

Local Impact Assessment Class 1 Application

**Uncle Buck's Hotel
Unit 4, 13 Mount Street
MOUNT DRUITT NSW 2770**

**Uncle Buck's Hotel (LIQH424004084)
December 2017**



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EXECUTIVE SUMMARY

1. INTRODUCTION

This document is a Local Impact Assessment Class 1 to accompany a Threshold Increase Application made for the approval of a 'low range' gaming machine threshold increase of three (3) in relation to the Uncle Buck's Hotel (the "Hotel") by Sharon Seliba (the "Applicant"). The Hotel is situated at Unit 4, 13 Mount Street, Mount Druitt (the "Venue"), which is located in the Blacktown City Council Local Government Area (the "LGA") and is a Band 2 LGA.

The Hotel's gaming machine threshold has currently been approved for 27. The business owner of the Hotel proposes to increase the threshold by a further three gaming machine entitlements/permits for the Hotel's threshold to be increased to the maximum of 30.

2. RESPONSIBLE GAMBLING MEASURES

Chapter 4 of this Report details the mandatory and additional responsible conduct of gambling measures put in place by the Applicant at the Hotel.

3. LOCAL COMMUNITY

Blacktown City Council LGA is the Local Government Area and has been identified as the Local Community. Chapter 5 provides a demographic description of the LGA/Local Community.

4. POSITIVE CONTRIBUTION

Chapter 6 of this Report details the positive contribution that will result from approval of the Threshold Increase Application to the Local Community.

The Applicant proposes to donate \$32,000.00 to Mount Druitt Hospital, a public hospital located within the Blacktown City Council LGA that principally serves the local community (and to some extent the wider community due to its location adjacent to the LGA boundary). The donation will be incorporated with other funds raised for the acquisition of a new Ultrasound System for the Cancer Services/Palliative Care Unit.

5. CONCLUSION

Given the satisfaction of the requirements of the Gaming Machines Act 2001 (the "Act") and the associated Regulation through the conduct of gaming machine operation at the Venue in a responsible manner, along with the evidence of substantial positive contributions to the Local Community, it is the Applicant's belief that this LIA meets the requirements of the Legislation.

1. INTRODUCTION

This Report is a Class 1 Local Impact Assessment ("LIA") to accompany a Threshold Increase Application for a Band 2 LGA venue for a "low-range" increase. The increase will be for three (3) gaming machines to be installed at Uncle Buck's Hotel, located at Unit 4, 13 Mount Street, Mount Druitt NSW, located in the Blacktown LGA.

Methodology

- 1.1. In respect of LIAs relating to threshold increase applications, the LIA Guidelines provide that the Independent Liquor and Gaming Authority ("the Authority") can only approve an LIA where the LIA complies with the requirements of the *Gaming Machines Act 2001* and the *Gaming Machines Regulation 2010* ("the Legislation") and demonstrates that gambling activities will be conducted in a responsible manner.
- 1.2. The Guidelines further state that a Class 1 LIA must demonstrate that the proposed increase in gaming machine threshold for the Hotel will provide a positive contribution towards the Local Community in which the Venue is situated.

Applicant Details and History

- 1.3. The Authority's records indicate the Hotel's licence was granted in January 1993. The Hotel is currently exercised by Sharon Seliba as the licensee for Angel Buck Investments Pty Ltd as the business owner. The Hotel provides a wide range of facilities associated with the type of licence operated at the Venue including food, liquor and gaming facilities.
- 1.4. The Hotel's gaming machine threshold is approved for 27. The Hotel currently has 22 gaming machine entitlements and 5 poker machine permits allocated to the licence for the operation of the 27 gaming machines at the Venue.
- 1.5. The intention on the grant of this application is for a further three (3) gaming machine entitlements or poker machine permits (or a combination of both) to be procured and transferred to the Hotel's licence to allow a maximum of 30 gaming machines to be operated at the Hotel.

