

Decision and reasons for decision

In the matter of an application by Huon Hill Club Ltd ACN 681 740 072 under section 3.3.4(1) of the *Gambling Regulation Act 2003* for approval of the premises known as the Club Wodonga, located at 48 Reid Street, Wodonga, Victoria 3690 as suitable for gaming with 70 electronic gaming machines.

Commission	Andrew Scott, Presiding Chair Dr Ron Ben-David, Deputy Chair Claire Miller, Commissioner
Date of hearing	20, 21 and 22 October 2025
Date of decision	27 October 2025
Date of reasons	11 November 2025
Appearances	James Stoller appeared as counsel assisting the Commission, instructed by April Corker Louise Hicks appeared as counsel for the Applicant, instructed by Ashleigh Walpole from Williams Winter
Decision	The Application is refused.
Signed	 Andrew Scott Presiding Deputy Chair

REASONS FOR DECISION

INTRODUCTION

1. On 9 July 2025, Huon Hill Club Ltd ACN 681 740 072 (the **Applicant**) applied to the Victorian Gambling and Casino Control Commission (the **Commission**) for approval of Club Wodonga, at 48 Reid Street, Wodonga, Victoria 3690 (the **Premises**) as suitable for gaming with 70 electronic gaming machines (**EGMs**) (the **Application**).
2. The responsible authority is the City of Wodonga (the **Council**). On 26 August 2025, the Council informed the Commission that it would not make a submission in response to the Application.
3. Previously, the Applicant had applied for the approval of Premises as suitable for gaming with 75 EGMs (**First Application**) on 16 April 2025. Council made a submission on 23 June 2025 opposing the First Application. On 7 July 2025 the First Application was withdrawn by the Applicant.
4. The Commission held a public inquiry into the Application on 20, 21 and 22 October 2025.¹
5. The Commission has determined to refuse the Application, having concluded that the statutory preconditions for approval are not met.
6. This decision has been reached because the Commission has concluded that it is not satisfied that the net economic and social impact of the approval of the Application will not be detrimental to the well-being of the municipal district in which the premises is located.
7. The reasons for the Commission's decision are set out below.

THE LEGISLATION AND THE COMMISSION'S TASK

The Commission's mandated objectives and the main objectives of the *Gambling Regulation Act 2003*

8. The Commission is established under the *Victorian Gambling and Casino Control Commission Act 2011* (Vic) (the **VGCCC Act**).
9. The Commission must determine the Application in accordance with the relevant provisions of the *Gambling Regulation Act 2003* (the **GR Act**) and the objectives of the Commission set out in the VGCCC Act.
10. The objectives of the Commission are provided in section 8A of the VGCCC Act, and relevantly include:
 - (a) to maintain and administer systems for the licensing, supervision and control of gambling businesses and casinos for the purpose of reducing gambling harm experienced by patrons of gambling businesses and casinos; and
 - (b) to minimise gambling harm.²

¹ *Victorian Gambling and Casino Control Commission Act 2011* (Vic) (**VGCCC Act**), s 28(2)(e).

² VGCCC Act, section 8A.

11. The objectives of the Commission reflect the main objectives of the GR Act which include “to foster responsible gambling to:
 - (a) Minimise harm caused by problem gambling; and
 - (b) accommodate those who gamble without harming themselves or others”.³
12. The main objectives of the GR Act are reflected in the provisions that regulate gaming machines in Chapter 3 of the GR Act. Section 3.1.1 of the GR Act sets out the purpose of Chapter 3 which mirrors the main objectives of the GR Act, referred to above, with respect to fostering responsible gambling.

Relevant considerations under the GR Act

13. The Application is made pursuant to section 3.3.4(1) of the GR Act.
14. Section 3.3.7 of the GR Act is titled “matters to be considered in determining applications”. It is the critical provision against which the Application must be assessed.
15. Section 3.3.7(1) provides that the Commission must not grant the Application unless satisfied that:
 - (a) the Applicant has authority to make the Application in respect of the Premises; and
 - (b) the Premises are or, on the completion of building works will be, suitable for the management and operation of gaming machines; and
 - (c) the net economic and social impact of approval will not be detrimental to the well-being of the community of the municipal district in which the Premises are located.
16. The third requirement, listed above, has been described as the “no net detriment” test. The relevant legal principles regulating the application of the no net detriment test are well settled and have been summarised by the Victorian Civil and Administrative Tribunal⁴ (**Tribunal**) and by the Court of Appeal.⁵
17. The no net detriment test requires the Commission to be positively satisfied that there is no net detriment arising from the approval of the Application through positively and objectively finding that the net economic and social impact will not be detrimental. The municipal district means the district under the local government of the Council.⁶
18. In determining the Application, the GR Act provides that the Commission must:
 - (a) consider whether the size, layout and facilities of the Premises are or will be suitable: s 3.3.7(2);

³ GR Act, section 1.1(2)(a).

⁴ *Branbeau Pty Ltd v Victorian Commission for Gaming Regulation* [2005] VCAT 2606 at paragraph 51; *Romsey Hotel Pty Ltd v Victorian Commission for Gambling Regulation* [2009] VCAT 2275 at paragraph 352 and *Mount Alexander Shire Council v Victorian Commission for Gambling and Liquor Regulation* [2013] VCAT 101 at paragraph 52.

⁵ *Romsey Hotel Pty Ltd v Victorian Commission for Gambling Regulation* [2008] VSCA 45 at paragraph 43.

⁶ The GR Act, under section 1.3, provides that municipal district has the same meaning as in the *Local Government Act 2020* (Vic). Section 3 of the *Local Government Act 2020* (Vic) defines municipal district to mean “the district under the local government of a Council”. Here, that is the City of Wodonga. In this statement of reasons, when the Commission refers to “the community”; the “local community” or “the community as a whole”, it is referring to the community of the City of Wodonga.

- (b) consider any submission made by the Council: s 3.3.7(3);
- (c) refuse to approve the Application, or any application under section 3.3.7(1) of the GR Act, unless the gaming machine area is wholly indoors: s 3.3.7(5).

19. The Commission must also consider any Ministerial decision-making guidelines.⁷

Determination of the Application

- 20. The Commission must determine the Application by either granting or refusing to grant approval of the Premises with 70 EGMs as suitable for gaming.⁸
- 21. If the Commission determines that the no net detriment test has not been met, the Application must be refused. However, even if the Commission determines that the no net detriment test has been met, it nonetheless retains a discretion as to whether to grant approval.⁹
- 22. In exercising its discretion, the Commission must have regard to the purposes of the GR Act and in particular the purposes of Chapter 3 which addresses the regulation, supervision, and control of gaming machines.¹⁰ The Commission may also have regard to other factors, in the exercise of its discretion, such as policy considerations drawn from the GR Act as a whole.¹¹ However, if the mandatory considerations under the GR Act favour approving the Application, the Commission's discretion would ordinarily favour approval.¹² Given its conclusion that there would be a net detriment, the Commission has not considered whether any discretionary factors might warrant refusal of the Application.

Conditions on approval

- 23. If the Commission grants the Application, section 3.3.9(1) of the GR Act provides for mandatory conditions of every approval of premises for gaming.
- 24. Section 3.3.9(1) of the GR Act also empowers the Commission to grant an approval subject to any other conditions that the Commission thinks fit, provided the condition is not inconsistent with a provision of the GR Act.
- 25. In assessing the Application, the Commission considered various potential conditions. The conditions considered by the Commission are set out at Annexure B. Those conditions are relevant to the Commission's weighting of the relevant impacts in its assessment of the no net detriment

⁷ VGCCC Act, section 9(4).

⁸ GR Act, section 3.3.8(1)(a). Section 3.3.8(1)(b) also provides that the Commission must determine an application by either granting or refusing to grant approval for 24-hour gaming on the premises on any one or more days. This provision does not apply to this Application because the Application does not seek approval for 24-hour gaming on the Premises.

⁹ *Mount Alexander Shire Council v Victorian Commission for Gambling and Liquor Regulation* [2013] VCAT 101, [97]; *Ocean Grove Bowling Club v Victorian Commission for Gaming Regulation* [2006] VCAT 1921, [32], *Bakers Arms Hotel Pty Ltd v Victorian Commission for Gambling and Liquor Regulation* [2014] VCAT 1192, [126].

¹⁰ *Mount Alexander Shire Council v Victorian Commission for Gambling and Liquor Regulation* [2013] VCAT 101, [98].

¹¹ See *Mount Alexander Shire Council v Victorian Commission for Gambling and Liquor Regulation* [2013] VCAT 101, [99], *Ocean Grove Bowling Club v Victorian Commission for Gaming Regulation* [2006] VCAT 1921, [32], and *Bakers Arms Hotel Pty Ltd v Victorian Commission for Gambling and Liquor Regulation* [2014] VCAT 1192, [26].

¹² *Mount Alexander Shire Council v Victorian Commission for Gambling and Liquor Regulation* [2013] VCAT 101, [98].

test, and have accordingly been included as an annexure to this statement of reasons, despite the fact that the Application has been refused.

The role of the Council

26. As noted above, the Commission must consider any submissions of the Council prior to deciding the Application.
27. On or around 26 August 2025, the Commission was notified that the Council had decided not to make a submission regarding the Application.
28. On 4 September 2025, the Applicant was put on notice that the Commission may consider publicly available materials prepared by Council officers ahead of the City of Wodonga Council to determine whether or not a submission would be made to the Commission for the Application. As set out in paragraphs 70 to 71 below, the Commission did not rely on those materials.
29. The Commission understands that the Applicant's planning permit application (in respect of the proposed redevelopment of the Premises) was heard by Council on or around 27 October 2025. Subsequent to the Commission's decision on the Application, the planning permit application was approved.

