

LOCAL IMPACT ASSESSMENT

CLASS 1 APPLICATION

June 2016



LONE PINE TAVERN – LIQH400118945

15 Rooty Hill Road South ROOTY HILL NSW 2766



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EXECUTIVE SUMMARY

1. Outline

The Lone Pine Tavern (the "**Hotel**") operates pursuant to the hotel licence no. LIQH400118945 (the "**Licence**") and is situated in the Blacktown City Local Government Area (the "**LGA**"), which is classified by the Independent Liquor and Gaming Authority ("**ILGA**" and the "**Authority**") as Band 2.

Roil Pty Limited, the business owner of the Hotel (the "**Business Owner**") informally leases three (3) poker machine permits (the "**Permits**") from TELSTROM Pty Ltd (the "**Lease**"). The Permits form part of the Hotel's gaming machine threshold of 28 ("**Threshold**").

The Hotel's licensee, Greg James (the "**Licensee**" and the "**Applicant**") lodges the enclosed threshold increase application (the "**Application**") seeking ILGA's approval for a low-range increase of the Threshold to 30, equating to a threshold increase of 2.

The Business Owner anticipates the lessor will in the near future apply to ILGA to transfer the Permits from the Hotel (the "**Transfer**"). Once ILGA approve that transfer application the Threshold will reduce to 25. The Authority will be aware of an application lodged by the Applicant in March 2016 seeking to maintain the Threshold by the approval of that application being conditional on the approval of the Transfer (the "**First Application**").

However, due to constraints in the Authority's capacity to conditionally approve the First Application, it was rejected. The Authority is put on notice that notwithstanding the contents of this Application, what the Applicant is ultimately after is to maintain its Threshold after the Transfer. To that end, should the Transfer be approved before the determination of this Application, the Applicant reserves its rights to amend the Application to seek a threshold increase of 3.

The Applicant submits that the only material change to the Application will be that it is seeking an increase to its threshold by 1 and that its positive contribution will increase by \$5,000.00.

2. Operation of Hotel

The primary purpose of the Hotel is the sale of liquor by retail.

However, the Hotel also has a substantial kitchen providing hearty classic pub food and proudly hosts live entertainment, including live music.

Approved gaming machines are operated in discrete internal and outdoor gaming rooms within the Hotel. Gaming forms an important component to the Hotel's variety of services and facilities.

3. Local community

The local community, for the purpose of the Application, is the Mount Druitt Precinct (the "**Precinct**") which forms one of three precincts comprising the LGA.

The local community has been identified from information provided by patrons as to their suburb of residence. While some customers attend the Hotel from outside the Precinct, the majority of regular patrons are from within the Precinct.

4. Harm Minimisation

The Hotel takes its role of providing approved gaming machines to the public seriously and applies the harm minimisation provisions of the Gaming Machine Act (2001) (the "**Act**") and Gaming Machine Regulations (2010) (the "**Regulations**") carefully. Most importantly, the Hotel ensures that no minors

gain access to the gaming room or use the approved gaming machines. Furthermore, the Hotel is conscious of and sensitive to the issue of problem gambling, and by lodging the Application, does not seek to change the focus of the Hotel from that of a social destination for the local community – ultimately, it seeks to maintain the Hotel's current operation.

5. Positive contribution

The Hotel is already an important contributor to and/or sponsor of the local community. If the Application is approved, the Hotel will provide financial assistance in the sum of \$10,000.00 to the following not-for-profit organisation: Women's Activities and Self House (W.A.S.H) House, Mt Druitt.

As mentioned above in paragraph 1, should the Transfer be approved before the determination of this Application, the Applicant reserves its rights to amend the Application to seek a threshold increase of 3. This will correspond to an increase in the financial assistance to the W.A.S.H House by \$5,000.00, to now total \$15,000.00.

1. Introduction

Pursuant to s34(1) of the Act, the Applicant applies to the Authority to increase the Threshold.

This local impact assessment (the "**Assessment**") is required as, pursuant to s35(3)(b) of the Act, the Hotel is situated in a Band 2 LGA and the application is for a low-range Threshold increase (2).