Current Applicant Services, Facilities

- 1.6. The Venue includes the following facilities:-
 - Lounge Bar and lounge area
 - Sports Bar
 - Public Bar
 - Bistro and outdoor bistro seating
 - Gaming room
 - Pool tables
 - Designated children's play area
 - Carparking

- 1.7. The Hotel's trading hours for the Ground Floor (which incorporates the Hotel's gaming room) are:-

Monday Saturday - 5:00 am until 5:00 am the following day; and
Sunday - 10:00am until 10:00 pm.

- 1.8. The other areas of the Hotel have standard trading hours pursuant to the Liquor Act 2007, that is 5.00 am to 12.00 midnight Monday to Saturday inclusive; and 10.00 am to 10.00 pm on Sunday.
- 1.9. The internal floor space area of the Hotel is approximately 1,285.5 square metres. **Attached** and marked "A" are plans of the Hotel that depict the facilities offered at the Venue and confirming the internal floor space measurements.

2. RETAIL SHOPPING CENTRE

- 2.1. Sections 37B of the Act states the following:

37B Restriction on gaming machine thresholds for venues in retail shopping centres

- (1) The gaming machine threshold for a hotel cannot be increased if the hotel are part of a retail shopping centre or proposed retail shopping centre.
- (2)
- (3)
- (4)
- (5)
- (6) For the purposes of this section, a hotel is taken to be part of a retail shopping centre if the hotel is located within the retail shopping centre or physically adjoins any part of the retail shopping centre.
- (7) This section has effect despite any other provision of this Division."
- 2.2. Section 4 of the Act defines a retail shopping centre to mean a cluster of premises promoted as, or generally regarded as consisting, a shopping centre or shopping mall or shopping arcade, but does not include anything excluded from this definition by the regulations.
- 2.3. What is a "cluster of premises promoted as or generally regarded as constituting, a shopping centre, shopping mall or shopping arcade?"
- 2.4. The question was squarely considered by the Administrative Decisions Tribunal of NSW in the case of Goodlink Pty Limited v Sing & Others [1999] NSWADT 71. In that case,

Judicial Member Donald rejected an argument that 7 shops with street frontages to Day and Bathurst Streets Sydney constituted a "cluster of premises promoted as, or generally regarded as constituting, a shopping centre, shopping mall, shopping court or shopping arcade", within the ordinary meaning of those expressions: *supra* at [14]. In that case Judicial Member Donald said as follows (at [15]-[18]):

"...the principal commercial orientation [of these shops] is to the street. There is, in my mind, no doubt that they are not part of either a shopping centre or a shopping mall. In ordinary meaning, I consider that a shopping centre means a substantial collection of shops which are together identified as forming part of a central place or shopping. A shopping mall clearly denotes shops facing a common pedestrian area. Nor do I think these shops would be generally regarded as an arcade or court. An arcade traditionally means a grouping of shops along an identified walkway and takes its meaning historically from the sense of being covered by an arch, although it may have moved well beyond that in modern commercial usage. A court, in my view, constitutes a group around a common publicly accessible space from which access to all the shops is possible... Nor does the evidence establish that these premises were "promoted" as a shopping centre, mall, court or arcade. ...the premises clearly were and will continue to be promoted as retail shops but, given the terms of the Act, this of itself, in my view, is not sufficient."

