



Victorian Commission for Gambling and Liquor Regulation

DECISION AND REASONS FOR DECISION

In the matter of an application under section 3.4.17(1)(b) of the *Gambling Regulation Act 2003* by Deer Park Club Inc for amendment of its venue operator's licence to vary the number of electronic gaming machines at the approved premises, The Deer Park Club, 780 Ballarat Road, Deer Park, from sixty-eight (68) to eighty (80).

Commission:

Gail Owen, Deputy Chairman

Kate Hamond, Commissioner

Appearances:

Ms Nicola Collingwood of Counsel on behalf of the Applicant
(instructed by Bazzani Scully Priddle)

Ms Brooke Hutchins of Counsel assisting the Commission

Date of Hearing:

4 May 2015

Date of Decision:

9 June 2015

Date of Reasons:

9 June 2015

Decision:

The application be granted subject to the conditions in paragraph 81 of the reasons.

Signed:

Gail Owen

Deputy Chairman



REASONS FOR DECISION

INTRODUCTION

1. This is an application by Deer Park Club Inc (**the Applicant**) for amendment of its venue operator's licence to vary the number of electronic gaming machines (**EGMs**) operating at the Deer Park Club, 780 Ballarat Road, Deer Park (**the Club**), from 68 to 80.
2. The relevant municipal authority is the Brimbank City Council (**the Council**). The Council advised the Victorian Commission for Gambling and Liquor Regulation (**the Commission**) on 10 April 2014 that it did not support the application.

THE LEGISLATION AND THE TASK BEFORE THE COMMISSION

3. Gambling on EGMs is a legal recreational and commercial activity in Victoria so long as it is done in accordance with the *Gambling Regulation Act 2003* (**the Act**). The Act recognises that, notwithstanding individual rights of self-determination, gaming on EGMs causes harm to some communities and some members of some communities. For this reason the Act includes safeguards to ensure an appropriate balance is struck between a lawful and legitimate recreational activity for some and a potentially harmful activity for others. In particular, the balance is maintained by requiring an applicant who wishes to increase the number of EGMs at a venue to satisfy the Commission of the "no net detriment test" and the other matters set out in section 3.4.20(1) of the Act.
4. The no net detriment test requires the Commission to weigh the likely positive social and economic impacts of an application against the likely negative social and economic impacts. The test will be satisfied if, following the weighing of any likely impacts, the Commission is satisfied that the net economic and social impacts of approval on the well-being of the relevant community will be either neutral or positive.
5. Section 3.4.19 of the Act allows the Council to make a submission addressing the economic and social impact of the proposal on the well-being of the community and taking into account the impact of the proposal on surrounding municipal districts. The Commission is bound to take this submission into consideration when applying the no net detriment test.

MATERIAL BEFORE THE COMMISSION

6. The Applicant provided the Commission with the following material in support of its application:
 - (a) a Social and Economic Impact Assessment, prepared by Rhys Quick of Urbis (**Urbis**), dated January 2015;



- (b) an addendum to the original Social and Economic Impact Assessment, prepared by Urbis, dated April 2015;
 - (c) Expenditure Report, prepared by Michael Clyne, Progressive Venue Services Pty Ltd (**PVS**), dated January 2015;
 - (d) witness statements dated February 2015, from –
 - (i) Leigh James Barrett, Director and Principal Consultant of Leigh Barret and Associates Pty Ltd; and
 - (ii) David John Thompson, General Manager of the Applicant;
 - (e) a letter from Raymond Neil Cromie, Board member of the Applicant; and
 - (f) draft conditions which it would accept if the application were approved.
7. The Council filed the following documents in support of its submission:
- (a) a social and economic impact assessment prepared by the Council dated March 2015;
 - (b) a social and economic impact submission prepared by Melton City Council;
 - (c) a 'Profile of Municipal District' prepared by the Council dated 2011; and
 - (d) details of support services in Brimbank for problem gamblers.
8. The following material, prepared by Commission officers, was also considered by the Commission:
- (a) a statistical report titled 'Economic and Social Impact Report', dated April 2015; and
 - (b) a compliance report titled 'Pre-Hearing Inspection and Compliance Report', dated April 2015.