The Applicant is aware that, pursuant to s36(1) of the Act, the Application cannot be approved unless the Authority approves this local impact assessment, class 1 (the "**Assessment**"). Similarly, the Applicant acknowledges, pursuant to s36(3), that the Authority may approve this Assessment only if it is satisfied that it:

- (a) complies with the requirements of Division 1 of the Act and the Regulations;
- (b) demonstrates that gambling activities will be conducted in a responsible manner;
- (c) demonstrates that the increase to the Threshold will provide a positive contribution towards the local community of the Hotel; and
- (d) addresses community concerns arising out of the consultation process.

It is the Applicant's contention that the Authority will be satisfied as to (a), (b) and (c) by the content of this Assessment and to (d) through such further actions the Applicant takes if and when community concerns are raised.

The Application is unusual in that the Permits are currently held by the Business Owner pursuant to the Lease. The Applicant anticipates that in the near future the Lessor will be lodging the Transfer, which the Applicant believes ILGA will likely approve. Pursuant to s27 of the Act, on approval of the Transfer, the Threshold will be reduced by 3 to 25. This Application is initially made to increase the Threshold by 2 to achieve the maximum threshold of 30.

However, the Applicant ultimately seeks to maintain its Threshold after the Transfer. To that end, should the Transfer be approved before the determination of this Application, the Applicant reserves its rights to amend the Application to seek a threshold increase of 3.

The Applicant invites the Authority to ask further questions or make such further requisitions as it considers necessary in order to allow the Application to be approved.

2. The Hotel

History of Hotel

The Hotel has operated from the same site, 15 Rooty Hill Road South, Rooty Hill (the "**Premises**"), since it was built in 1958. The Hotel has operated the Licence since 1958.

Since the Business Owner took over the Hotel in 2007, it has undergone major renovations and refurbishment to modernise the building and provide patrons with a variety of areas to cater for differing tastes and requirements.

Style of Hotel

The Hotel provides an extensive range of value for money meals and snacks, with a good atmosphere with separate areas, including relaxed outdoor and lounge areas, sports bars, a function room a designated children's area which contains suitable children's entertainment facilities.

An arrangement of recent photos of the Hotel are annexed and marked "A".

The bistro service is a casual dining experience with counter style service allowing people to be seated throughout most areas of the Hotel, the menu is a mixture of hearty pub classics through to a more sophisticated offering for the discerning customer. Meals are priced from between \$14.50 to \$26 for main courses. A copy of the Hotel's menu is annexed and marked "B".

Floor area

The floor space area of the Hotel is approximately 2,000m².

A plan of the Hotel, which discloses the layout and shows the facilities provided within the Hotel, is annexed and marked "C".

Facilities

The Hotel's function room can cater for functions for groups of varying sizes in number in an exclusive space.

The Hotel's lounge bar provides an ideal place to sit and relax while enjoying a meal and listen to live entertainment. Live entertainment forms an important part of the Hotel's style and character, with the Applicant spending just shy of \$160,000 in the 2014/2015 financial year on entertainment.

The sports bar offers full TAB facilities, numerous flat screen televisions for various sport code viewing.

The outdoor beer garden offers a comfortable seating area for patrons to enjoy a meal with the family or view the day's sporting activities.

The Hotel is conveniently located within close proximity to Rooty Hill train station and commercial centre.

Staff

The Hotel proudly employs between 50 and 60 staff, most of whom reside in the LGA and 25 of which reside in the Precinct.

Sponsorships and Donations

The Hotel proudly sponsors:

- Namatjira Social Golf Club for approximately \$2,500 p.a.; and
- Rooty Hill RSL Cricket Club for approximately \$3,000 p.a.

In 2014, the Hotel organised a charity golf day from which on 21 October 2014, a donation of \$20,000 was made to Westmead Medical Research Foundation, directly assisting Blacktown Hospital.

3. Compliance with Act and Regulations

As a diligent hotelier, the Applicant takes seriously its responsibilities to comply with the Act, the Regulations and the Liquor Act.

Plan of Management

The Hotel operates in accordance with its Plan of Management, a copy of which can be provided on request. The Hotel will continue to implement its Plan of Management and responsible gaming practises after should the Authority approve this Application.

