

## BEFORE THE VICTORIAN GAMBLING AND CASINO CONTROL COMMISSION

### IN THE MATTER OF:

Application to amend venue operator licence conditions to increase electronic gaming machines at Club Officer (3 Niki Place, Officer) from 60 to 80.

## OBJECTION - CARDINIA SHIRE COUNCIL

### INTRODUCTION

1. Cardinia Shire Council (**Council**) objects to the application by Cranbourne Pakenham Racing Club Inc (**Applicant**) to increase the number of electronic gaming machines (**EGMs**) at Club Officer from 60 to 80 (**Application**).
2. The Application seeks approval for a 33.3% increase in gaming machine numbers at the venue as part of a broader redevelopment proposal involving expanded hospitality, sports bar and function facilities within the venue.
3. A central feature of the Application is the proposed redevelopment and expansion of the venue is intended to be funded, at least in substantial part, through increased gaming revenue generated by the proposed additional 20 EGMs.
4. On the Applicant's own modelling, approval of the Application is expected to result in:
  - 4.1 approximately \$1.1 million to \$1.35 million in additional annual gaming expenditure at the venue; and
  - 4.2 approximately \$608,000 to \$743,000 in annual 'new expenditure', being expenditure not merely transferred from competing venues, but additional gambling losses generated within the community.<sup>1</sup>
5. In substance, Council submits the Application seeks to justify increased gambling expenditure and increased gambling losses within the local community on the basis such expenditure will facilitate broader commercial redevelopment and expansion of the venue.
6. The Application is further premised on the following key propositions:
  - 6.1 Officer and the broader municipal growth corridor are experiencing substantial population growth;
  - 6.2 there exists unmet demand for gaming opportunities;
  - 6.3 the municipality remains comparatively under-supplied with EGMs;
  - 6.4 the surrounding community is relatively socio-economically resilient; and
  - 6.5 the likely social and economic benefits of the proposal outweigh any associated gambling-related harm.

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<sup>1</sup> *Expert's Report in Respect of Application to vary the number of Electronic Gaming Machines* prepared by SW Accountants and Advisors Pty Ltd, dated 23 December 2025, paras 1.4 and 1.5.

7. Council submits the Commission should approach these propositions with considerable caution. In Council's submission, the evidence presently before the Commission does not establish any genuine operational need for an additional 20 EGMs and materially understates the social and economic risks associated with increased gambling accessibility within a rapidly growing outer-suburban municipality.
8. Council submits the material before the Commission does not establish the net social and economic impact of the proposal will be neutral or beneficial to the wellbeing of the community, as required under the *Gambling Regulation Act 2003 (GR Act)*.
9. To the contrary, Council submits the evidence demonstrates a material risk that approving the Application will increase gambling accessibility, gambling expenditure and gambling-related harm within the municipal district without corresponding social or economic benefits sufficient to outweigh those impacts.
10. In particular, Council submits:
  - 10.1 the evidence said to demonstrate unmet demand for additional gaming opportunities is weak and insufficient;
  - 10.2 the proposal is expected to generate substantial additional gambling expenditure, including significant 'new expenditure' extracted from the local community;
  - 10.3 the asserted social and economic benefits of the proposal are overstated, speculative or inadequately supported by evidence;
  - 10.4 the Application insufficiently addresses socio-economic vulnerability, housing stress and other risk factors affecting parts of the municipal catchment;
  - 10.5 the Applicant's expenditure modelling inadequately accounts for imminent Victorian gambling reforms directed toward reducing gambling expenditure and gambling-related harm; and
  - 10.6 several concerns identified by the former Victorian Commission for Gambling and Liquor Regulation in refusing the Applicant's substantially similar 2017 application to increase EGMs at Club Officer from 60 to 80 (**2017 Application**) remain materially unresolved.
11. Accordingly, Council submits the Application should be refused.

## RELEVANT 'TEST' UNDER THE GR ACT

12. Before addressing Council's key concerns, we set out the relevant legislative 'test' below.
13. In accordance with s 3.4.20(1)(c) of the GR Act, the Commission must not amend a venue operator's licence unless satisfied:

...the net economic and social impact of approval will not be detrimental to the wellbeing of the community of the municipal district in which the approved venue is located...