MATERIAL BEFORE THE COMMISSION

30. The materials submitted by the Applicant in support of the Application included the following:
 - (a) application form for approval of premises for gaming, dated 9 July 2025;
 - (b) a social and economic impact assessment prepared by NBA group dated 9 July 2025 (the **NBA Report**);
 - (c) an expert's report on possible expenditure prepared by SW Accountants and Advisors dated 4 July 2025 (the **SW Report**);
 - (d) a Harm Minimisation report prepared by DNS specialist services dated March 2025 (**DNS Report**), and a supplementary report from DNS dated October 2025 (**DNS Report Version 2**);
 - (e) gaming layout of the Premises prepared by ONYX Gaming (**ONYX Gaming Layout**);
 - (f) proposed development plans of the Premises (**Development Plans**);
 - (g) a witness statement of John Theodore Feros for the applicant dated July 2025 and a supplementary statement from Mr Feros dated October 2025;
 - (h) a witness statement of Sarah Lewis for the applicant dated July 2025 and a supplementary statement from Ms Lewis dated October 2025;
 - (i) postcode survey dated between 12 November to 15 December 2025;
 - (j) planning permit application prepared by the NBA Group;
 - (k) development plans of the Premises prepared by BSPN Architecture (**BSPN Plans**);
 - (l) constitution of the Applicant (**Constitution**) and a copy of its community purpose statement;

- (m) letter dated 19 September 2025 in response to Commission's request for information (**First RFI Response**). Attached to the First RFI Response were the following:
- i. annexure A – draft variation to the category of liquor licence
 - ii. annexure B – application summary to transfer liquor licence to Huon Hill Club Ltd
 - iii. annexures C and D – corporate structures
 - iv. annexure E – Management agreement between JDA Management Services (Victoria) Pty Ltd as trustee for JDA Management Services (Victoria) Trust and Wodonga Nominees Pty Ltd, dated 5 July 2024
 - v. annexure F – Deed of variation of lease at 48 Reid Street, Wodonga VIC 3690 between JDA Management Services (Victoria) Pty Ltd as trustee for JDA Management Services (Victoria) Trust (the landlord) and Wodonga Nominees Pty Ltd (the tenant) and William Perry (the guarantor), dated 26 April 2024
 - vi. annexure G – Correspondence between JDA Hotels, Williams Winter and Gateway Health, dated 13 Feb 2025
- (n) letter dated 6 October 2025 in response to Commission's additional request for information (**Second RFI Response**). Attached to the Second RFI Response were the following:
- i. annexure A - Financial forecast for Year 1 and Year 2 after installation of EGMs (**Applicant's Financial Forecast**);
 - ii. annexure B - Valuation report of the Premises prepared by CBRE dated 10 April 2024 (**CBRE Valuation**);
 - iii. financial statements of the of Wodonga Nominees Pty Ltd (**Current Operator**) for the year ended 30 June 2023 and 30 June 2024;
 - iv. profit and loss statement of the current venue operator for the period July 2024 to June 2025 (**Current Operator's P&L statement**);
- (o) additional materials provided by the Applicant during the course of the hearing being:
- i. renders and elevations of the exterior of the proposed Premises;
 - ii. additional materials provided by DNS Services, being calculation of 'net benefits' using 14.7%, 20% and 30% for 'problem gambling', along with a copy of a problem gambling summary of research and '*the social costs of gambling to Victoria – at a glance 2023*';¹³
- (p) copy of written submissions provided by the Applicant on day 3 of the hearing;
- (q) proposed conditions, provided to the Commission on 23 October 2025; and
- (r) updated plans of the Premises, provided to the Commission on 24 October 2025.

¹³ Browne M, Tulloch C, Rawat V, Dellosa G, Russell A, Hing N, Rockloff M and Doran C (2025), *The social costs of gambling to Victoria – at a glance, 2023*, State Government of Victoria, Melbourne.

31. The materials submitted by officers of the Council for their consideration at the Council meeting:
 - (a) an economic impact analysis report prepared by Remplan for the Council dated 19 September 2025 (**Remplan Report**);
 - (b) social Impact Assessment of Applicant prepared by Council officers dated August 2025;
 - (c) community feedback summary of a survey dated August 2025 (**Council Survey**); and
 - (d) council's Gambling Harm Preventative Action Plan for the period 2024-2028.
32. The following reports, prepared by officers of the Commission, were provided to the Applicant and to the Council and were considered by the Commission:
 - (a) economic and social impact report, dated 1 August 2025;
 - (b) intelligence report, dated 1 August 2025; and
 - (c) a pre-hearing size, layout and facilities report.
33. The Commission also received and considered 17 submissions objecting to the Application, as well as a petition containing 258 signatures opposing the Application. One of these objections and the petition were received late by the Commission (on 16 and 20 October respectively), and consequently by the Applicant.
34. In support of the Application, the Commission received and considered 7 submissions.
35. The following witnesses gave oral evidence at the hearing:
 - (a) Mr Feros (sole director and member of the Applicant);
 - (b) Mr Tim Stillwell (SW Accountants and Advisors);
 - (c) Mr Nick Anderson (NBA group), the author of social and economic impact assessment report submitted in support of the Application;
 - (d) Ms Sarah Lewis (current employee as regional manager of JDA Group); and
 - (e) Mr Danny Nixon-Smith (DNS Specialist Services), the author of the DNS Report on harm minimisation.
36. The hearing concluded with Counsel Assisting the Commission making oral submissions, and the Applicant filing written closing submissions and making oral submissions. Other than the Council's material (see paragraphs 70 to 71 below), the Commission has considered all of the material before it, and all of the submissions and evidence of the Applicant, in reaching its decision.
37. In many instances the Commission elects to visit the location in question. In this instance, given that the surrounding area was clearly described in the Applicant's materials and that there were to be significant changes made to the premises if the Application was approved, it decided not to conduct a visit.

BACKGROUND

The Applicant and the proposal for the Premises

38. The current business operating from the Premises is Huon Hill Hotel, a hotel with liquor licence.

39. The Premises is currently operated without EGMs by Wodonga Nominees Pty Ltd (**Wodonga Nominees**). John Feros is one of the three directors of Wodonga Nominees.
40. A management agreement is currently in place, whereby JDA Management Services (Victoria) Pty Ltd (**JDA Management**) as trustee for the JDA Management Services (Victoria) Trust, provides management services to Wodonga Nominees. Mr Feros is one of two directors and the sole shareholder in JDA Management.
41. The freehold owner of the Premises is JDA Victorian Investments Pty Ltd (**JDA Investments**) as trustee for JDA Victorian Investments Family Trust, and Mr Feros is the sole director and shareholder in JDA Investments.
42. Accordingly, Mr Feros is a Director and sole shareholder of the following entities related to the Premises:
 - (a) JDA Investments, which owns the freehold of the Premises;
 - (b) JDA Management, which manages the Premises pursuant a management agreement and owns the shares in Wodonga Nominees Pty Ltd, the Current Operator of the Premises;
 - (c) Huon Hill Club Limited, which is the Applicant and proposes to trade as Club Wodonga.
43. Currently, JDA Management receives approximately \$104,000 per annum from Wodonga Nominees to manage the Premises.¹⁴ While the lease currently in place between JDA Investments and Wodonga Nominees provides for an annual rental of approximately \$500,000 for the Premises, in fact no rent is paid under the current arrangement.¹⁵
44. The Feros family (**JDA Group**) operates 13 licensed premises in NSW and Queensland (as well as another non-gaming business), of which 12 have EGMs.
45. The Applicant was registered on 22 October 2024 as a public company limited by guarantee. It proposes to trade as Club Wodonga. Currently, it does not have any involvement in the management or operation of the Premises.
46. The Applicant was granted a club Venue Operators Licence (**VOL**) on 27 June 2025. The VOL was granted on the assertions made by the Applicant, and detailed in the Applicant's constitution, that the net proceeds of its business operations will be applied to community purposes. The Applicant has applied for registration as a charity with the ACNC and has documented its Charitable Objects in a document filed with the Commission.
47. None of the other venues run by JDA Group are operated as clubs, as is proposed for the Premises if the Application is approved.

¹⁴ The Management Agreement effective 5 July 2024 indicates a management fee of \$2,000 per fortnight. The 2024/25 profit and loss statement for Wodonga Nominees shows total management fees of \$126,031. Nothing turns on this apparent discrepancy.

¹⁵ Mr Feros' evidence was that "The lease arrangement is currently around 500,000 per annum." Transcript p 33. The 2024/25 profit and loss statement for Wodonga Nominees shows no rental expense incurred for that year.

48. The Applicant's evidence is to the effect that the Feros family's involvement with Wodonga started with the relationship with the former operator of the Huon Hill Hotel, Mr. William Perry. The Feros family supports and wishes to implement what it describes as Mr. Perry's long-term vision and concept for a club in Wodonga. According to evidence submitted by the Applicant, Mr Perry's vision was to create a community venue with high-quality facilities that is able to fill gaps that existed in the Wodonga community and also retain customers for all aspects of hospitality on the Victorian side of the border. Currently there are several club venues in Albury which are larger and more appealing, and this has been a constant and ongoing vision for Mr Perry. Since there is no club venue with EGMs in Wodonga, the Applicant intends to fill that gap.
49. The operations of the Premises will be transformed into a club-like operation to be called Club Wodonga as part of a major redevelopment proposed by Applicant which includes the creation of Club Wodonga, which will become the occupier and operator of the Premises. Once Club Wodonga commences operation, the Applicant contends that the community will be the beneficiary due to the Applicant holding a club VOL, and the expertise and financial backing of the JDA group, which is an experienced and generational operator in the hospitality industry.
50. While the Applicant maintained that the primary purpose of the proposed Application and redevelopment was to operate a club for the benefit of the community, the broader JDA Group of companies will receive significantly more money each year if the Application is approved than they do currently, based on the forecast in its profit and loss statement for year 1 of operation with EGMs, in that:
- (a) if the Application is approved, the current management fee will increase from \$104,000 (or \$126,031) to \$450,000 in year 1, and then by 5% each year; and
 - (b) if the Application is approved, after the redevelopment rent is forecast to be \$995,000 in year 1 and forecast to increase by 5% in year 2 of operation. Despite the existing lease, no rent is currently paid.
51. The Application seeks to introduce 70 EGMs to the Premises. The Applicant contends that the introduction of EGMs will facilitate a significant redevelopment of the Premises to one that offers a broader range of entertainment and recreational activities to patrons and members of the local community. Critically, according to the Applicant's submission, the approval of the Application and the subsequent redevelopment will mean that for the first time, Wodonga will have a club: a multi-function hospitality venue which aims to become a social hub and focus for the community.
52. The evidence of the Applicant is that the introduction of EGMs will make it financially viable to redevelop the Premises in the way it proposes by conducting building works and renovations costing an estimated \$6,000,000. Mr Feros' evidence is that the redevelopment will not go ahead

unless the Application is approved. The proposed redevelopment will generally improve the quality of the Premises and will allow for the following:

- (a) reconfigured upper-level floorplan layout to facilitate an expanded and improved sports bar with indoor and outdoor entertainment areas; a new children's play area; additional enclosed terrace dining areas;
 - (b) a new TAB area;
 - (c) enhanced function room facilities and bar facilities and reconfigured designated outdoor smoking areas (**DOSA**).
 - (d) new lower-level café, alfresco dining and lounge.
 - (e) new lower-level gaming lounge with 70 EGMs, breakout lounge and DOSA; and
 - (f) reconfigured access, parking and loading dock to accommodate the proposed lower level works.
53. If the Application is approved, the Applicant will ensure that any and all profits from the operation of Club Wodonga are returned to the community. However, specifically, the Applicant has committed to contributing a minimum of \$150,000 by way of cash contributions to the community each year, in addition to the mandatory 8.33% community benefit fund (**CBF**) amount, irrespective of whether Club Wodonga makes a profit or not.
54. The Applicant has also committed to providing an annual \$50,000 in-kind contribution to the community.