CITY OF BRIMBANK AND THE DEER PARK CLUB

9. The Club is located in the City of Brimbank (**Brimbank**), on Ballarat Road in Deer Park. Major centres in Brimbank include St. Albans, Keilor and Sunshine.
10. The Club was formally known as the ICI Club and was founded in 1957. Currently, the facilities at the Club include:
- (a) two outdoor lawn bowls greens with temporary change facilities / clubrooms;
 - (b) a 280 seat bistro;
 - (c) a multi-level children's play area;
 - (d) a private dining/bistro room;



- (e) function facilities that can accommodate up to 200 seated patrons with a dedicated kitchen, two bars and a private outdoor courtyard;
 - (f) a TAB and public bar area; and
 - (g) a gaming room with several lounge areas and 68 EGMs.
11. Brimbank is a metropolitan Local Government Area (**LGA**) located approximately 14 kilometres west of Melbourne. Brimbank has an adult population of 153,613, which ranks Brimbank second out of 31 metropolitan municipalities in terms of population. The predicted annual rate of population growth of 0.9% between 2011 and 2016 is projected to be lower than the Victorian average of 1.81%. Projections also indicate that by 2016, 31.2% of the population in the LGA is expected to be over the age of 50.
 12. Brimbank is subject to a municipal limit of 903 EGMs.¹ Currently, there are 15 gaming venues within the municipality with approvals to operate 896 EGMs. Seven entitlements are held as geographically attached entitlements in the municipality by the State Government. Accordingly, if this application is approved the Applicant will need to seek the transfer of entitlements from another venue or the State Government (or both).
 13. Brimbank has an EGM density of 6.12 EGMs per 1,000 adults, which is 11.8% higher than the metropolitan average (5.51) and 5.7% higher than the State average (5.82). This gives Brimbank the ninth lowest EGM density of the 31 metropolitan municipalities.
 14. Brimbank has an average gaming expenditure of \$902 per adult, which is 57.6% higher than the metropolitan average (\$572) and 64.3% higher than the State average (\$549). Applying the Applicant's estimate of increased gaming expenditure, approval of this application would result in an increase in average gaming expenditure per adult of 0.3%. Overall gaming expenditure within Brimbank has decreased by 7.56% in real terms (indexed to CPI) over the past five years, which is less than the metropolitan average of 12.77%.
 15. Brimbank is characterised by a mixed socio-economic profile with indices both above and below metropolitan averages. Overall, Brimbank is ranked third out of 79 LGAs in Victoria on the SEIFA scale of disadvantage,² indicating relative disadvantage within the LGA.
 16. In relation to the immediate surrounding area of the Club (i.e. within 2.5km), 70.5% of SA1s are in the 1st quintile of SEIFA scores, 20.5% in the 2nd quintile and 9.1% are in the 4th or 5th quintile.

¹ Pursuant to section 3.4A.5(3A)(b) of the Act, the Victorian Commission for Gambling and Liquor Regulation determined, in accordance with the criteria specified in the Minister for Gaming's Order on 15 August 2012, the maximum permissible number of gaming machine entitlements under which gaming may be conducted in each region.

² Socio-Economic Indexes for Areas (**SEIFA**) is a product developed by the ABS to assist in the assessment of the welfare of Australian communities. The SEIFA Index allows the ranking of regions/areas, providing a method of determining the level of social and economic well-being in each region.



17. The unemployment rate in Brimbank is 9.88%, which is considerably higher than the metropolitan unemployment rate of 6.68%. Unemployment in Brimbank has increased by 0.25% in the past 12 months, from 9.63% to 9.88%.