14. The Court of Appeal in *New Theme Pty Ltd v Victorian Casino and Gaming Authority*<sup>2</sup> confirmed the onus rests with the Applicant to persuade the Commission the relevant 'test' is satisfied, failing which the Application must fail.
15. Relevantly, the Commission has previously acknowledged:<sup>3</sup>

....it is not enough for the Commission to be satisfied that there may be no net detriment or to undertake the assessment on the basis that certain impacts may occur or that they may be positive. The Commission must be satisfied that there will be no net detriment...
16. Council submits the 'no net detriment' test requires the Commission to:
  - 16.1 identify likely economic benefits and disbenefits;
  - 16.2 identify likely social benefits and disbenefits; and
  - 16.3 undertake an evaluative balancing exercise.
17. Ultimately, the Commission must be positively satisfied the proposal will produce a neutral or positive net impact on community wellbeing and critically, that statutory task is not satisfied merely where:
  - 17.1 some economic benefit exists;
  - 17.2 a venue is well-operated;
  - 17.3 redevelopment works are proposed; or
  - 17.4 demand for gambling exists.
18. Rather, Council submits the Commission must evaluate whether the overall impacts on community wellbeing are likely to be neutral or positive when weighed against the likely increase in gambling-related harm.

## 2017 APPLICATION

19. This is not the first application seeking to increase EGMs at Club Officer from 60 to 80.
20. In 2017, the then Victorian Commission for Gambling and Liquor Regulation (**former Commission**) refused the 2017 Application, made by the same operator seeking the same increase.
21. Like the present Application, the 2017 Application relied on projected increases in gaming expenditure to support venue redevelopment and expansion works, together with broader claims regarding population growth, gaming demand and community benefit.
22. In refusing the 2017 Application, the Commission ultimately concluded it was not satisfied the net social and economic impact of increasing gaming machine numbers at Club Officer

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<sup>2</sup> [2002] VSCA 80.

<sup>3</sup> *In the matter of Club Italia Sporting Club Inc*, 15 December 2010, para 57.

from 60 to 80 would be neutral or beneficial to the wellbeing of the community and therefore refused the application in accordance with s 3.4.20(1) of the GR Act.<sup>4</sup>

23. Although the Commission accepted the proposal would produce some economic and social benefits, including certain employment benefits, venue improvements and increased community contributions, it ultimately concluded those benefits did not outweigh the likely social disbenefits associated with increased gambling expenditure and the corresponding risk of gambling-related harm within the municipal district.<sup>5</sup>
24. In particular, the Commission expressed concern the proposal would increase gambling accessibility and gambling expenditure within a rapidly developing growth-area municipality exhibiting indicators of socio-economic vulnerability, financial stress and housing stress affecting parts of the municipal catchment.<sup>6</sup>
25. The Commission also attributed limited or negligible weight to several of the asserted benefits relied on by the Applicant, including improved gambling 'choice', convenience and patron enjoyment, and ultimately concluded the asserted economic and social benefits did not outweigh the likely social disbenefits associated with increased gambling expenditure and gambling-related harm.<sup>7</sup>
26. Importantly, the Commission's concerns in 2017 were not confined to temporary operational matters or venue-specific issues. Rather, the Commission identified broader structural concerns regarding:
  - 26.1 the likelihood increased gaming expenditure would result in corresponding increases in gambling-related harm within the municipal district, including harm experienced by problem gamblers and affected family members;<sup>8</sup>
  - 26.2 the existence of socio-economic vulnerability within parts of the venue catchment notwithstanding broader municipal indicators of relative advantage, including pockets of disadvantage within the Pakenham and surrounding growth-area communities;<sup>9</sup>
  - 26.3 evidence of housing stress and broader financial vulnerability within parts of the municipal catchment, particularly affecting outer-suburban growth-area communities within the Pakenham precinct;<sup>10</sup>
  - 26.4 uncertainty regarding the future demographic and social profile of the rapidly expanding Officer/Pakenham growth corridor and the extent to which future population growth might increase, rather than reduce, vulnerability to gambling-related harm;<sup>11</sup> and
  - 26.5 the limited social utility attributable to increased gaming accessibility, including the Commission's conclusion that improved gambling 'choice', convenience and

<sup>4</sup> Victorian Commission for Gambling and Liquor Regulation, *Reasons for Decision – Application by Cranbourne Pakenham Racing Club Inc for an amendment to venue operator's licence conditions for Club Officer* (2017) (**2017 Reasons**) paras 167–169.

<sup>5</sup> 2017 Reasons, paras 50–151, 152–167.

<sup>6</sup> 2017 Reasons, paras 102–121, 152–159.

<sup>7</sup> 2017 Reasons, paras 124–151, 167–169.

<sup>8</sup> 2017 Reasons, paras 91–121, 152–159.

<sup>9</sup> 2017 Reasons, paras 102–108, 115–120.

