - CECIL HILLS
 - CHIPPING NORTON
 - DENHAM COURT
 - EDMONDSON PARK
 - ELIZABETH HILLS
 - GREEN VALLEY
 - GREENDALE
 - HAMMONDVILLE
 - HECKENBERG
 - HINCHEBROOK
 - HOLSWORTHY
 - HORNINGSSEA PARK
 - HOXTON PARK
 - KEMPS CREEK
 - LEN WATERS ESTATE
 - LEPPINGTON
 - LIVERPOOL
 - LUDDENHAM
 - LURNEA
 - MIDDLETON GRANGE
 - MILLER
 - MOOREBANK
 - MOUNT PRITCHARD
 - PLEASURE POINT
 - PRESTONS
 - ROSSMORE
 - SADLER
 - SILVERDALE
 - VOYAGER POINT
 - WALLACIA
 - WARWICK FARM
 - WATTLE GROVE
 - WEST HOXTON



LIVERPOOL CITY COUNCIL

SUBURBS OF LIVERPOOL CITY COUNCIL LOCAL GOVERNMENT AREA

Map produced by :
LIVERPOOL CITY COUNCIL
GIS SERVICES
 DATE OF ISSUE : 28 October 2015

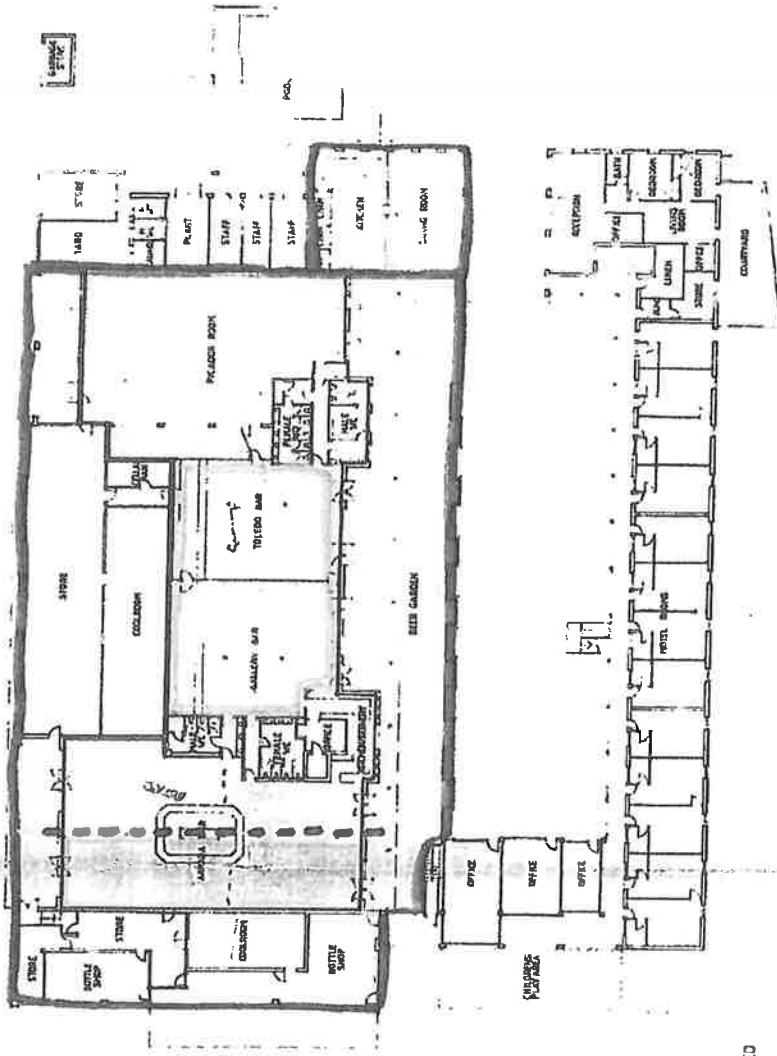
Scale bar: 0 0.5 1 2 3 4 Kilometres

Map Projection: Transverse Mercator
 Map Ellipsoid: Cassinoid Reference System, 1980
 Coordinate System: GDA94 MGA Zone 58



Business Credits: Esri, HERE, DeLorme, Mapbox, © OpenStreetMap contributors, and the GIS User community

ANNEXURE 1



I HEREBY CERTIFY THAT THE ABOVE PLAN IS A TRUE AND CORRECT COPY OF THE ORIGINAL AS SUBMITTED TO THE ARCHITECTURAL BOARD OF THE CITY OF SYDNEY FOR APPROVAL AND RECORD.