APPLICANT'S WITNESSES AND SUBMISSIONS

Mr David John Thompson

18. Mr Thompson has been the General Manager of the Applicant since May 2013.
19. Mr Thompson gave evidence that the main purpose of the Club is to support and promote various activities within the community of Deer Park, as well as to provide a hospitality and entertainment facility for members, guests and the general public. He told the Commission the target market of the Club is families.
20. The Club was described by Mr Thompson to have two bowling greens, from which both male and female competitions run. There is also social "barefoot bowls" on Wednesday evenings and a competition for under eighteen year-olds.
21. The Club is described by Mr Thompson as a destination venue, located on a busy road in a commercial area, well removed from residential housing.
22. Mr Thompson gave evidence that, for the financial year ended 30 June 2014, Club sponsorship for a range of community sporting teams totalled \$101,000 in cash donations. The Club also waives hire fees for local sporting teams which use the function room. Mr Thompson told the Commission the Club would be open to making new community contributions to advocacy support groups for problem gamblers in the form of room hire and donations. Mr Thompson agreed that the Club would reach out to the Council to ascertain what community support groups may benefit from such assistance.
23. In December 2013, the Club undertook substantial renovation and redevelopment of the venue at a cost of approximately \$6 million. These renovations were financed through a bank loan of approximately \$5 million.
24. Mr Thompson gave evidence that the Club seeks the additional EGMs to generate revenue to enable the construction of an all-weather multipurpose facility at the rear of the Club. It is envisaged that this facility will have a number of purposes including:
 - (a) all year use on synthetic greens for bowling tournaments during the off season;
 - (b) possible televised tournaments;
 - (c) ensuring weather does not interfere with pennant or barefoot bowls;
 - (d) ensuring weekday children's school bowling programs are not cancelled due to weather;



and

(e) use as another function area for larger gatherings (for example weddings, conventions and exhibitions) or for community uses such as festivals or farmer's markets.

25. It is Mr Thompson's view that the additional lawn bowling green will attract more experienced bowlers to the Club and enable the Club teams to compete in the Premier League Division. Mr Thompson told the Commission that the current demand for lawn bowls at the Club, in conjunction with the current limited facilities, means that membership is at full capacity and the home team is required to play away at different clubs.
26. The Club will require further finance for the proposed works. Evidence was given by Mr Thompson that the total cost of the further construction will be approximately \$2 million to \$2.5 million. Mr Thompson gave evidence that initial discussions with a potential lender have indicated that financing for the loan is contingent on additional revenue being generated.
27. Mr Thompson outlined the Applicant's proposal that the works be completed in two stages as follows:
 - (a) Stage one - synthetic surface of the bowl greens, roofing and rejuvenation works to the existing courtyard. This stage is estimated to cost in the vicinity of \$1 million to \$1.2 million and take up to 12 months to complete (**Stage One**);
 - (b) Stage two - a lounge adjacent to the synthetic surface, administration area, retail bowls shop, storeroom, toilet and change facilities. This stage is estimated to cost in a vicinity of \$1 million to \$1.2 million (**Stage Two**).
28. Mr Thompson gave evidence that it is the Club's intention that, should the application be successful, the additional EGMs will be installed prior to the completion of each stage in order to generate cash flow to service the Club's loans.
29. Mr Thompson gave evidence that the Club currently employs 53 staff and expects the new facilities would result in the engagement of an additional 6.9 full-time employees.
30. Mr Thompson gave evidence that he has completed all responsible service of alcohol (**RSA**) and responsible service of gaming (**RSG**) certifications. The Club adheres to the Club Mercury Code of Conduct and takes its RSG responsibilities very seriously.
31. Mr Thompson gave evidence that the Club offers annual memberships to patrons, known as the "Deer Club" for adult members and the "Fawn Club" for members under 18 years of age. An element of the Club membership is the ability to participate in the Club's rewards program whereby Club patrons can obtain reward points through purchasing food and beverages at the Club. These points can be redeemed on food and beverages. Mr Thompson gave evidence that



this program will be extended in January 2016 to enable Deer Club members to earn reward points for turnover on gaming machines. Mr Thompson told the Commission that he did not believe that the extension of this program to include gaming expenditure would encourage problem gambling. Mr Thompson described the Club's interventionist approach in the gaming room, which involved the presence of a least one mature staff member on the floor at all times to approach and talk to customers.

32. Mr Thompson told the Commission that Mr Barrett, who was engaged as a consultant for this application, recommended the installation of two screens to obstruct the line of sight from outside the gaming room. Mr Thompson assured the Commission that it was the Club's intention to adopt this recommendation.