<sup>10</sup> 2017 Reasons, paras 105(d), 115–116).

<sup>11</sup> 2017 Reasons, paras 104(a), 115–116, 158.

patron enjoyment constituted, at most, a negligible social benefit attracting no material weight in the no net detriment analysis.<sup>12</sup>

27. Although the present Application is supported by updated material and involves a substantially larger redevelopment proposal than that considered in 2017, it nonetheless concerns the same venue, the same proposed increase in gaming machine numbers from 60 to 80 and substantially the same underlying question of whether increased gambling accessibility and increased gambling expenditure within the Officer/Pakenham catchment can properly be regarded as producing a neutral or positive net social and economic outcome for the community.
28. Further, the circumstances surrounding the present Application differ in several respects from those considered by the Commission in 2017, including:
- 28.1 The municipal population (and particularly the Officer/Pakenham growth corridor) has increased substantially since the 2017 Application, with the municipality continuing to experience one of the highest population growth rates in metropolitan Victoria. However, that growth has also been accompanied by increased housing pressure, mortgage vulnerability and broader cost-of-living stress affecting outer-suburban households.
  - 28.2 Club Officer is now a more established and higher-turnover gaming venue than it was at the time of the earlier application, with the venue now operating within a materially more mature residential catchment and generating substantially greater gaming expenditure than at the time of the 2017 Application.
  - 28.3 The current proposal involves a substantially larger and more commercially ambitious redevelopment than that contemplated in the 2017 Application, which identified renovation works of approximately \$1.5 million, whereas the present proposal now involves redevelopment works said to exceed approximately \$5.5 million and includes substantial hospitality, sports bar upgrades and the addition of a new function facility and associated works, thereby increasing the extent to which the proposal depends on future gambling revenue to fund broader commercial redevelopment activities.<sup>13</sup>
  - 28.4 Significant gambling reform measures introduced through the *Gambling Legislation Amendment (Pre-commitment and Carded Play) Act 2025* and associated Victorian Government reforms have been and continue to be implemented. These reforms create substantial uncertainty regarding future gaming expenditure patterns and materially undermine the reliability of long-term expenditure projections based principally on historical gaming behaviour and historical expenditure data.
  - 28.5 Post-COVID economic conditions, including increased interest rates, mortgage stress, rental pressure, inflationary impacts and broader cost-of-living pressures, have materially altered the financial circumstances of many outer-suburban households since 2017, particularly within rapidly growing municipalities such as Cardinia.

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<sup>12</sup> 2017 Reasons, paras 124–126.

<sup>13</sup> Victorian Commission for Gambling and Liquor Regulation, *Economic and Social Impact Report: Gaming Machine Increase – Club Officer, Shire of Cardinia* (October 2017) p 10; *Urbis Club Officer – Social & Economic Impact Assessment Report* (February 2026) pp 10–12.

29. Council submits these changed circumstances do not support approving the Application. To the contrary, they arguably heighten the risk of adverse social and economic impacts associated with increased gambling accessibility within the municipal district by:
  - 29.1 increasing the number of residents exposed to gambling products and gambling-related harm within a rapidly expanding growth-area municipality;
  - 29.2 increasing financial vulnerability within parts of the community through heightened mortgage stress, housing pressure and broader cost-of-living impacts affecting outer-suburban households; and
  - 29.3 creating substantial uncertainty regarding future gaming expenditure patterns and the reliability of long-term expenditure modelling, particularly considering imminent gambling reforms directed toward reducing gambling expenditure and gambling-related harm.
30. Council accepts the present Application must ultimately be determined on its own merits and based on the material presently before the Commission. However, Council submits the former Commission's 2017 refusal decision remains highly relevant contextual material.
31. In Council's submission, the present Application does not materially resolve several of the core concerns previously identified by the Commission and, in some respects, heightens those concerns by seeking to support a substantially larger and more commercially ambitious redevelopment through increased gambling expenditure within a rapidly expanding growth-area municipality.