City of Wodonga

Location and immediate context

55. The Premises is located at 48 Reid Street, Wodonga, Victoria 3690, which is a border town adjacent to Albury, New South Wales.
56. The site is in a central activity centre zone area, surrounded by mixed retail and community services. Sensitive use sites within 300 metres include the Wodonga Magistrates' Court, Wodonga Community Corrections Service, Wodonga Police Station, Department of Families, Fairness and Housing, Ovens Murray Public Health Unit, Wodonga RSL, and a Liquorland bottle shop. A Quest Hotel is connected to the site via a sky bridge. Other sensitive uses beyond 300 metres include a public library, TAFE campus, and the Wodonga Senior Citizens Centre.
57. Within a 500 meter radius, the site is in proximity to several community and support services that are used by members of the community, including Gateway Health (delivers health and social services, including Gambler's Help), St Augustine's Primary School, Stanley Street Preschool and Mann Central Shopping Centre. There are also two public bus stops on Reid Street, linking the proposed premises to Wodonga and surrounding residential areas.

Community and health profile

58. The City of Wodonga is a regional municipality approximately 300 km north-east of Melbourne, covering an area of 433 square kilometres with an adult population of 35,096. Population growth in 2025 is projected at 0.99%, higher than the Victorian average of 0.87%, while 34.7% of the population is aged 50 years and over, lower than the Victorian average of 39.9%.
59. Socio-economic indicators from the 2021 Census and Victoria in Future data show the municipality presents as moderately disadvantaged overall compared with other regional areas. The equivalised household income in the immediate surrounding area (**ISA**) is \$1,079 per week, slightly below the City of Wodonga average (\$1,096) and regional average (\$1,107). About 35% of SA1 areas within 5 km are in the lowest income quintile.
60. Housing stress affects 44% of low-income households in the ISA, similar to the LGA average (43.6%) and slightly below the regional average (45.7%).
The SEIFA index of disadvantage for the ISA is 957.5, below the LGA (973) and regional average (979), with 43% of SA1s in the lowest SEIFA quintile, indicating moderate levels of relative disadvantage.
61. Unemployment in the City of Wodonga is 5.0%, above the regional average of 4.4%, ranking 3rd highest of 13 regional municipalities. The ISA unemployment rate is similar (5%).
62. The area has moderate levels of homelessness (4.5 per 1,000 adults, 35% below the regional average) and a low number of pension recipients (240.9 per 1,000 adults, 5% below regional average).
63. Overall, VGCCC data indicates that the socio-economic profile of the City of Wodonga is generally positive, except for relatively high unemployment. While income levels and housing affordability appear reasonable, moderate disadvantage and the presence of some vulnerable cohorts (such as those accessing justice and corrections services near the site) suggest that there will be some risk of harm in the local area if additional opportunities for gaming are introduced.

EGM municipal limit and density

64. City of Wodonga has been assessed to have a municipal limit of 304 EGM entitlements.
65. There are currently:
 - (a) 3 venues operating EGMs in the Council area with an average NMR for the 2024 financial year of \$197, and a total expenditure of \$10,782,767;
 - (b) 150 EGMs currently operating in the Council area (that will, if the Application is approved, increase the number of EGMs to 220, which is below the municipal limit).
66. It follows that this factor does not preclude the Application being granted.

THE MANDATORY REQUIREMENTS FOR GRANT OF APPROVAL OF THE APPLICATION

67. The Commission cannot grant the Application, under the GR Act, unless it is satisfied of 3 matters:

- (a) the Applicant has authority to make the Application;
- (b) the Premises will be suitable for gaming on completion of building works; and
- (c) if the Application is approved, there will be no net detriment to the well-being of the community.

68. These matters are addressed below, after 3 preliminary issues are addressed.

A preliminary issue: the Council's evidence

69. As set out above, while the Commission received materials from the Council in respect of the First Application, the Council elected not to make a submission in this inquiry nor to participate in the hearing of the inquiry. In those circumstances, the Applicant objected to the Commission considering evidentiary material prepared by Council officers relevant to the Application before the Council decided not to participate in the inquiry. The Applicant's objection was based on the fact that, in those circumstances, it was unable to test the Council's evidence by way of cross-examination.
70. The Commission accepts the Applicant's submission that it ought not have regard to the Council's evidence. Without being able to test the Council's evidence, the Commission is not in a position to assess its reliability. Accordingly, the Commission has not given any weight to the following material:
- (a) the Remplan Report;
 - (b) the Social Impact Assessment of Applicant prepared by Council officers;
 - (c) the Council Survey.
71. The Commission has also disregarded the Wodonga Council – VGCCC Submission Report in circumstances where the Council decided not to make a submission on the inquiry.

A further preliminary issue: the Applicant's financial projections and estimated EGM revenue

72. On 10 October 2025, the Applicant provided the Commission with a document titled "Annexure A Huon Hill Club Ltd T/A Club Wodonga Forecast" (the **Forecast**). The Forecast contained projected income and expenses for Club Wodonga in year 1 and year 2 of operation of EGMs, if the Application were granted, and after the redevelopment occurred.
73. The Applicant also provided the Commission with financial statements for Wodonga Nominees in respect of the 2023, 2024, and 2025 financial years, showing income and expenses for the recent operations of the Huon Hill Hotel.
74. Three significant issues arose from the Commission's analysis of the financial documents.
75. First, the Forecast did not show increases (from the 2025 profit and loss statement) consistent with the Applicant's claims as to the likely impact of the approval of the Application, in that:
- (a) while the Applicant claimed that one of the benefits of approving the Application would be the likely creation of 6 FTE jobs at the Premises, the Forecast showed an increase in

employment expenditure of only \$9,091.28¹⁶ a figure substantially below the difference expected for 6 additional FTE jobs;

- (b) while the Applicant claimed that one of the benefits of approving the Application would be the inclusion of a new café at the premises, no independent revenue for the café was included in the Forecast;
- (c) Mr Feros gave evidence to the effect that revenue from the café was included in food sales from the “bistro” in the Forecast. Given the Applicant’s claims that the Premises (after redevelopment) would be more popular than the current facilities, the Commission expected to see higher anticipated revenue for future sales in the bistro than current sales. However, the Forecast estimates lower total food sales from the bistro than were realised in the 2024/25 financial year (even without any income in 2024/25 from the proposed café);¹⁷
- (d) while the Applicant claimed that one of the benefits of approving the Application would be increased supply contracts (including in respect of food purchased for the non-gaming operations of the new Premises), the projected food costs of Club Wodonga are less than those incurred in the 2024/25 financial year by the Current Operator.¹⁸

76. Mr Feros’ evidence was to the effect that the Forecast was “probably conservative on our bar and bistro projections” that there were “probably a few things missing”¹⁹ from the Forecast and ultimately conceded that due to various errors in the Forecast, “not a lot of weight” could be given to the overall projections contained in the Forecast.²⁰ The errors in the Forecast detract from the reliability of the information provided by the Applicant more broadly. Most significantly, those errors have the consequence that the Commission is not satisfied that there will be any profits (as forecast) that can be taken into account by way of community contributions, over and above the minimum amounts to which the Applicant has committed providing.
77. Secondly, the Forecast showed a significantly higher gaming revenue for year 1 (\$5,133,333) than identified in the SW Report (between \$3,43,260 and \$4,159,540). The range identified in the SW Report was, in turn, adopted as the likely range of gaming revenue in the NBA Report.
78. Mr Feros gave evidence that the projected EGM revenue was based on a comparison of a prospective competitor venue’s EGM revenue. He said that the competitor “which ... we believe is akin [to Club Wodonga], is doing... significantly more than that.... Admittedly they’re not a club but they’re offering... is less than what we’ll be offering in terms of... service and product and

¹⁶ The Forecast projects total wages and salaries of \$1,283,396 for year 1; whereas the 2024/25 financial statement showed total wages and salaries of \$1,274,304.72.

¹⁷ The Forecast projects total food sales from the bistro in Year 1 of \$1,990,909 and the 2024/25 financial statement shows total bistro food sales of \$2,133,181.12.

¹⁸ The Forecast shows total cost of food in Year 1 of \$756,545 and the 2024/25 financial statement shows total bistro food costs of \$818,954.07.

¹⁹ Transcript p 44.

²⁰ Transcript, p 78

ambience...”²¹ When asked about whether the figures in the Forecast should be preferred to those in the SW Report, Mr Feros said: “I think [Shinewing] have been conservative”.

79. Mr Stillwell gave evidence that in his view the estimates in the SW Report are preferable to those in the Forecast, as the SW Report estimates are based on Mr Stillwell’s expertise. The Applicant submitted in closing submissions that “Mr Stillwell’s analysis comes from his own expertise. Mr Feros is backing himself in to do better as an “optimistic operator”.²²
80. The Commission considered the discrepancies between the financial forecasts prepared by Mr Feros and Mr Stilwell. It was noted that while Mr Feros’ experience in the EGM industry might ordinarily lend his projections greater credibility, the key issue was whether higher projected profits necessarily implied greater community detriment through increased gambling expenditure, balanced against potential community benefit through profit distribution. The Commission’s harm assessment proceeds on the assumption of an approximate 40% of the total forecast increase in gaming expenditure will be new gaming expenditure by residents of the City of Wodonga (as estimated by Mr Stilwell), regardless of which forecast is adopted. The distinction between the Forecast provided by Mr Feros and the one provided by Mr Stilwell is ultimately insufficient to alter the Commission’s weighting of the increased risk of gambling harm.
81. Thirdly, the Applicant made a significant error with respect to the forecast tax liability arising from EGM revenue. That is, the Forecast estimated gaming tax as \$2,218,250 for year 1 (based on \$5,133,333 EGM revenue) and \$2,615,200 for year 2 (based on \$5,600,000 EGM revenue). It appears that the Applicant mistakenly failed to apply the progressive tax system in place. In fact, based on estimated EGM revenue, gaming tax at the venue would be \$1,351,448.03 for year 1 and \$1,569,381.52 for year 2. From the Commission’s perspective, this is a very significant error in the Forecast. It is one of the few line items which the Commission is able to verify independently and was conceded by the Applicant in the hearing.
82. Given the matters set out above in respect of the Forecast, the Commission is not satisfied that (as estimated in the Forecast) the Applicant would make the estimated profits in year 1 and year 2 of operations. Indeed, because of the errors and inconsistencies in the Forecast, not to mention their quantum, the Commission considers its conclusions to be unreliable. As a result, the Commission is unable to be satisfied about the quantum of profits that the Applicant will make in year 1 or year 2.