Extracts from the Plan of Management, in relation to harm minimisation for gaming, are as follows:

2.3 RESPONSIBLE CONDUCT OF GAMING

- a) *Responsible gaming measures will be implemented in the gaming lounge in accordance with relevant legislation. All staff employed to work within the gaming lounge will be required to hold a current Responsible Conduct of Gaming certificate which will be filed on site.*
- b) *The gaming room consists of an outdoor section, in which patrons are permitted to smoke whilst using machines.*
- c) *The music noise level from the gaming machines shall be reduced to an acceptable noise level so that it is inaudible to any nearest residential premises. The gaming room has been designed so that there is no potential for audible noise to be emitted from the gaming room to the street and no line of site from the street to the gaming room.*
- d) *Every approved gaming machine in a hotel will be electronically connected and communicating with the CMS. The site controller will never be turned off, without the express permission of Data Monitoring Services (DMS). The Licensee will regularly check the site controller to ensure all gaming machines are communicating with the CMS. Any gaming machine that has not reported to the CMS in the last 48- hour period should be investigated and the problem resolved. Should the problem not be resolved internally, the Licensee must contact the DMS and report the issue. In the event of this and other CMS equipment failure DMS will be contacted immediately.*
- e) *The Hotel will operate a self-exclusion scheme in accordance with GameCare and the Hotel will have a self-exclusion deed on hand at all times in the gaming room. When a staff member is approached by a patron to discuss self-exclusion, the staff member must contact the manager on duty immediately. The Manager on Duty will then explain the GameCare counselling service and self-exclusion scheme and hand them a fact sheet to accompany the venues self-exclusion deed.*

3.5 SIGNAGE

- b) *Compliance signage required under the Liquor Act 2007, the Gaming Machine Act 2001 and Regulations will be maintained and be audited on a monthly basis through the current Self Audit Checklist available on the OLGR website.*

Minors

Minors will only be permitted on the premises when accompanied by a legal guardian and can only enter signposted authorised areas of the venue. Minors are strictly not permitted in the Gaming Room.

Responsible gambling and harm minimisation

- The primary purpose of the Hotel is the sale of liquor by retail. As described above, the Hotel also aims at making its food a reason for patrons to visit the Hotel. Gaming machines are operated in discrete internal and outdoor gaming rooms on the ground floor.
- The Hotel appeals to the diverse Blacktown City LGA community including residents and business persons.
- In addition to the mandatory legislative requirements, the Hotel implements the AHA's GameCare self-exclusion program.
- The Licensee is a member of the Local Liquor Accord – the Mount Druitt Liquor Accord.

Compliance with the Act and Regulations

The Hotel and its employees are conscious of obligations under the Act and Regulations in relation to gaming, including:

- The Hotel does not display any gambling related signs, including advertisements about approved gaming machines, anywhere outside or in the vicinity of the Hotel nor anywhere inside the Hotel so that it can be seen from outside the Hotel.

- The gaming room is located both internally and with an outdoor gaming area and has no open or see-through windows or doors fronting the street that would make it visible from the street so as to entice the public into the gaming room.
- The Hotel has no cash dispensing facility on its premises which permits cash to be provided from a credit card account, the Licensee does not permit an ATM or EFTPOS terminal in the gaming room and on each ATM displays a *"Think! About your choices"* notice.
- The Hotel ensures its patrons have access to a self-exclusion scheme and publicises the availability of self-exclusion schemes and information about how they operate to its patrons and the Licensee makes available at all times to patrons of the Hotel information as to the name and contact details of the problem gambling counselling service made available by or through NSW Australian Hotel Association via their Gam Care programme and the Licensee displays a notice in the gaming room providing the relevant details.
- Persons under the age of 18 years are prohibited from being in the gaming room and operating approved gaming machines at the Hotel.
- The gaming room is located in a bar area of the Hotel and is not in a part of the Hotel in respect of which a minors area authorisation or a minors functions authorisation is in force, patrons are not be 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 the Hotel, entry to the gaming room is provided free of charge, the gaming machines in the gaming room are situated so that they cannot be seen from any place outside the Hotel that is used by the public or to which the public has access and the gaming room is at all times supervised by the Licensee or an employee of the Licensee by way of electronic means or physical presence, or both.
- The Hotel displays notices providing information about the chances of winning a major prize, makes available in the gaming room in conspicuous places to patrons of a compliant player information brochure approved by the Authority and makes available on request a community language player information brochure in Arabic, Chinese, Korean, Turkish or Vietnamese.
- The Hotel displays on each approved gaming machine in the gaming room a gambling warning notice and a problem gambling notice in a conspicuous place.
- The Hotel displays a *Think! About your choices* notice in the vicinity of the main entrance to the Hotel in a conspicuous position.
- The Hotel has a clock in good working order and that is set to, or within 10 minutes of, the correct time in the gaming room in a conspicuous position so it can be seen from all parts of the gaming room.
- The Licensee pays any prize money in excess of \$5,000 or, if requested by the person, all prize money if in excess of \$5,000, by either crossed payable to the person or by means of electronic funds transfer to an account nominated by the person.
- The Hotel does not offer or provide a promotional prize that is indecent or offensive in relation to a promotion involving gaming machines.
- The Licensee displays gambling contact cards in a card holder that are securely attached to each bank of gaming machines in the gaming room in a conspicuous position so that a person playing a gaming machine or approaching the bank of gaming machines would be able to see it.
- The Licensee does not offer or supply, or cause or permit to be offered or supplied, any free or