Mr Leigh James Barrett

33. Mr Barrett is the principal RSL consultant of Leigh Barrett and Associates and gave evidence about the responsible gambling practices at the Club and the potential impact the application may have on problem gambling.
34. Mr Barrett gave evidence that he was engaged by the Applicant to provide regulatory compliance services for the Club. On 31 October 2014, Mr Barrett met with Mr David Thompson and the Club's Gaming Manager, Michelle Chilcott, to review the Club's responsible gambling policies and procedures and conduct an audit of the Club's compliance with responsible gambling requirements. Mr Barrett gave evidence that the audit found the Club to be "strongly committed" to its responsible gambling obligations.
35. Mr Barrett gave evidence that the Club has adopted the Mercury Group Responsible Gambling Code of Conduct and has implemented the procedures outlined in the Mercury Group Staff Training Manual. All gaming staff employed by the Club are required to complete an approved RSA and RSG certification prior to commencing employment at the venue. Staff members are not permitted to gamble on EGMs at the Club at any time.
36. Further evidence was given that there is a high level of interaction between staff and patrons at the Club. Mr Barrett has visited the Club on a number of occasions and on every occasion has found the gaming room at the Club to be staffed by at least two employees, with at least one circulating on the floor of the gaming room.
37. Mr Barrett gave evidence that the Club had a number of protective factors to guard against problem gambling such as the broad range of non-gaming facilities and recreational offers at the venue.
38. Mr Barrett gave evidence that, although the Victorian Competition and Efficiency Commission



found that the prevalence of problem gambling in Victoria was highest in the northern and western metropolitan regions of Melbourne, in his view the likely impact of the grant of this application on the level of problem gambling prevalence in Brimbank is likely to be negligible.

39. On the question of whether the Club's rewards program could encourage problem gambling, Mr Barrett told the Commission that studies have found that play-based loyalty is something commonly used by recreational gamblers rather than problem gamblers. Studies have found that it is the preference of problem gamblers not to identify themselves, and accordingly they are less likely to sign up to such programs.
40. Mr Barrett considered that the rewards program could be a positive, as at the time of signing up to the program Club members are also encouraged to "pre-commit" to a gambling limit. On reaching this pre-commitment limit, no further points can be earned on the loyalty card.

Mr Raymond Neil Cromie

41. Mr Cromie has been a board member of the Club since 2009.
42. Mr Cromie provided the Commission with details of the Club's membership program. He gave evidence that loyalty points can be earned by patrons in the bistro, bar and gaming room. For every dollar spent in the bar and bistro 3 points are earned, while on the gaming machines only one point is earned for every ten dollars spent. Points earned on the loyalty card cannot be redeemed in the gaming room.
43. Mr Cromie told the Commission that the Club is committed to preventing problem gambling. He considers that the ability to link the loyalty card with the pre-commitment system will assist in preventing problem gambling in circumstances where points can no longer be earned on the cards when the pre-commitment limit is reached.

Mr Michael Lupton Clyne, PVS Expenditure Report

44. The Applicant engaged PVS to provide an estimate of the expenditure that would be generated by an additional ten EGMs at the Club.
45. Mr Clyne gave evidence that based on outputs from the Geotech model:
 - (a) an additional seven EGMs at the Club during Stage One would result in increased expenditure of \$797,680 in the first 12 months of operation of the additional EGMs;
 - (b) an additional five EGMs at the Club during Stage Two would result in increased expenditure of \$425,100 in the first twelve months of operation of those additional EGMs;
 - (c) approximately 83% of the increased expenditure would be transferred from other existing venues in the municipality;



- (d) the estimated new expenditure as a result of the proposed EGM transfers to the Club would be \$135,460 after Stage One and \$72,288 after Stage Two; and
- (e) the estimated new expenditure as a result of the proposed EGM transfers to the Club would have an impact of 0.15% upon total actual gaming expenditure in Brimbank (which he considered to be negligible).

46. Mr Clyne observed that, as the number of EGMs in Brimbank is currently at the cap, the Club would have to source the EGMs from other venues within the capped area to facilitate the proposed increase if approved by the Commission.