A further preliminary issue: the Applicant’s reliance on precedent

83. Both in the NBA Report, and in the Applicant’s outline of closing submissions, previous decisions of the Commission were relied upon and referred to as apparent comparators to the present application before the Commission.

²¹ Transcript, pp 70 – 71.

²² Applicant’s closing submissions, paragraph 113.

84. While the Commission has considered those cases, and the propositions they are said to stand for, precedents are of limited utility to the Commission in assessing the no net detriment test. That is because answering the no net detriment question is a necessarily fact-intensive task. The Commission is not assisted, in making its assessment on the particular facts of this Application, by findings made or weightings attributed to various factors in other decisions of the Commission, which themselves were based on a careful assessment of the facts applicable and evidence adduced in those applications.
85. Thus, for example:
- (a) the fact that in Robinvale Golf Club Inc's 2012 application, the Commission identified an economic benefit in what it found to be the likely clawing back of expenditure from New South Wales to Victoria,²³ does not assist the Commission in determining, here, whether any such benefit arises;
 - (b) the fact that in Robinvale Golf Club Inc's 2015 application to increase EGM numbers by 20, the Commission found that that it was expected that 70-80% of additional revenue was expected to be transferred from NSW venues,²⁴ does not assist the Commission in deciding how much of likely EGM revenue for Club Wodonga is expected to be transferred from New South Wales;
 - (c) the fact that in Third Bekkah Pty Ltd's application for additional EGMs at Cobram Hotel, the Commission accepted that additional EGMs were required to meet demand and encourage patrons to visit and remain in Cobram rather than move to NSW,²⁵ does not assist the Commission in assessing demand for EGMs in respect of Club Wodonga or whether patrons would be encouraged to visit Club Wodonga rather than NSW venues if the Application were approved;
 - (d) in Rhetro Pty Ltd's application for an increase of EGMs at Biralee Tavern Wodonga, the Commission found that "any risk of an increase in problem gambling is mitigated by the density of EGMs within the region"²⁶ does not assist the Commission in assessing the level of likely gambling related harm in the context of a new application for 70 EGMs at the Premises.
86. Put another way, each application must be assessed on its own merits.
87. For similar reasons identified in respect of the cases outlined above, the Commission has not given weight to other previous findings relied upon in the Applicant's submissions or the NBA Report.

Section 3.3.7(1)(a) of the GR Act: the Applicant has authority to make the application

²³ Applicant's submissions, paragraph 40 – 42.

²⁴ Applicant's submissions, paragraph 44 – 45.

²⁵ Applicant's submissions, paragraph 46 – 49.

²⁶ Applicant's submissions, paragraph 50 – 53.

88. The Commission is satisfied that the Applicant has authority to make the Application within the meaning of s 3.3.7(1)(a) of the GR Act, because Mr Feros, director of the Applicant, is also a director of JDA Investments, the owner of the freehold title for the Premises.

Section 3.3.7(1)(b) of the GR Act: the Premises will be suitable for gaming machines after building works

89. Having regard to: the final version of the plans submitted by the Applicant; the Applicant's submission that it will remove the DOSA adjacent to the gaming machine area; and the Applicant's agreement (were the Application to be approved) to the proposed conditions set out in Annexure B, the Commission finds that the Premises, on completion of the proposed building works and with the conditions it would impose were it to grant the approval, would be suitable for gaming.
90. This is in part due to the commitments made by the Applicant during the hearing, which included:
- (a) the doorway allowing access to the gaming machine area directly from the "covered entry/exit", shown in the plans, would be an exit only;
 - (b) there would be a push button sliding door to enter the gaming machine area;
 - (c) a gap between the café and gaming machine area would be closed
 - (d) there would be "hit and miss" brick work to allow for light to enter the gaming machine area while minimising exposure from the outside of the premises; and
 - (e) facial recognition technology (**FRT**) would be implemented at the premises to assist with compliance and detecting self-excluded patrons.
91. Issues that were of concern to the Commission in this respect in earlier iterations of the plans have been remedied in the final version. The exception is the proposed DOSA accessible from the gaming machine area. However, in closing submissions, the Applicant agreed to remove the DOSA from the proposed plans. It follows that, were the conditions contemplated by the Commission imposed, the Premises would be suitable for gaming machines after the redevelopment, within the meaning of s 3.3.7(1)(b) of the GR Act.
92. The Commission also considers that the design of the proposed children's play area complies with the Ministerial Play Area Guidelines.²⁷
93. This factor does not preclude the Application being granted.

Section 3.3.7(1)(c) of the GR Act: the no net detriment test is not satisfied

94. The Commission is required to be satisfied that there is no net detriment to the well-being of the community of the municipal district arising from the approval of the Application.

²⁷ The design meets each of the five requirements set out in the Ministerial Guideline: the play area is located as far away as practicable from the gaming machine area; there is no line of sight from the play area into the gaming area (and vice versa); the location of the play area does not permit sounds of the gaming area to be heard in the play area; the play area is not directly accessible from the gaming machine area; the design of the play area is conducive to being monitored by Premises staff.

95. There are particular considerations in applying the no net detriment test in the circumstances of the Application, arising from the fact that the Premises is in Wodonga, being one half of the “twin-cities” of Albury-Wodonga, with Albury being located immediately across the Murray River in New South Wales.
96. Given the proximity of Albury to Wodonga, many residents of Wodonga travel to Albury (and vice-versa) for work, entertainment, and to shop and use essential services. This has consequences for the Commission’s assessment of the “no net detriment test” in many respects.
97. The Applicant contends that the social and economic impacts on the well-being of the community, if the Application is approved, would comprise a net social and economic benefit to the community. In support of its position, the Applicant primarily (but not exclusively) relies on:
- (a) Mr Feros’ statements and evidence;
 - (b) Ms Lewis’ statements and evidence;
 - (c) the NBA Report and the evidence of Mr Anderson;
 - (d) the SW Reports and the evidence of Mr Stillwell; and
 - (e) the DNS Report and the evidence of Mr Nixon-Smith.
98. The Applicant emphasised in its closing submissions what it contends are the critical benefits for the Wodonga Community of approval of the Application:²⁸
- ... the benefits to the Wodonga community include:
- That it will for the first time have a club, which seeks to become a social hub and focus for the community – a multi function hospitality venue.
 - The Applicant commits to a community contribution, as set out at table 5 of the Anderson report, which contribution will be in addition to the mandatory 8.33% CBF, will not be tied to any sponsorship deal and critically will be paid whether or not the club makes the requisite profit.
 - If the club makes more than the anticipated profit, those profits will be distributed to the community.
 - Transferred expenditure will in part be clawed back from NSW to the benefit of Victoria. The club will be able to better compete with the clubs in NSW to provide a recreational offer.
 - Employment will increase – including “plum jobs” to adopt the language of Mr Anderson.
99. The critical economic and social impacts identified and weighed by the Commission are summarised in Annexure A.²⁹

²⁸ Applicant’s submissions, paragraph 57.

²⁹ The Commission has considered weightings of “nil”; “negligible”; “marginal”; “low”; “moderate”; and “significant” in respect of the various potential social and economic benefits and detriments of approving the Application. Those terms have the meaning set out in Annexure A.

100. The Commission notes that its Annexure A does not correspond precisely with the table of economic and social benefits and detriments listed in the NBA Report. However, the Commission has considered each of claimed benefits and detriments from the NBA Report (and Mr Anderson's evidence) in undertaking its analysis.
101. On balance and as detailed below, the Commission considers that the net economic and social impacts of the approval of the Application on the community within the Council area will be negative. The Commission's conclusion in this regard assumes the imposition of licence conditions considered by the Commission³⁰ which could be put in place to assist with minimising the risk of harm from gambling.
102. It follows that the Application does not satisfy the no net detriment test, and the Application must be refused.

Social and Economic benefits which will flow from approving the Application

Benefit of money spent on facilities and availability of improved or enhanced venue facilities

103. The Commission has assessed, cumulatively, the social and economic impacts on the community likely to result from approval of the Application on:
 - (a) the improved entertainment options for members of the community by virtue of:
 - i. the new facilities at the Premises if the Application is approved (the café and gaming machine area); and
 - ii. the improvements to the existing facilities at the venue (including the general increase in quality of the Premises by virtue of the redevelopment and in particular the improvements to the sports bar, bistro, existing function rooms, children's play area, al fresco area including the enclosure of current first-floor alfresco areas to provide an all-weather option);
 - iii. the fact that Club Wodonga would operate as a club, which aims to become a social hub and focus for the community (and thus the "positive social engagement with community groups" considered in the NBA Report's Table 7).
104. In the Commission's view, these factors, considered cumulatively, comprise a marginal benefit to the community of the approval of the Application.
105. In reaching this conclusion, the Commission acknowledges that it has adopted a rating which is lower than that considered appropriate by Mr Anderson, who attributes a moderate economic benefit to the capital investment and venue development; a low-moderate social benefit to the enhanced entertainment and hospitality facilities; and a moderate community benefit for positive social engagement with community groups.³¹

³⁰ Annexure B contains the conditions considered by the Commission in this respect.

³¹ To the extent that the NBA Report includes both the benefits to suppliers of the capital investment in the Premises, the Commission has not adopted that approach. Rather, that benefit of the redevelopment is considered below, together with the benefit arising from increased supply contracts.