discounted liquor as an inducement to play approved gaming machines in the Hotel, or offer free credits to or offer or provide, or cause or permit to be offered or provided, as an inducement to play gaming machines in the Hotel, any prize or free give-away that is indecent or offensive.

- The Licensee ensures that he and all persons employed at the Hotel whose duties are concerned in the conduct of activities involving gaming machines in the Hotel have their recognised competency cards, which are available for inspection by a police officer or an authorised inspector.
- The Licensee keeps a register containing a copy of all current existing RCG certificate for any person whose duties are concerned in the conduct of activities involving gaming machines in the Hotel and makes the register available for inspection on request by a police officer or special inspector.

4. Local Community

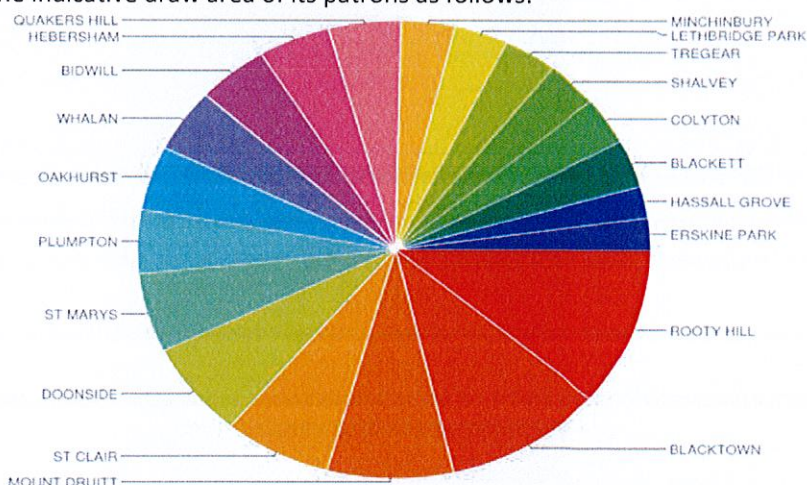
Area

The Hotel is located in the suburb of Rooty Hill. This suburb falls within the Precinct, which in turn forms part of the LGA.

For the purpose of this Assessment, the Precinct is the local community.

The Precinct is comprised of the following suburbs and localities: Bidwill, Blackett, Dean Park, Dharruk, Emerton, Glendenning, Hassall Grove, Hebersham, Lethbridge Park, Minchinbury, Mount Druitt, Oakhurst, Plumpton, Rooty Hill, Ropes Crossing, Shalvey, Tregear, Whalan and Willmot, the Blacktown City part of St Marys, and parts of Bungarribee, Colebee and Eastern Creek.

The local community has been determined from records of the Hotel retained for the past 3 years* demonstrating the indicative draw area of its patrons as follows:



*source: Nightkey System recording patrons who enter the Hotel after 9pm on Friday and Saturday.