Social and Economic Assessment - Urbis

Mr Rhys Quick prepared the Social and Economic Impact Statement, filed by the Applicant and gave evidence that, in his view, the increase of 12 EGMs is small relative to the existing provision of EGMs in the Club, resulting in correspondingly immaterial impacts. He found that machine utilisation results at the Club are relatively low, meaning that gaming machines are generally available for Club patrons wishing to use them. Accordingly, it was Mr Quick's view that access to gaming will be virtually unaffected if this application is approved.

- 47. Mr Quick considered that approval of the application will enable the Club to allow the development of a synthetic undercover sporting green and player facilities, despite the current level of debt carried by the Club. Further, Mr Quick gave evidence that the development will enable the Club to further engage with the community by allowing more members to join the bowls clubs and to run more community and school workshops.
- 48. Mr Quick gave evidence that the municipality is likely to be an importer of revenue as there are a number of large, popular gaming and entertainment venues proximate to the municipal boundary that are drawing gaming revenue from outside the municipality. These venues include the Watergardens Hotel, Taylors Lakes Family Hotel, Kealba Hotel, Westend Market Hotel, the Derrimut Hotel, the Deer Park Hotel and the Club.
- 49. Further, Mr Quick told the Commission that he believed that, due to the facilities the Club provides to patrons other than its gaming activities, residents from other areas such as Melton would drive past other gaming venues to attend the Club.
- 50. A survey of the Club's bistro patrons found that 67% of the patrons were residents of Brimbank, with 29% being residents of Deer Park. Outside Brimbank, the suburbs where the highest proportion of patrons were recorded were Caroline Springs (11%), Sunshine (8%) and St Albans (8%). Mr Quick told the Commission that the patron count was conducted by asking patrons their postcode at the time of ordering and paying for meals (rather than asking every



person present in the bistro).

51. A survey of the Club's gaming patrons found that 76% of the patrons were Brimbank residents and 24% were residents from outside the municipality.
52. Mr Quick gave evidence that the Club is a significant provider of financial and in-kind assistance to the local community. The Club contributed an estimated \$142,820 in financial and in-kind assistance in the 12 months to September 2014. The Club paid a total of \$103,700 in cash contributions to community groups during the same period.
53. Mr Quick gave evidence that the venue currently employs approximately 40 staff, and that approval of the application would result in the creation of almost seven additional full time equivalent jobs.
54. Mr Quick gave evidence that the Brimbank demographic profile sees:
 - (a) household incomes 11% below the Melbourne average in Keilor and 23% lower in Sunshine;
 - (b) high levels of home ownership (38% of all households) and high levels of mortgage stress, particularly in the Sunshine SLA; and
 - (c) a predominately blue collar workforce.
55. It is Mr Quick's view that with the continued development of the housing estates in the area will drive continued change in the socio demographic characteristics of residents. This housing estate-led gentrification is said by Mr Quick to be likely to skew the profile of the residents towards more young family households with white collar occupations and incomes closer to the metropolitan average.
56. Mr Quick also gave evidence that, although there is an area of the highest disadvantage shown in the local area surrounding the Club, this area is almost entirely commercial land with very few residents.
57. On the issue of EGM density, Mr Quick confirmed that given the number of entitlements is currently at its limit and the Victorian Government holds seven entitlements:
 - (a) if the Victorian Government transferred its seven entitlements to the Applicant the number of EGMs operating in the area would increase by seven; but
 - (b) if the Victorian Government did not transfer its entitlements, the Club will need to source the EGMs from other venues so that the number of EGMs in the area would not change.
58. Mr Quick told the Commission that, if the Club obtained the State Government held EGMs, density projections for the year 2017 are 0.5% lower than 2016 due to projected population



growth in the area.

59. Mr Quick undertook an assessment of the proportion of the population that is recorded within each decile of the SEIFA disadvantage measure within a 2.5 kilometre radius of the Club. The population that falls within deciles 1 and 2 are of most concern in assessing disadvantage. Mr Quick found that there are only three venues in the capped area, within a 2.5 kilometre radius with a lower proportion of residents who fall within deciles 1 and 2 (i.e. who are less disadvantaged). Mr Quick told the Commission that the Club's proposal to impose a condition requiring the transfer of EGMs from areas that are more disadvantaged in SEIFA terms, will result in a net benefit in terms of the distribution of machines within the capped area.