- 2.5 In the applicant's submission, the purpose and intent of the provisions of Section 37B in the Gaming Machines Act is quite clear. The intention is to prevent gaming machines in new hotels located in retail shopping centres, being substantial collections of shops which are together identified as forming part of a central place for shopping. The clearest illustration of such places are the "Westfield Shoppingtowns" described by Whealy J in the Solomon case. It is no part of the purpose and intent of the legislation to prohibit gaming generally in commercial/retail areas.
- 2.6 Uncle Buck's is situated at Unit 4, 13 Mount Street, Mount Druitt and located adjacent to a strip of other commercial and retail premises. The Hotel fronts Buran Close, providing vehicle parking for patrons using the shops at this location. The other facilities within this group of shops include takeaway food shops, a medical imaging centre, a pawn broker and video/food store.
- 2.7 There is a sign erected at the entrance to Buran Close listing the shops. The sign does not promote the shops as a shopping mall, shopping arcade or shopping centre. In addition, the commercial/retail premises at this location have as their address as "unit", not "shop". Applying the criteria as set out in Goodlink v Sing it appears clear that the Buran Road shops do not comprise a retail shopping centre.
- 2.8 Westfield Shopping Centre is located approximately 175 metres west of the Hotel. The group of shops have no relationship to nor are they contiguous with the Westfield Shopping Centre. It is evident from the decision in Solomon¹ that the Supreme Court in considering the relevant issue of a retail shopping centre adopted a narrow interpretation of the word 'adjoining', to mean 'touching upon' or sharing a 'common boundary'. Accordingly, this group of shops are not associated in any way with the Westfield Shopping Centre to fall within the meaning of a retail shopping centre.

¹ Solomon v Licensing Court of New South Wales and Anor NSWSC 974

3 PROPOSAL

- 3.4 The positive contribution put forward by this LIA will not occur without the approval of the Threshold Increase Application.
- 3.5 The Applicant proposes to donate \$32,000 to the Mount Druitt campus of the Blacktown and Mount Druitt Hospital, a public hospital located within the same LGA of the Hotel which serves the local community in Blacktown City Council LGA (and the wider community in the surrounding LGAs).
- 3.6 The donation will be used to contribute towards the Hospital's purchase of a new Ultrasound System in the Cancer Services/Palliative Care Unit.
- 3.7 Further details in relation to this positive contribution is provided later in this report.

4 RESPONSIBLE GAMBLING MEASURES

- 4.4 The provision of gaming machines is only one aspect of the services and facilities provided at the Hotel.
- 4.5 Gaming is provided within a designated gaming room within the Ground Floor of the Hotel.
- 4.6 The gaming room complies with Clause 8 of the *Gaming Machine Regulation 2010* in that:-
 - (a) It is located in a "bar area" of the Hotel (and is not located in an area in which a minor's area authorisation or minors functions authorisation is in force);
 - (b) The gaming room is physically separated from the general bar area by permanent opaque walls;
 - (c) Patrons are not compelled to pass through the gaming room in order to enter or leave the Hotel or to gain access to another part of the Hotel;
 - (d) Entry is provided free of charge;
 - (e) The gaming machines are situated so that they cannot be seen from any place outside the Hotel;
 - (f) All machines are suitably spaced to facilitate access;
 - (g) The gaming room is monitored by a gaming room supervisor, as well as by electronic means (CCTV) at all times;
 - (h) There is a door way or space that provides reasonable access to at least one operating bar and one toilet for each gender, without the need for patrons to go out onto the street or outside the Hotel; and
 - (i) The gaming room cannot be accessed directly from a public street.

4.7 Other requirements of the *Gaming Machines Act* and *Gaming Machine Regulation* are complied with, in that:-

- (a) All staff involved in gaming duties hold a current and approved responsible conduct of gaming (RCG) interim certificate/competency card. Copies of the competency cards (or interim certificates) are kept by each staff member when working at the Hotel and are available for inspection;
- (b) The Hotel makes arrangements through AHA for the provision of gambling counselling;
- (c) The Hotel participates in the AHA Gaming self-exclusion scheme and policy;
- (d) Staff are trained in the requirements of the self-exclusion scheme and associated referral process;
- (e) All statutory signage is prominently displayed throughout the gaming room;
- (f) Pamphlets informing patrons of the dangers of problem gambling and of the availability of counselling and the self-exclusion scheme are displayed within the Hotel in a number of community languages;
- (g) The Hotel's automatic telling machine (ATM) is located outside the gaming room. Patrons not permitted to make withdrawals on credit;
- (h) There are no advertising or promotions of the availability of gaming machines conducted at the Hotel;
- (i) A clock is present and visible to all patrons within the gaming room;
- (j) The Hotel does not accept third party cheques or the cashing of cheques by patrons;
- (k) There is a limit of \$5,000 on cash payment for winnings;
- (l) Minors are not permitted entry to the gaming room;
- (m) Consumer information on the chance of winning maximum prizes and jackpots is made available in the gaming area;
- (n) The Hotel does not publish any gaming machine advertising;
- (o) All gambling-related signs are situated within the Hotel and are not visible from the exterior of the Hotel; and
- (p) Inducements are not offered at the Hotel for the use of the gaming machines.