Blacktown LGA

The LGA covers 240km² in Sydney's western suburbs, about 35kms from Sydney GPO. As at 2013, the LGA has a population of 332,424. By population, the Blacktown City LGA is the largest local government area in NSW.

Mount Druitt Precinct

The LGA is comprised of three designated precincts, of which the Hotel is located within the Precinct. The Precinct has a population of 103,713, is situated in the south-western part of the LGA and covers 65km².

SEIFA scores

In 2011 the Rooty Hill-Eastern Creek small area had a SEIFA index score of 973.5.

5. Positive Contribution

Impact on Local Community

The Hotel presently operates with the Threshold. The Hotel is aware that problem gambling is an issue and can heavily impact on a person's life and family. However, the Applicant contends that as the Application is ultimately seeking to maintain its present Threshold, there will be no increase to the impact on the local community should the Application be approved – to all extents, the impact will remain constant as the Application is seeking to maintain the status quo.

However, in the likely event the Transfer is approved (so that the threshold reduces to 25), the Hotel estimates that approximately 20 hours of staff roster time will be cut back. Given the residential location of the Hotel's staff, this will directly impact residents of the LGA and the Precinct. There will also be a corresponding reduction to the gaming machine duty which the Hotel contributes each quarter.

Donation to Women's Activities and Self House (W.A.S.H) House, Mt Druitt

On 14 October 2015 NSW Premier, Mike Baird, and Minister for the Prevention of Domestic Violence and Sexual Assault, Pru Goward, announced the Domestic Violence: Enough is Enough campaign. This follows the 24 September 2015 Federal Government pledge to eradicate domestic violence on a national level, with Prime Minister stating that he wanted to make it "unAustralian to disrespect women". The corresponding NSW Government announcement is to contribute a package of \$60 million to target perpetrators and support women, men and children who have experienced domestic and family violence.

In support of the State and Federal Government initiatives, the Applicant has identified the not-for-profit organisation W.A.S.H House, Lot 5, Kelly Close, Mr Druitt, NSW 2770 as being a valuable contributor to the local community in support of women. In the event the Application is approved, the Applicant will make a \$10,000.00 donation to the W.A.S.H House.

As mentioned above, should the Transfer be approved before the determination of this Application, the Applicant reserves its rights to amend the Application to seek a threshold increase of 3. This will correspond to an increase in the financial assistance to the W.A.S.H House by \$5,000.00, to now total \$15,000.00.

The W.A.S.H House has been in existence since 1982 as a resource centre for women. It is a place of support, information and referral. It offers a range of programs and activities for all women.

W.A.S.H House envisages a community in which women exercise equal rights, choose their own destiny and have a safe environment for themselves and their family. It works towards realising this vision for the women of the Mt. Druitt community by providing information, community development, counselling, support services and group work. The W.A.S.H. House is a service run by women for women.

W.A.S.H House's objectives are:

- To provide quality services that are regularly monitored and reviewed
- To advocate on behalf of clients and about issues affecting women in the Mt Druitt community
- To develop innovative projects that increase the options and opportunities of the Mt Druitt community
- To develop and maintain strong community links through establishing networks within the community
- To ensure the Centre is managed in the interests of women in the Mt Druitt community

W.A.S.H House's values are:

- The provision of high quality and timely services
- The provision of equitable, accessible, affordable and appropriate services
- Mutual respect and non-violence
- Enhancing women's options and opportunities
- Collaboration with other services to promote the well-being of women in our community
- The provision of culturally appropriate services that reflect the different needs of our clients
- The provision of services that are responsive to the needs of clients
- The right of women to determine the involvement of male partners in family programs
- The right of women and their families to live in a safe environment free from/of violence and discrimination

Annexed and marked "D" is a letter from the W.A.S.H House acknowledging the benefit of the Hotel's donation and how that money will benefit the Local Community.

6. Conclusion

The Applicant submits that the Application should be approved by the Authority in full because the Authority will be satisfied on the information contained in this Assessment that:

- (a) the Application complies with the requirements of the Act and the Regulations;
- (b) gambling activities at the Hotel will be conducted in a responsible manner having regard to the harm minimisation measure to be undertaken; and
- (c) it identifies the local community (and the socio-economic status of the population) and demonstrates how a positive contribution will be made to the Precinct if the Application is approved.