THE COUNCIL'S SUBMISSION

60. Both reports filed by the Council concluded that negative social and economic outcomes would result from the approval of the application. The reasons cited by the Council for adopting this position included the existing levels of problem gambling and socio-economic disadvantage in the area, the current levels of EGM density and general community wellbeing.
61. Reference was made also in the Council's Social and Economic Impact Assessment Report to the 'Brimbank Electronic Gambling Policy 2015', the 'Brimbank Community Plan 2009' and the 'Brimbank Planning Scheme'. These documents were said to set out the Council's policy position in relation to gambling.
62. To the extent that the factual matters put forward by the Council are consistent with the Urbis reports and the Commission's report, they are accepted. However, as the Council did not attend the hearing, its submissions derived from those facts were not able to be tested and must, therefore, be given less weight than might otherwise have been the case.

LIKELY ECONOMIC IMPACT OF APPROVAL

63. There is often a large degree of overlap between economic and social impacts of applications to operate EGMs. The Commission considers it useful for the purpose of balancing community benefits and determines that a thorough analysis and identification of the economic and social impact on the community be undertaken.
64. The Commission accepts that approval of this application is likely to result in an increase in gaming expenditure at the Club of \$272,680 over the first 12 months after stage one, and \$425,100 over the first 12 months after Stage Two. Of this amount, \$135,460 after stage one and \$74,228 after stage two will be new expenditure. The balance of \$662,220 for Stage One and \$352,830 for Stage Two will be transferred.
65. The Commission considers that the proposed redevelopment of the Club will offer a marginal



economic benefit to the community. No evidence was led regarding whether construction costs would be channelled back into the local community through the use of local suppliers. Accordingly, the Commission finds that the construction costs cannot carry weight as a benefit.

66. The Commission considers that community contributions of cash and in-kind donations are an economic benefit to the community. However, while the Applicant indicated that it would consider further contributions, no quantum was placed on those contributions and the Commission, therefore, does not take them into account.
67. Employment impacts are traditionally viewed (e.g. by the Productivity Commission) as transfers and based on the level of anticipated transferred expenditure. Given that the increase of employment is relatively low, the Commission considers the proposed increase in employment at the Club to be a slight economic benefit.
68. The Commission does not consider the reduction of debt to be an economic benefit or dis-benefit to the municipality and therefore has no weight when considering an application to increase the number of EGMs at a venue. Further, the Commission has not considered previous renovations or improvements to the Club as relevant to this application.
69. Overall, the Commission considers that there will be a neutral economic impact on the Brimbank community if the application were to be approved.

LIKELY SOCIAL IMPACT OF APPROVAL

70. Wherever accessibility to EGMs is increased, there is always a risk of an increase in problem gambling, which leads to other costs such as lost productivity, increased health and social service requirements and other social costs. Accordingly, the Commission accepts there is potential for negative social costs through possible increased problem gambling expenditure.
71. In relation to the vulnerability of the municipality, the Commission accepts the evidence of Mr Quick and Mr Clyne that given the small increase in both EGMs and new gaming expenditure, there will be a negligible impact on the social fabric and economic resilience of the Brimbank community if the application were approved.
72. Notwithstanding the evidence of Mr Barrett and Mr Cromie, the Commission remains concerned that the ability of Club members to obtain benefits through the rewards program by spending on gaming has the potential to encourage problem gambling and should be monitored closely.
73. The Commission accepts that the Club is a destination venue in a predominately commercial area.
74. Overall, taking into account the EGM density and EGM expenditure per adult, together with the socio-economic profile of the municipality, the Commission finds that Brimbank does present as



a community potentially more vulnerable to problem gambling.