106. The Commission considers that Mr Anderson has overstated the likely positive effect of these matters on the community as a whole.
107. In this regard, the Commission has considered, separately and cumulatively, the new offerings and improvements to existing facilities, the new “club” with its intended social and community focus and consequential benefits.
108. In terms of the new offerings, the Commission accepts that the provision of a new gaming machine area and café will provide some economic and social benefit to the community. However, in respect of the café, there is no evidence of any community need for any such facilities, such that the new café will have any perceptible effect on the community as a whole. That the café confers no or a negligible economic or social benefit to the community is further supported by the fact that the Forecast does not provide for any revenue from the café (and/or that the total food revenue from the proposed new operations at the Premises is lower in year 1 than in the last financial year, despite the inclusion of the café). That is, were the café to confer any real benefit on any members of the community (let alone on the community as a whole) the Commission would expect to see some evidence of new expenditure in the Forecast for the café.³²
109. In respect of the gaming machine area, the Commission accepts this will confer some benefit on those members of the community. However, that benefit will be only marginal to those individuals (in circumstances where, as the Applicant notes, there are many other options for EGM use in Wodonga and nearby Albury) and thus only a negligible benefit to the community as a whole.
110. In respect of the improved facilities, the Commission accepts that those facilities will confer some benefit to members of the community who use the Premises. That is, those individuals’ experience in frequenting the Premises will improve by virtue of the redevelopment. However, given the existing facilities are already high-quality, the Commission considers that those individuals will only obtain a marginal benefit from the improved facilities. Considered on a community-wide basis, the improvement to existing facilities confers only a negligible benefit.
111. The Commission accepts that the aim of Club Wodonga is to create a new club, where there is not currently a club in operation in Wodonga, and which aims to be a community and social hub. The Commission accepts that, operating in this way, will likely result in some benefit on the members of the community who frequent the Premises in future. However, (other than the introduction of a café and gaming machine area) the changes to the Premises from its current operations are not particularly significant, in that there are no other new (as opposed to improved) facilities to be made available. Accordingly, the Commission considers there will not be a measurably different experience for non-gaming customers of the Premises, if the Application is granted, to that which is currently available.

³² The Commission has noted Mr Feros’ evidence that there were some elements missing from the forecast figures provided, and that this omission may well have been one of them.

112. On balance, and considering each of the aspects set out above, the Commission is satisfied that this aspect confers only a negligible benefit on the community as a whole.

Community contributions

113. As set out in paragraphs 53 to 54 above, the Applicant has committed to making community contributions in the sum of \$150,000 in cash contributions annually, as well as providing “in-kind” contributions of \$50,000 and the mandatory 8.33% CBF contributions. The Applicant, in line with its constitution, also says that it will contribute any profits from the operations of Club Wodonga to the community.
114. The Commission accepts that the Applicant would contribute all profits from the running of Club Wodonga to the local community. It was on this basis that the club VOL was granted. However, given the unreliability of the financial forecasts of the Applicant, the Commission has given no weight to the possibility of profits flowing to the community. In short, given the unreliability of the Applicant’s financial projections, the Commission is not satisfied about the quantum of profits the Applicant will make. This is distinct from the guaranteed \$150,000 per annum in community contributions discussed below.
115. In respect of the 8.33% CBF amount conferred on club operators by virtue of a tax concession, the Commission has given this amount no weight in assessing the impact of approving the Application on the community. Insofar as the Commission understands it, no reliance was placed on the CBF contributions in either the NBA report or in the Applicant’s closing submissions. Further, and in any event, there is limited useful evidence before the Commission as to the way in which the CBF contributions will be made, to whom, in what form, etc. The Commission is accordingly unable to attribute any weight to the CBF contributions.³³
116. The in-kind contributions relied upon by the Applicant incorporate matters such as “vouchers to schools, kindergartens, raffles; member discounts; meal deals; discounted or free venue hire; live entertainment”.³⁴ While the Commission accepts these contributions will confer some benefit to the community, that benefit is so low (on a community-wide level) as to comprise a negligible benefit. Many of those items (member discounts, meal deals, discounted or free venue hire, live entertainment) are properly characterised as marketing or advertising costs of the operation of a bistro/bar rather than as community contributions. While the community might benefit from the provision of vouchers for raffles, given the lack of detail as to the value of any such vouchers or the groups to whom they would be provided, the Commission is unable to be satisfied that this will confer anything more than a negligible benefit on the community as a whole.
117. The cash contribution of \$150,000 is in a different category. The Commission:

³³ The Commission notes that the Applicant’s allocation of funds towards the CBF is a legislated requirement rather than a voluntary benefit. Accordingly, and consistently with the apparent approach of the Applicant, the Commission it does not treat it as a discrete community benefit.

³⁴ NBA Report, Table 5.

- (a) is satisfied that the amount of \$150,000 in cash would be contributed annually, to the community, if the Application were approved;
 - (b) accepts that conditions could be imposed which would require the \$150,000 to be distributed on the recommendation of a committee, and that amounts would be distributed in good faith to those the committee considered needed the funds for community purposes;
 - (c) acknowledges that Mr Anderson (as an experienced witness):
 - i. has not seen a higher amount of community contribution offered by an applicant for EGMs;
 - ii. considers the community contributions to comprise a significant benefit to the community; and
 - iii. has seen similar schemes work well in practice in other clubs.
118. However, the Commission is not satisfied that the community contributions will confer any more than a marginal benefit to the community as a whole. In this regard, the Commission can make no finding as to critical matters which would satisfy it that a higher weighting were justified in respect of the proposed community contributions. In particular, the Commission can reach no conclusion as to:
- (a) which organisations will receive funds by way of community contributions;
 - (b) how much money would be distributed to each such organisation; or
 - (c) what each such organisation would do with any funds distributed to them.
119. Absent such detail, it is not possible for the Commission to properly assess:
- (a) the impact of the community contributions on the organisations to whom the funds would be distributed; or
 - (b) the impact of the community contributions on the individuals who use or are supported by those organisations; or
 - (c) the consequent impact of the expenditure of funds by those organisations on the community as a whole; or
 - (d) the extent to which these funds would go to mitigating or addressing the additional risk of gambling related harm that the Commission finds would follow if the application were approved.
120. That is, it is conceivable that the provision of \$150,000 in community contributions to a community the size of the City of Wodonga could have a significant impact on the community. But it is also conceivable that amount (comprising as it does less than \$3.50 per person per annum at a Council-wide level) could be given without conferring any benefit on the community as a whole. The extent of the impact will depend on which organisations are provided funding, how much money each organisation is provided, what the organisation's needs are, what the organisation does with funds received and the accessibility of those benefits by members of the community.

121. Relatedly, the Commission is currently uncertain as to how the proposed committee would operate. It does not know the composition of the committee, the terms upon which the committee would distribute funds, the groups to whom it would ultimately decide to distribute funds to, the needs that it would seek to address, the conditions (if any) imposed in respect of organisations receiving funds, or whether all of the prospective recipients named in the submitted evidence would be willing to accept money derived from gambling.
122. The Commission is satisfied that the community contributions will confer some benefit on at least some members of the community. However, absent evidence in respect of the matters set out in paragraph 118(a), (b) and (c), and/or the matters set out in paragraphs 119-121 above, the Commission is unable to be satisfied that the contributions confer anything more than a marginal benefit on the community as a whole.
123. In coming to this conclusion, the Commission has not given any weight to Mr Feros' evidence to the effect that the amount of community contributions distributed to some organisation may depend upon the amounts of support those organisations members gave to Club Wodonga. That is, the Commission accepts the Applicant's closing submission that there would be no "quid pro quo" in respect of the distribution of the community contributions. Had it reached the contrary conclusion, an even lower weighting would have been attributed to the benefit of community contributions.

Employment-related benefits

124. The NBA Report opines that the approval of the Application would confer 6 new FTE positions at the Premises, and that this would confer a moderate economic benefit on the community. The evidence of Mr Feros and Ms Lewis supported the suggestion that 6 new FTE positions would be created at the Premises if the Application is approved. Ms Lewis, in particular, explained that the new requirements for employees to staff the new café and gaming areas would result in significant employment requirements. Mr Anderson, drawing on his professional expertise and his experience in rural Victoria, described the new positions as "plum" jobs that would be very popular and taken up quickly.
125. The Commission accepts that, if the Application were approved, there would likely be more employees working at the Premises than if the Application is refused. That is, there would be a minimum of 3 employees working in the gaming machine area at all times it is operational, and some additional staff required for the new café. However, the Commission is left with considerable uncertainty as to how many additional FTE positions will be created if the Application is approved, by virtue of the fact that the Forecast shows only a very small increase in total wages and salaries projected as between the 2024/25 financial year and year 1 of operations after the Application is approved. On this basis alone, the Commission is not able to be satisfied that the Application if approved will result in 6 FTE positions and anything more than a negligible benefit to the community as a whole.

126. Further, and in any event, the Commission reaches the same conclusion even assuming that 6 FTE positions will be created at the Premises if the Application is approved. The Commission reaches the conclusion that only a negligible benefit would accrue to the community as a whole in this scenario because:
- (a) first, while accepting that the positions would be sought-after, and would confer a real benefit on the individuals obtaining the new jobs, the benefits to the community as a whole arising from the creation of 6 FTE positions in a community of 44,000 are very small. On this basis alone, the impact on the community of the increased employment opportunities at the premises are negligible.
 - (b) secondly, and in any event, the Commission is not satisfied that the new FTE positions at the Premises will add any new jobs to the community as a whole. That is, the new jobs at the Premises will arise from new money being spent at the Premises that would likely otherwise be spent at other local businesses, potentially reducing employment opportunities elsewhere in the local community. Thus, the Commission is not satisfied that there will be any net increase in employment opportunities for the community as a whole from the Application being approved.
 - (c) thirdly, and in any event, on the evidence before it the Commission is unable to determine whether (and the extent to which) the employment benefits would flow to individuals from the local community. In particular, the Commission is unable to determine that members of the Wodonga community would benefit from the creation of these new positions, and if what proportions. The alternative is that the new FTE positions could go to individuals from Albury or another LGA, rather than the local community.

Expenditure on local suppliers and local business support - costs of the redevelopment and ongoing expenditure

127. The NBA Report attributes weighting of low economic benefits to each of local business support and supply contracts, and (as above) a moderate weighting to the capital investment and venue development.³⁵
128. The Commission is not satisfied that the increased local business support, supply contracts, and benefits flowing to local trades and suppliers from the redevelopment if the Application is approved, confer anything more than a negligible benefit on the community.
129. In this regard, the Commission considers that the ongoing supply contracts and local business support confer only a negligible benefit on the community as a whole. In terms of ongoing supply contracts and ongoing trade and maintenance requirements:

³⁵ The NBA Report's weighting on this category is included here to take account of the possibility that "Capital Investment and Venue Development" is intended to cover both the improvements to the Premises and the money expended on the redevelopment.