4.8 At all times the gaming room is operated, the Hotel engages a Gaming Room Attendant who is present to provide direct supervision of that area. This enables the Gaming Room Attendant to make early detection of any possible signs of problem gambling being

experienced at the Venue.

5 LOCAL COMMUNITY

- 5.4 For the purposes of this Local Impact Assessment, the Local Community is defined as the Blacktown City Council Local Government Area ("LGA").
- 5.5 The following SEIFA scores and deciles for the Blacktown City Council LGA are taken from the 2011 ABS Statistics as the figures have not yet been updated from the 2016 census:

INDICATOR	Blacktown LGA Score	Blacktown LGA Decile
IRSEAD	974	7
IRSED	968	6
IER	995	7
IEO	954	6

- 5.6 The above data indicates that residents of the Blacktown City Council LGA are moderately more advantaged than the State average. The scores also suggest that the Local Community is not particularly vulnerable to gaming-related harm. The latest regional data for problem gambling prevalence rates published in the Ogilvy Illumination (2012) study stated that prevalence rates in western Sydney (0.5%) were below statewide prevalence rates (0.8%).
- 5.7 Blacktown City Council LGA has a current population of 336,962 (from ABS Statistics for 2016). There are a large number of females in the area (169,390) that may potentially benefit from the use of the breast cancer services available at the Hospital.

6 POSITIVE CONTRIBUTION

Proposal

- 6.4 The grant of the Application will yield a significant social benefit for the Local Community by the Applicant's contribution of \$32,000 to the Mount Druitt campus of Blacktown and Mount Druitt Hospital.
- 6.5 Blacktown and Mount Druitt Hospital is a public hospital operated under the public health care system. The Hospital primarily services residents located in the Blacktown City Council LGA, whilst also providing essential services to the surrounding LGAs.
- 6.6 The Hospital provides approximately 534 beds across the two campuses and is one of the main teaching facilities for the University of Western Sydney, Clinical School of Medicine, the UWS Blacktown/Mount Druitt Clinic School, and Research and Education Centre.
- 6.7 Westmead Medical Research Foundation is the entity that raises funds on behalf of Blacktown and Mount Druitt Hospital. Westmead Medical Research Foundation was established in 1990 with its objects to be the raising of funds for medical research and to

provide health care for its stakeholders. Westmead Medical Research Foundation will accept the donation on the Hospital's behalf.

- 6.8 The Mount Druitt campus provides 24-hour emergency service, high dependency, cardiology, paediatrics, planned surgery, rehabilitation and palliative care, as well as older adult non-acute mental health services.
- 6.9 The Cancer Services/Palliative Care Unit at the Mount Druitt Hospital provides a holistic acute care, including assessment and symptom control for adult patients over the course of their life limiting illness, as well as at the end of life.
- 6.10 The Cancer Services/Palliative Care Unit has 16 beds in single and double rooms staffed by a specialist medical, nursing and allied health team. The services offered on site include:
- specialist medical and nursing care
 - occupational therapy
 - oral health volunteers
 - social workers
 - physiotherapy
 - postural care
 - bereavement counselling.
- 6.11 The Hospital is required to rely on funds allocated by the public authorities which oversee its operation. The proposal to provide the Hospital with a donation will allow the acquisition of a new Ultrasound System in the Cancer Services/Palliative Care Unit. Such a donation will clearly provide a positive benefit to those members of the Local (and Broader) Community who are required to use those facilities of the Hospital.
- 6.12 Should this application be granted, allowing the donation to be made, Westmead Medical Research Foundation have identified that the positive contribution will be put towards a new Ultrasound System, details of which are set out below.