75. The Commission also considers that the risk of an increase to problem gambling as a result of this application being approved is limited by the already high accessibility to EGMs in both the Club and Brimbank generally and the fact that the majority of EGMs are likely to be transferred. The risk is further reduced as the Applicant is an experienced venue operator with appropriate knowledge of harm minimisation and RSG strategies. In conclusion, the Commission is satisfied that the potential for an increase in problem gambling is low.
76. The Commission finds that the increased number of EGMs at the Club will better serve the needs of gaming patrons by providing a wider choice of EGMs potentially allowing the Club to undertake further developments of non-gaming facilities. The Commission considers this to be a slight social benefit.
77. After considering the social benefits of the proposal the detriments, the Commission considers that, on balance, the likely social impact of the proposal will be neutral.

CONCLUSION

78. The no net detriment test in section 3.4.20(1)(c) of the Act requires the Commission to weigh the likely positive social and economic impacts of an application against the likely negative social and economic impacts. The test will be satisfied if, following the weighing of any likely impacts, the Commission is satisfied that the net economic and social impacts of approval on the well-being of the relevant community will be either neutral or positive.³
79. The Commission considers the Applicant to be an appropriate and competent operator, offering a wide variety of services and facilities at the Club. The Commission also notes the significant level of training offered to staff, and willingness to provide third-party expertise in properly executing this training.
80. The Commission also notes the appropriateness of the draft conditions put forward by the Applicant to attach to this approval, which are adopted by the Commission and set out below.
81. After consideration of the material put forward by both the Applicant and the Council, the Commission has concluded that the social and economic impacts of the proposal are likely to be neutral. Accordingly, the Commission is satisfied that it should exercise its discretion to approve the application, subject to the following conditions:

³ *Macedon Ranges Shire Council v Romsey Hotel Pty Ltd & Anor* (2008) 19 VR 422, 435.



Works

(1) Definitions:

- a) **Stage One Works:** *construction of the synthetic surface, together with roofing and courtyard as set out on plan TP100-Stage 1, job number 14042, drawing IH;*
- b) **Stage Two Works:** *construction of the patron's lounge, together with administration, retail bowl shop, storeroom, toilet and change facilities, in accordance with plans TP101-Stage 2, job 14042, drawing IH;*
- c) **Premises:** *The Deer Park Club, 780 Ballarat Road, Deer Park;*
- d) **Venue Operator:** *Deer Park Club Inc.*

(2) If the Stage One Works are not substantially completed by the date that the earlier in time of:

- a) *Twelve (12) months from the date that the first of the additional seven (7) EGMs commence operation at the Premises; or*
- b) *30 June 2017,*

this approval will lapse and the maximum number of electronic gaming machines (EGMs) that may be operated at the Premises will revert to 68.

(3) If the Stage One Works are completed in accordance with condition 2, but the Stage Two Works are not substantially completed by the date that is the earlier in time of:

- a) *The date that any EGMs over and above 75 EGMs commence operation at the Premises; or*
- b) *30 June 2018,*

then the maximum number of EGMs that may be operated at the Premises will revert to 75.

(4) The Commission may, upon the request of the Venue Operator of the Premises, agree to extend the time for substantial completion of the Works as referred to in Conditions 2 and 3. Any request for an extension of time must include an explanation as to why the Works have not been substantially completed in accordance with the time frame set out herein.

Additional Conditions

(5) From the time any additional EGMs granted by this approval commences operation at the Premises, during the hours that the gaming room is operational:



- a) *The members lounge (sports bar), bistro lounge and café area must be operational and available to gaming patrons; and*
 - b) *Food must be available for purchase and consumption by gaming patrons in the member's lounge (sports bar), bistro lounge and café areas.*
- (6) *When the gaming room is operational, a minimum of two (2) staff members must be on duty in the gaming room.*
- (7) *No receipt of cash pursuant to EFTPOS withdrawals may take place in the gaming room.*
- (8) *The 12 entitlements for which approval is granted under this application are not permitted to be sourced from any of the following venues:*
- a) *Taylors Lakes Family Hotel, 7 Melton Highway, Taylors Lakes;*
 - b) *Watergardens Hotel, 431 Kings Road, Taylors Lakes; and*
 - c) *Green Gully Soccer Club, Green Gully Reserve, Lot 2, Green Gully Road, Keilor Downs.*

The preceding 81 paragraphs are a true copy of the Reasons for Decision of Gail Owen, Deputy Chairman, and Kate Hamond, Commissioner.