- (a) first, as noted above, the Forecast does not disclose significant increases in food or beverage sales (indeed, the prospective food sales are projected to decrease if the Application is approved). On this basis alone, the Commission is not satisfied that any real benefit will flow to the community from this category if the Application is approved.
 - (b) secondly, and in any event, there is significant uncertainty as to whether businesses from the local community (and in particular Wodonga, rather than Albury) will benefit from any increased supply contracts. In this regard, while the Applicant has indicated an intention to use “local” suppliers, many of the local trades and suppliers it says it uses to date are from Albury, rather than Wodonga.³⁶
 - (c) thirdly, and in the absence of specific evidence as to the likely increase in supply contracts or maintenance requirements, the Commission is not satisfied that any material benefit will flow to local businesses if the Application is approved. Similarly, the Commission is not satisfied that any benefit to specific local businesses will comprise any real benefit to the local community more broadly.
130. The Commission accepts that there will be some benefit to the local community by virtue of the Applicant’s stated intention to use local trades and suppliers, where possible, for the redevelopment of the premises. However, the Commission is only satisfied that this would result in a negligible benefit of approving the Application because:
- (a) of the one-off nature of the redevelopment;
 - (b) there is no specific evidence as to how much of the estimated \$6,000,000 redevelopment price will be spent locally; and
 - (c) there is no specific evidence as to whether the “local” benefits will flow to businesses in the local community (and in particular to Wodonga, rather than other local government areas including Albury).

Increased opportunity for recreational gaming

131. In the Commission’s opinion, the increased opportunity for recreational gambling is a factor of some community benefit. However, given there are already three other venues operating EGMs in the Council area, and significant opportunities for recreational gambling in Albury, this factor confers only of marginal benefit to the community as a whole. That is, it confers a marginal benefit to those members of the community interested in using EGMs. Given not all members of the community will obtain this marginal benefit, the Commission weighs this factor as of negligible benefit to the community as a whole.

³⁶ See Table 4 on p 40 of the NBA Report, which details “local suppliers and trades” and includes “Locky’s countryside meats (Albury)”; “Albury wholesale chickens (Albury)” and “Superior foods (Albury)”. Of the “Local Trades” many (including Zeale – Audio Visual, Twin City roller doors, Burtons Locksmiths, and DLG group) appear from internet search results to also be Albury-based businesses.

Increased competition among gaming venues in Wodonga

132. The Commission accepts that there will be some element of increased competition among gaming venues in Wodonga from the approval of the Application.
133. However, given there are already three gaming venues in Wodonga, and several more gaming venues nearby in Albury operating over 1100 EGMs collectively, the Commission considers the impact of this aspect on the community to be negligible. It follows that this is not a factor which has had any bearing on the Commission's ultimate conclusion on the no net detriment test.

Other suggested benefits from the NBA Report

134. The NBA Report refers to 3 further suggested benefits of the Application, which are not included in Annexure A. The Commission has not included those suggested benefits in Annexure A because it does not consider them to be independent benefits of approving the Application (such that including them in Annexure A would comprise double-counting) or because it does not consider them to be benefits of approving the Application at all. Those suggested benefits are discussed below.
135. First, the NBA Report posits that the responsible gaming measures which will be implemented at the Premises, if the Application is approved, comprise a moderate to significant social benefit to the community. When questioned on this aspect, Mr Anderson stated that the responsible service of gaming (**RSG**) measures comprise:

... an economic benefit to the community. My take on that, when I look at that, I look at it as that if good RSG can help minimise the attractiveness of a venue to a problem gambler, that's an economic benefit to the community because that person isn't gambling at that venue.
136. The Commission agrees with Mr Anderson that good RSG can help to minimise the attractiveness of a venue to a so called "problem gambler", and that one positive outcome of good RSG may be that a person who might suffer gambling related harm at a venue without good RSG might not gamble, or may gamble less, at a venue with good RSG measures.
137. However, the Commission has given no weighting to this category of suggested benefit as an independent economic benefit of the Application, as suggested by Mr Anderson. While RSG measures are critical to ensuring that gambling related harm is reduced to as low a level as possible, the Commission does not consider even best-practice RSG measures constitute a stand-alone benefit to the community. Rather, the proposed RSG measures for the venue are considered by the Commission to be relevant as mitigating the social and economic harms associated with the increased risk of gambling related harm.
138. Secondly, the NBA Report ascribes a low benefit to the diversification of community services, described as follows:

The club will provide discounted meals for seniors, ADF personnel, support for disadvantaged youth, and free venue hire for select community groups.

139. The Commission does not consider that this category constitutes any benefit to the community from approving the Application. Discounted meals for seniors and ADF personnel are already provided at the Premises,³⁷ and the suggestion of “support for disadvantaged youth” and “free venue hire for select community groups” are insufficiently precise to satisfy the Commission of any benefit to the community, and if so, how much.
140. Thirdly, the NBA Report ascribes a moderate economic value to “increased economic activity and capturing ‘leaked’ expenditure”, summarised as follows: “Significant gaming expenditure is expected to return from NSW venues, keeping revenue within Wodonga rather than being spent in Albury.” The Commission does not consider this comprises any benefit to the local community.
141. The Commission understands that Mr Anderson considers there are two potential economic benefits flowing from the Application being approved within the category of “capturing leaked expenditure”.
- (a) first, that it is possible that some individuals from Wodonga currently travel to Albury to spend money on EGMs at the large Albury clubs and then spend money on shopping and other non-gaming related activities (unrelated to EGMs) while in Albury. One potential benefit of the Application being approved is said to be that this money may instead now be spent in Wodonga, thus benefiting the community more broadly. However, the Commission is not satisfied that expenditure is “leaking” to Albury in this way (no evidentiary basis for the assertion has been made out); nor that the approval of the Application would significantly alter any such “leaking”.
 - (b) secondly, that money currently spent on EGMs in Albury will be transferred to Club Wodonga. The Commission accepts the Applicant’s evidence, to the effect that approximately 30% of total gaming revenue at EGMs at Club Wodonga would, if the Application is approved, be expenditure transferred from Albury clubs. That is, using the estimates from the Forecast as the starting point, approximately \$1,539,999 in year 1. However, the Commission is not satisfied that this confers an independent benefit on the community. To the extent that the transferred expenditure may result in additional employment, supplier contracts, community contributions, these matters are considered separately. To the extent that additional tax revenue from EGM revenue will flow to Victoria rather than New South Wales, the amount will be so small (in the context of Victoria as a whole) as to comprise no benefit to the local community.
142. Accordingly, the Commission gives no weight to this category of suggested benefit.

³⁷ The NBA Report at [72] details enhancements the Premises “was already offering the community” which were said to include “reduced meals at all times for anyone who holds a Victorian Seniors Card”; “the local ADF can show their ID and receive 20% off food”; there is “happy hour and free pool on a Thursday night for anyone that shows their Defence ID”;

Social and economic detriments which will flow from approving the Application

Social and economic detriments related to gambling-related harm and problem gambling

143. The Commission assesses the social and economic harm which may result from gambling-related harm and problem gambling as the most significant detriment to the community from any decision to approve the Application.
144. In this regard, the Commission has adopted the same ratings as Mr Anderson, as detailed in the NBA Report. In his report, Mr Anderson separates the economic and social disbenefits of gambling related harm and:
 - (a) ascribes a low to moderate economic disbenefit to the “Potential for Increased Gambling-Related Harm” stating in summary: “Introduction of 70 new gaming machines may contribute to higher gambling losses in the community. Some of the projected new expenditure is likely to come from vulnerable individuals rather than solely from discretionary entertainment spending”;
 - (b) also ascribes a low to moderate social disbenefit to the “Higher Exposure to Problem Gambling Risks” stating in summary: “Wodonga has a moderate level of socioeconomic disadvantage, increasing the risk of problem gambling among vulnerable groups. Studies show lower-income communities are at higher risk of gambling-related harm”.
145. The Commission agrees with each of Mr Anderson’s assessments. It has formed the view that approving the Application would cause a low to moderate economic detriment by virtue of the increase in the risk of gambling related harm; and a low to moderate social detriment by virtue of the increased expenditure by people who are harmed by gambling and higher exposure to gambling risks.
146. The Commission considers a cumulative low-moderate weighting is appropriate when these economic and social detriments are considered together. The Commission carefully considered whether a higher rating was appropriate for this category. Given Mr Anderson considered the social and economic impacts separately as each conferring a low-moderate impact, the Commission considered ascribing a moderate detriment when assessing the economic and social detriments together. However, given the responsible gambling measures agreed to by the Applicant, including the use of FRT to assist with compliance requirements, the Commission considers that the risks of gambling related harm would be reduced to a level that warrants a low-moderate detriment being ascribed to this item.
147. Absent those RSG measures, the Commission would have ascribed a higher (and potentially significantly higher) weighting to this category.
148. However, even with those RSG measures in place, and accepting the Applicant is staffed by experienced operators committed to best practice, it is inevitable that some proportion of the gaming expenditure at the Premises will come from individuals suffering gambling related harm, and that at least some of that expenditure would not have occurred at other venues were the

- Application not granted. The Commission also accepts that this is likely to cause significant harm to the individuals directly affected, and to their families, friends and the broader community.
149. In assessing the detriment likely to be caused to the community from gambling related harm, the Commission has considered both the year 1 estimate for EGM revenue from the Forecast and from the SW Report. Whichever of those estimates is adopted, the Commission reaches the conclusion that a low-moderate detriment is warranted in respect of gambling-related harm.
- (a) adopting the year 1 estimate of total EGM losses from the Forecast (\$5,133,133) and then applying Mr Stillwell's estimate of 40% likely new gaming expenditure by members of the community, approximately \$2,053,333 of gaming revenue is estimated to comprise new rather than transferred expenditure by residents of Wodonga.
 - (b) adopting the year 1 estimate of total EGM losses from the SW Report (a range of between \$3,403,260 and \$4,159,540) and applying Mr Stillwell's estimate of 40% likely new gaming expenditure by members of the community, between \$1,361,304 and \$1,663,816 gaming revenue is estimated to comprise new rather than transferred expenditure by residents of Wodonga.
150. Whichever figures are adopted for new expenditure from the local community (whether \$1,361,304 at the lower end of the SW range, or \$2,053,333, or a figure in between), the Commission considers that the new losses on EGMs likely to arise from the local community are substantial. Given the matters set out in paragraph 148 above, the Commission agrees with the NBA Report that a low-moderate detriment is warranted for this category.
151. Finally, the Commission notes that it has given no weight to Mr Nixon-Smith's "Wave 2 Summary" handed up on the final day of the inquiry hearing. That summary used an estimated year 1 EGM revenue of \$4,159,540 (the upper end of Mr Stillwell's estimated range), estimated 40% of that expenditure would comprise new EGM losses (i.e. a total of \$1,663,816 of new losses). He then applied an assumption that 14.7% of those new losses (\$244,850.95) would be attributed to problem gamblers. However, as identified in cross-examination of Mr Nixon-Smith, the problem with his analysis is that it relied on an estimated figure of 14.7% of individuals involved in EGM gambling being "problem gamblers" rather than saying anything about the proportion of EGM losses incurred by these players. The estimate was accordingly unreliable.