EL TORO MOTOR INN
 GROUND FLOOR PLAN
 SCALE 1:200
 JOB NO. 69
 DRAWING NO. 05



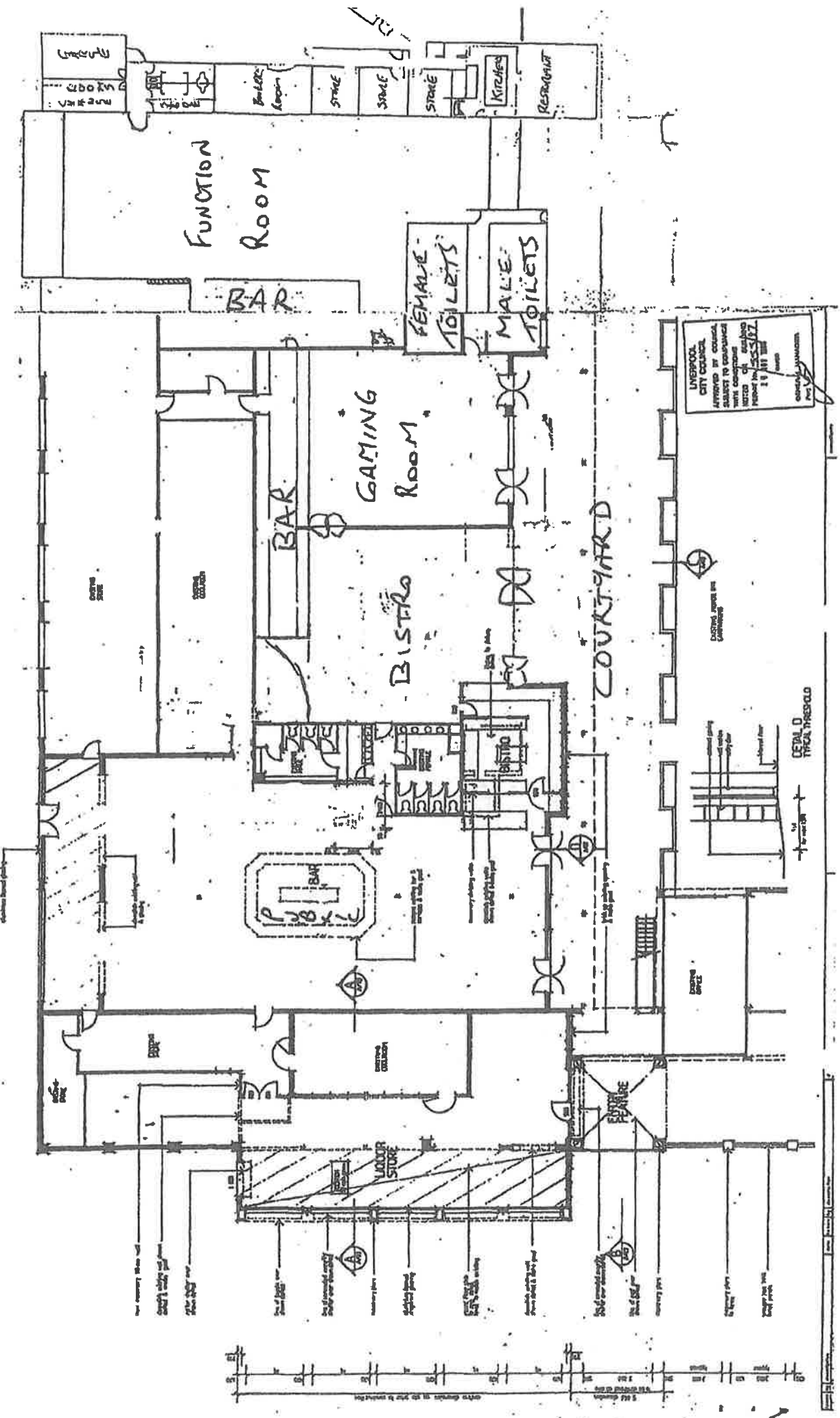
LAYATI PTY. LTD.
 P.O. BOX 102, MORTBRIDGE NSW 2063
 TEL. 02 956 5720 FAX 02 956 7259

HOMERIDE AVENUE 1 of 2

- REVISIONS
- REVISIONS
- REVISIONS
- ◇ REVISIONS

PAGE 1 OF 1 OF THE PLAN APPROVED
 BY THE LOCAL GOVERNMENT ADMINISTRATION BOARD
 (SIGNED) [Signature]

ANNEXURE 2





25 July 2016

Dear Robbie,

On behalf of Liverpool Hospital I would like to thank the El Toro for the tireless work and support they provide to Liverpool Hospital.

Liverpool Hospital is located approximately 50 minutes' drive from the Sydney CBD. It began as a tent hospital for convicts and soldiers more than 200 years ago and now provides a health service of international standing, with 23 operating theatres, capacity for 877 beds, diagnostic and imaging services, emergency and trauma care, maternity, paediatric, cancer care, mental health, ambulatory care, allied health and medical and surgical services from birth to aged care.

Liverpool Hospital provides a range of state-wide services in areas such as critical care, trauma, neonatal intensive care and brain injury rehabilitation.

Liverpool City and south-western Sydney is home to people from diverse cultures, religious and languages, making our community vibrant and exciting. We are situated in one of the fastest-growing regions in Australia.

I write to confirm that we kindly acknowledge and support El Toro and would accept donations to be used to enhance the work we do for the community.

SWSLHD (Liverpool Hospital) is endorsed as a Deductible Gift Recipient (DGR) and covered by item 1 of the table in section 30-15 of the income Tax Assessment Act 1997. All donations over \$2 are fully tax deductible and a receipt will be issued for donations received.

If you require any further information, please do not hesitate to call me on 02 8738 8401.

Regards Maryann

Ms Maryann Ciccone
Marketing & Donations Manager
Liverpool Hospital