6.13 Ultrasound System

Breast cancer surgical services are expanding at Mount Druitt. The addition of this ultrasound machine will provide a real-time way to test patients whilst in their appointment to check their response to surgery, progress and next treatment options. This will save time as patients can have an ultrasound with the specialist, rather than have to go elsewhere and then return for their results. This machine can also be used for thyroid cancer patients.

Benefit to the Local Community

- 6.14 The large number of residents (and in particular, female residents) of the Blacktown City Council LGA (in conjunction with the surrounding LGA's) that have the potential to use the Hospital's services, will significantly be benefited by the proposed donation on the grant of this application.

- 6.15 The donation will be put towards the acquisition of a much needed ultrasound system. The acquisition of this item will be of a significant and substantial benefit in assisting staff to provide the best available patient care within the Hospital's Cancer Services/Palliative Care Unit.
- 6.16 A letter from Westmead Medical Research Foundation regarding the proposed donation has been provided and **attached as Annexure "B"**.

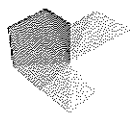
7 CONCLUSION

- 7.4 This LIA, pursuant to *Section 37 of the Gaming Machines Amendment Regulation 2009*, defines the Applicant's Local Community, details the positive contributions that the Applicant will provide to the Local Community if the Threshold Increase Application is approved, and details the harm minimisation and responsible gambling measures that are in place at the Venue.
- 7.5 The Applicant operates gaming machines at the Venue in compliance with mandated Legislative requirements and operates a best-practice style of interventions and procedures. The Applicant enforces this strict approach by implementing the AHA self-exclusion program.
- 7.6 The positive contribution put forward by this LIA will not occur without the approval of the Threshold Increase Application. That a positive contribution of \$32,000 donation to the Mount Druitt campus of Blacktown and Mount Druitt Hospital will be put towards the acquisition of a new Ultrasound System for the Cancer Services/Palliative Care Unit set out in Chapter 6 above.
- 7.7 It is therefore provided that the test as set out in the Guideline and Legislation is met and the Applicant submits that the Threshold Increase Application should be approved.

ANNEXURE 'A'



ANNEXURE 'B'



**WESTMEAD MEDICAL
RESEARCH FOUNDATION**

31 October 2017

Karen Lennox
Hatzis Cusack Lawyers
Level 9, 68 Pitt Street,
SYDNEY NSW 2000

Dear Karen

Re: Your client – Uncle Bucks

Thank you for the referral in relation to potential funds being available to Blacktown/Mt Druitt hospitals.

Westmead Medical Research Foundation ("WMRF") was established in 1990 as a Company Limited by Guarantee. Its objects are to raise funds for medical research and to provide health care for its stakeholders.

The stakeholders of WMRF are Western Sydney Local Health District (which covers Blacktown/Mt Druitt Hospitals) and Westmead Institute for Medical Research. Therefore, we are able to accept donations on behalf of Blacktown/Mt Druitt Hospitals and have done so in the past.

We advise that donation monies would be put towards purchasing an ultrasound system. With breast cancer surgical services expanding at Mount Druitt this ultrasound machine will provide a real time way to test patients whilst in their appointment to check their response to surgery, progress and next treatment options. This saves time as patients can have an ultrasound with the specialist, rather than go elsewhere then come back for results. This can also be used for thyroid cancer patients.

Thank you again for facilitating this potential donation and please pass on our thanks to your client for considering donating to the community hospitals in the Blacktown and Mt Druitt areas.

If you have any questions or require further information, please contact Alison Whittaker or me.

Yours sincerely

Ray Horne
Company Secretary



An Initiative
of Westmead
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