Community attitude to the Applicant's proposal

152. Assessment of the community attitude to the Application has been a difficult task in this Application, given the absence of the Council (making a submission either for or against the proposal) and the absence of any community survey to inform the Commission.
153. The NBA Report deals, broadly, with community attitude with two entries in Table 7, giving a low disbenefit rating to each of the following:
- (a) "Concerns from Community Groups & Policy Implications – Social Disbenefit – Inconsistency with Local Planning Policies" summarised as follows:

Wodonga City Council has a Gambling Harm Prevention Policy, which emphasises a public health approach to reducing gambling harm.

The introduction of new gaming machines may conflict with Council policies aimed at minimising gambling accessibility. Council acknowledges a well-established long-term 'club' EGM gaming environment in Albury.

- (b) "No Community Survey Conducted – Social Disbenefit – Lack of Community Engagement & Transparency" summarised as follows:

The lack of a formal community attitudinal survey means there is limited direct feedback on whether residents support or oppose the application. The value and/or weight attributed to these types of surveys has previously been considered to be of marginal assistance to the decision makers. The Town Planning application and VGCCC submission are required to be publicly advertised. It is noted that the Council has posted the proposal on its social media platforms and sought feedback. It is noted that numerous community groups have publicly supported the proposal.

154. While it has approached this question from a different angle to that taken in the NBA Report, the Commission has reached the same conclusion as Mr Anderson: that the community attitude to the proposal constitutes a low social detriment should the Application be approved.
155. In this regard, the Commission has not taken regard of the position of the Council, but has considered the 17 submissions objecting to the Application, as well as the 258 signatures on the petition opposing the Application. Balanced against these objections, the Commission has considered the 7 submissions in support of the Application. Plainly, community sentiment does not all point in the same direction. The Commission also accepts the Applicant's submission that the number of objectors comprise a very small proportion of the local community. Nonetheless, the Commission considers it a matter of some significance that so many individuals have taken the time to make submissions or sign the petition opposing the Application. Many of the submissions, in particular, are detailed and demonstrate serious and sincere opposition to the Application. On balance, the Commission considers that there is sufficient evidence to show there is a portion of the community with a negative attitude toward the Application, and that this negative sentiment would result in a low detriment of approving the Application.

Diversion of trade from other commercial facilities

156. The Commission has given no weight to the potential diversion of trade from other facilities as a stand-alone matter bearing on its consideration of the no net detriment test. Rather, the potential diversion of trade has been considered as a matter which detracts from some of the potential benefits of approving the Application; most significantly in respect of the employment and supplier contract benefits considered above.

Conclusion: net negative impact on the community

157. In the Commission's view, the most significant matters weighing on its consideration of the no net detriment test are the social and economic detriments of gambling related harm which will result from the approval of the Application. Considering each of the benefits cumulatively,³⁸ the Commission is not satisfied that the social and economic benefits of granting the Application would amount to any more than a marginal benefit. On the other hand, the Commission has assessed the social and economic detriment that will flow from gambling related harm as a low-moderate detriment of approving the Application.
158. Thus, when the Commission balances all the benefits of the application against the social and economic detriments of gambling related harm that it considers will flow from granting the Application, the Commission has reached the view that the no net detriment test has not been met. It is accordingly required to refuse the Application.
159. Community attitude can be a significant factor in the Commission's assessment of an application such as the present. Here, however, given the limited evidence on community attitude and the low detriment attributed to this factor, and in the absence of a submission from the local Council, the community attitude does not take on as much significance in this application as it otherwise might.
160. Thus, even before considering community attitude, the Commission considers there to be a net-detriment to granting the Application. That conclusion is only fortified by the low detriment it considers will flow from community attitude, should the Application be granted.
161. In reaching its conclusion that there would be a net-detriment to the social and economic wellbeing of the community in granting the Application, the Commission has had regard to the fact that that there are a greater number of those factors in the "benefits" than "detriments" column. However, given their relative unimportance and the negligible ratings attributed to those benefits (when compared to the more significant weighting given to the detriment relating to gambling related harm set out above) the number of benefits does not compel the conclusion that the no net detriment test has been met.
162. On balance, and considering all of the factors set out above cumulatively, the Commission is of the view that the net economic and social impact of granting the approval on the community of the municipal district in which the Premises is located will be negative. It follows that these impacts will be detrimental within the meaning of s 3.3.7(1)(c) of the GR Act, and the Application must be refused.

³⁸ Benefits including money spent on the construction of the Premises and facilities, increased opportunity for recreational gambling, improved or enhanced venue facilities, expenditure on suppliers, a minimum of \$150,000 in community contributions each year, additional employment at the Premises, gambling expenditure not associated with gambling harm, including increased competition among gaming venues in the City of Wodonga, creating a first 'club' in Wodonga that will diversify community services and provide a place of positive social engagement with and for community groups.

DECISION

163. On the material that has been put before it, the Commission is not satisfied that the net economic and social impact of the approval will not be detrimental to the well-being of the community of the City of Wodonga. Rather, it has concluded that approving the Application would result in a net social and economic detriment to the well-being of the community. Therefore, pursuant to section 3.3.7(1) of the GR Act, the Commission must not grant the Application.
164. Having regard to the foregoing, the Commission has decided to refuse the Application.

Annexure A – Summary of social and economic impacts

The following table is a summary of the economic and social benefits and detriments considered by the Commission in reaching its decision. The table is to be read in conjunction with the main body of the Commission's reasons for decision (**Reasons**).

The Commission has considered the following weightings:

- Nil: No impact, positive or negative, on the social or economic wellbeing of the community
- Negligible: Minimal or imperceptible impact; unlikely to be noticed
- Marginal: Slight impact; limited in scope or duration
- Low: Minor impact with small or contained community effect
- Moderate: Noticeable impact affecting parts of the community
- Significant: Strong, clear or widespread impact on the community.

	IMPACT	WEIGHT
Benefits	Benefit of money spent on facilities and availability of facilities - increased opportunity for recreational gaming - improved or enhanced venue facilities (bistro and alfresco areas, function space, cafe)	Negligible
	Community contributions	Marginal
	Employment related benefits - additional employment	Negligible
	Gambling expenditure not associated with gambling harm - Increased opportunity for recreational gambling - Increased competition among gaming venues in the City of Wodonga	Marginal
	Expenditure on associated suppliers - complementary expenditure	Negligible
Total weight of social and economic benefits	Marginal	
Detriments	Social and economic detriments related to gambling harm - increased risk of gambling harm in the community - gaming expenditure associated with gambling harm - diversion of trade *Note that the Commission has considered RSG measures proposed by the Applicant as a mitigant against this factor	Low-moderate
	Community attitude	Low
Total weight of social and economic detriments	Low to moderate	

Annexure B – Agreed potential conditions had the Application been granted

Conditions on potential grant of the application by Huon Hill Club Ltd (**Venue Operator; VO**) for approval of the premises, to be known as 'Club Wodonga' and located at 48 Reid Street, Wodonga VIC 3690 (**the Premises**) as suitable for gaming with 70 electronic gaming machines are as follows:

These conditions are imposed on the approval under section 3.3.9 and on the venue operator licence under section 3.4.17 of the *Gambling Regulation Act 2003* (Vic).

Condition 1 – Harm minimisation – Gambling harm risk assessment and controls

- 1.1 Before the installation of the electronic gaming machines (**EGMs**) at the Premises, the venue operator (**VO**) must:
 - 1.1.1 undertake and document a gambling harm risk assessment for the Premises' EGM gambling activities, based on the Australian Standard AS/NZS ISO 31000 Risk Management (Risk Assessment), to be made available to the Commission;
 - 1.1.2 develop a venue-specific gambling harm risk management plan which responds to the Risk Assessment, detailing controls for each risk, including actions that can manage the likelihood of an event occurring, and actions that can manage the consequences of an event (Risk Management Plan), to be made available to the Commission; and
 - 1.1.3 submit to and have approved by the Commission a harm minimisation policy and procedures manual (the HM Manual), which gives effect to the gambling harm risk controls and operational practices specified in the Risk Management Plan.
- 1.2 The HM Manual must:
 - 1.2.1 include steps that the VO will take to minimise harm arising from EGM use (over and above any existing requirements detailed in the Premises' Code of Conduct, the current Commission Gambling Venue Checklist and harm minimisation strategies set out in the Gambling Regulation Act 2003 and/or relevant Regulations);
 - 1.2.2 include an obligation on the VO to communicate to adults with minors accompanying them on the Premises that minors must:
 - 1.2.2.1 be monitored; and
 - 1.2.2.2 must not approach or enter the gaming machine area;
 - 1.2.3 prohibit the service of food and beverages to patrons whilst using an EGM; and
 - 1.2.4 prohibit patrons from reserving EGMs to use another EGM.
- 1.3 The VO must submit the HM Manual for approval by the Commission. Following approval, the HM Manual may only be amended with the approval of the Commission.
- 1.4 Once approved by the Commission, the HM Manual is to be:
 - 1.4.1 implemented at the Premises to the satisfaction of the Commission;
 - 1.4.2 provided to the Premises' nominated Venue Support Worker (**VSW**); and
 - 1.4.3 made available to the venue's customers, including by:
 - 3.4.3.1 publication on the venue's website; and
 - 3.4.3.2 display in the gaming machine area in a manner that invites public attention at all times the gaming machine area is open to the public.
- 1.5 The VO must confirm in writing to the Commission annually whether the gaming machine area is being operated in accordance with the HM Manual.
- 1.6 If the HM Manual is breached, the VO must keep a register of the breaches that must be made available to the Commission for inspection upon request. The VO must enter the nature of the breach together with steps to be taken to remedy each breach in the register.
- 1.7 If the Commission determines that the VO has not implemented or complied with the HM Manual, the Commission may direct the VO to cease operating EGMs at the Premises until:
 - 1.7.1 such failure to implement or comply with the HM Manual is rectified to the satisfaction of the Commission; and

- 1.7.2 the Commission is satisfied that the VO has adopted such practices, procedures, policies and systems as are necessary to prevent the breach of the HM Manual from occurring again.
- 1.8 The VO must implement and maintain venue management disciplines providing for the effective coordination and management of gambling related harms to support operation of the HM Manual, including specified meeting, record keeping and information sharing requirements such as:
 - 1.8.1 convening regular, monthly harm minimisation coordination meetings of staff who participate in EGM monitoring;
 - 1.8.2 ensuring that responsible gambling officers (**RGOs**) and staff rostered for duty in the gaming machine area meet with the VSW at least once every six months;
 - 1.8.3 ensuring that all staff involved in gaming machine area operations are trained in and able to access and keep required records, including RG Register records; and
 - 1.8.4 ensuring that all staff involved in gaming machine area operations participate in arrangements to coordinate management of gambling harm risk, including between shifts during handover.

Condition 2 – Compliance with risk register

- 2.1 No later than 1 month after the development of the Risk Register in accordance with Condition 1, and every 12 months after that date, the VO must provide a written attestation to the Commission confirming the following:
 - 2.1.1 that the VO has made all necessary enquiries to be satisfied that all the identified treatments and controls have been, and continue to be, implemented; and
 - 2.1.2 that the VO has reviewed the Risk Register to ensure that any new risks or changes to risks have been identified and that the Risk Register has been updated to ensure the treatments and controls are effective to address those risks.
- 2.2 The written attestation is to be made by an office holder of the VO.

Condition 3 – Compliance with other obligations

- 3.1 At all times any EGMs are in operation at the Premises, the VO must ensure that:
 - 3.1.1 the service of any food and beverage to patrons whilst seated at the EGMs at the Premises will not occur;
 - 3.1.2 minimum staffing levels are maintained as follows:
 - 3.1.2.1 from 10:00 AM until 12:00 PM (noon), a minimum of 2 staff on duty in the gaming machine area all of whom must be RGOs.
 - 3.1.2.2 from 12:00 PM (noon) until 1:00 AM the following day, a minimum of 3 staff on duty in the gaming machine area, all of whom must be RGOs; and
 - 3.1.2.3 a person aged over 18 years who is appropriately qualified and trained as a manager is in charge of operations at the Premises;
 - 3.1.3 all staff rostered in the gaming machine area are trained in YourPlay and able to assist patrons to enrol with YourPlay and set pre-commitment levels for EGM time and spend;
 - 3.1.4 a full-time RGO is employed at the Premises to coordinate the Premises' self-exclusion program, and to implement and maintain harm minimisation training for staff. The RGO must have completed RSG Module 2 and Module 4 training within the last 2 years;
 - 3.1.5 all front of house staff, including all staff rostered in the gaming machine area from time to time:
 - 3.1.5.1 are RGO's;
 - 3.1.5.2 complete six monthly refresher training in responsible gambling practices; and
 - 3.1.5.3 at all times the gaming machine area is in operation, at least 1 staff member who has completed RSG Module 2 and Module 4 training is on duty.
 - 3.1.6 staff are prohibited from using EGMs at the Premises at any time and for 1 month following the cessation of their employment at the Premises;
 - 3.1.7 patrons are prohibited from reserving an EGM in order to use another EGM;
 - 3.1.8 patrons are prohibited from reserving an EGM for longer than 10 minutes;

- 3.1.9 EGMs are not made available for gaming before 10:00 AM or after 1:00 AM on any day; and
- 3.1.10 the cafe will remain open at all times the gaming machine area is open to the public. The cafe must include food available for purchase that is more than pre-packaged snacks at all hours.
- 3.2 No later than 1 month following the installation of any EGMs at the Premises and every 12 months after that date, the VO must provide a written attestation to the Commission confirming that they have made all necessary enquiries to be satisfied that the requirements in 3.1 above are being complied with. The written attestation is to be made by an office holder of the VO.
- 3.3 The written attestation must specify each of the systems, policies and procedures that have been developed and implemented to ensure continued compliance with each of the requirements in Condition 3.

Condition 4 – Risk of criminal influence

- 4.1 Prior to the installation of any EGMs at the Premises, the VO must ensure that:
 - 4.1.1 all office holders of the VO, the nominee, managers and all gaming machine area staff have completed Anti-Money Laundering (AML) and Counter Terrorism Finance (CTF) Training within the last 12 months; and
 - 4.1.2 adequate systems, policies and procedures have been developed and implemented at the Premises to ensure all staff are appropriately trained in identifying and mitigating this risk.
- 4.2 Every 12 months after the installation of any EGMs at the Premises, the VO must provide a written attestation to the Commission confirming that they have made all necessary enquiries to be satisfied that the requirements in 4.1 above are being complied with. The written attestation is to be made by an office holder of the VO.
- 4.3 The written attestation must specify each of the systems, policies and procedures that have been developed and implemented to demonstrate compliance with Condition 4.1.2.

Condition 5 – Community benefit

- 5.1 The VO will establish 'The Club Wodonga Community Fund' (the **Fund**) and make contributions with a total cash value of \$150,000.00 per annum indexed to CPI (the **Contribution**) to be allocated as follows:
 - 5.1.1 the sum of \$100,000 per annum to be distributed to not-for-profit community groups and sporting organisations providing services and facilities to residents within the Wodonga City Council area;
 - 5.1.2 the sum of \$50,000 per annum to be available for special events, community requirements or local disasters (**Flexible Contribution**) within/affecting the Wodonga City Council area; and
 - 5.1.3 If for any reason the full allocation of the Flexible Contribution is not required in the contribution year, those funds must be redistributed to the Wodonga community in line with Condition 5.1.1 in the following year.
- 5.2 The Contribution of the Fund will be distributed as determined by a Committee (the **Committee**) established by the VO, comprising:
 - 5.2.1 two representatives of the VO; and
 - 5.2.2 two representatives of the Wodonga City Council, or in the event that the Wodonga City Council is unwilling to provide a representative, a community representative nominated by the VO. In the alternative, the Wodonga City Council may elect to provide one representative, with a second to be drawn from within the Wodonga community.
- 5.3 The Committee will advertise annually in a newspaper circulating in the Wodonga City Council area for submissions from not-for-profit community and sporting organisations, providing services and facilities to residents within the Wodonga City Council and/or the township of Wodonga regarding the distribution of the Contribution to be made by the VO each year. The Committee will assess requests for contributions in accordance with guidelines to be established by the Committee.

- 5.4 If any of the Contributions are not distributed in accordance with Condition 5.1, the operation of EGMs at the Premises must cease immediately for as long as any of the Contributions (or part thereof) remains outstanding.
- 5.5 The VO must keep detailed financial records of the Contribution (including but not limited to the offers made to community groups) and must provide:
 - 5.5.1 financial accounts evidencing the Contribution being allocated upon request of the Commission;
 - 5.5.2 records evidencing that the Contribution has been fully expended upon request of the Commission; and
 - 5.5.3 a yearly attestation to the Commission, signed by a director of the VO that the Contributions have been made.

Condition 6 – The Works

- 6.1 The Premises Approval does not take effect until the Commission has notified the VO in writing that the Premises have been inspected for the purpose of section 3.3.7(1)(b) of the *Gambling Regulation Act 2003* and the Commission is satisfied that the Premises are suitable for the management and operation of EGMs.
- 6.2 Prior to the installation of any EGMs at the Premises, the Works (as defined in Condition 6.3) must be substantially completed to the satisfaction of the Commission. The commencement of the operation of any of the EGMs at the Premises must not occur until after the Commission has notified the VO in writing under Condition 6.1.
- 6.3 The 'Works' are defined to include the proposed development, remodel, renovation and refurbishment of the Premises substantially in accordance with the floor plans of the Premises prepared by BSPN Architecture, as provided to the Commission on 24 October 2025. The following requirements with respect to the gaming machine area must be met;
 - 6.3.1 there be no designated outdoor smoking area directly accessible from or exclusively servicing the gaming machine area;
 - 6.3.2 the entry to the gaming machine area be comprised of a double frosted glass sliding door accessible only via push button and providing no visibility of the EGMs from outside the gaming machine area;
 - 6.3.3 the South East facing exit from the gaming machine area to the covered walkway be an exit only door with airlock providing no visibility of the EGMs from outside the Premises;
 - 6.3.4 there be no direct access for patrons to the gaming machine area from the café along the Southwest wall of the gaming machine area; and
 - 6.3.5 the windows for the gaming machine area must allow natural light into the Premises, but not visibility of the EGMs from the exterior of the Premises.
- 6.4 If the Works set out in Condition 6.3 are not completed by the date that is 2 years from this approval, then the Premises approval will lapse.
- 6.5 The VO must notify the Commission within 7 days if the VO forms the view that it is likely that the Works will not be substantially completed by the date contemplated in Condition 6.3.
- 6.6 The Commission may, on the request of the VO, agree to extend the time for completion of the Works. Any request for an extension of time must:
 - 6.6.1 be made no later than the date that is 3 months prior to the applicable date referred to in Condition 6.3;
 - 6.6.2 demonstrate compliance with Condition 6.2; and
 - 6.6.3 include an explanation as to why the Works have not been substantially completed.

Condition 7 – Facial Recognition Technology

- 7.1 At all times any EGMs are in operation at the Premises, the VO must ensure that Facial Recognition Technology (**FRT**) is installed and operational at the entry to the gaming machine area to assist with identifying and removing self-excluded patrons in accordance with the venue SEP in a timely manner.

Condition 8 – Breach of conditions

- 8.1 Where the Commission determines that the VO has not complied with one or more of the Conditions, the Commission may require the VO to cease operating all EGMs at the Premises until it is satisfied that:
 - 8.1.1 such failure is rectified to the satisfaction of the Commission; and
 - 8.1.2 the VO has carried out the relevant and necessary action and/or implemented the relevant and necessary systems, processes and procedures to prevent the occurrence of a future breach.