## INDEPENDENT SOCIAL AND ECONOMIC IMPACT EVIDENCE

32. Council relies on the independent *Social and Economic Impact Assessment* prepared by Ms Bonnie Rosen at SymPlan dated 25 May 2026 (**SymPlan SEIA**), comprising a detailed contemporary assessment of the likely social and economic impacts associated with the proposal.
33. The SymPlan SEIA ultimately concludes the proposal is likely to increase gambling accessibility, gambling expenditure and gambling-related harm within the municipal catchment, particularly within already vulnerable communities located within the Officer/Pakenham growth corridor.<sup>14</sup>
34. The Symplan SEIA variously:
  - 34.1 identifies approximately 55% of the projected additional player loss associated with the proposal would constitute 'new player loss', being additional gambling losses generated within the community rather than expenditure merely transferred from competing venues;<sup>15</sup>
  - 34.2 identifies Club Officer already records the highest player loss per EGM within Cardinia Shire and concludes gaming machines at the venue are already being used 'intensely' compared with other venues operating within the municipality;<sup>16</sup>
  - 34.3 identifies significant indicators of socio-economic vulnerability within the catchment, including concentrations of financial stress, welfare dependency and

<sup>14</sup> SymPlan SEIA, pp 22–38.

<sup>15</sup> SymPlan SEIA, pp 11, 25 and 34.

<sup>16</sup> SymPlan SEIA, pp 18–20.

broader indicators associated with vulnerability to gambling-related harm affecting parts of Officer and Pakenham;<sup>17</sup>

- 34.4 concludes the proposal will materially increase community exposure to gambling through:<sup>18</sup>
  - 34.4.1 increased EGM numbers;
  - 34.4.2 expansion of the gaming floor area;
  - 34.4.3 increased visibility and accessibility of gaming areas; and
  - 34.4.4 increased opportunities for gambling participation within the venue; and
- 34.5 questions the extent of the asserted community benefit associated with the proposal, concluding there is 'no specific commitment to increase contributions based directly on the outcome of this application' and identifying only 'very limited community benefit associated with the venue's operations';<sup>19</sup>
- 34.6 concludes the proposal is likely to increase overall gambling consumption and associated gambling-related harm within the municipal catchment, rather than merely redistribute existing gambling expenditure between venues;<sup>20</sup> and
- 34.7 concludes the municipal catchment is already adequately serviced by existing gaming venues and EGM availability.<sup>21</sup>
- 35. Council submits the independent conclusions reached in the SymPlan SEIA materially support the conclusion the proposal is likely to result in net social and economic detriment to the wellbeing of the community.

## REASONS FOR OBJECTION

### FAILURE TO ESTABLISH GENUINE UNMET DEMAND

- 36. Council submits the Applicant's case depends heavily on the proposition existing gaming capacity at Club Officer is insufficient and that there exists a genuine unmet demand for additional gaming opportunities within the municipal district.
- 37. Council submits the evidence relied on in support of this proposition is weak and ultimately fails to establish any meaningful operational necessity for an additional 20 EGMs.
- 38. Critically, the Applicant's own expenditure expert substantially retreats from reliance on utilisation analysis as demonstrating unmet demand.
- 39. The *Expert's Report in Respect of Application to vary the number of Electronic Gaming Machines* prepared by SW Accountants and Advisors Pty Ltd, dated 23 December 2025 (**Expenditure Report**) acknowledges utilisation of EGMs above 70% occurred during

<sup>17</sup> SymPlan SEIA, pp 15–16, 23.

<sup>18</sup> SymPlan SEIA, pp 11-12 and 25–27.

<sup>19</sup> SymPlan SEIA, pp 12, 29–30 and 38.

<sup>20</sup> SymPlan SEIA, pp 25, 31 and 38.

<sup>21</sup> SymPlan SEIA, pp 10, 17 and 30 – 31 .

approximately 1.75% of surveyed trading hours only, being only 4 hours out of a total of 228 surveyed hours.<sup>22</sup>

40. Put differently, the Applicant's own utilisation analysis demonstrates EGMs were utilised at levels said to indicate capacity constraint during less than 2% of the total surveyed trading period and below that threshold during more than 98% of observed trading hours. Council submits this evidence is fundamentally inconsistent with any suggestion the venue presently suffers from sustained gaming machine shortages or chronic unmet demand for gaming opportunities.
41. This concession is significant. In practical terms, the Applicant's own utilisation evidence fails to demonstrate sustained machine shortages, persistent queues, routine inability by patrons to access EGMs, or any operational necessity for an additional 20 gaming machines.
42. Nor has the Applicant otherwise produced compelling operational or empirical evidence establishing genuine unmet demand at the venue. There is no meaningful analysis of lost patronage, no sustained occupancy data demonstrating chronic capacity constraints, and no independent evidence establishing the existing complement of 60 EGMs is insufficient to meet actual patron demand.
43. Accordingly, once the utilisation data is properly understood and it is recognised utilisation above 70% occurred during approximately 1.75% of surveyed trading hours only, the Application substantially depends on inferential modelling, demographic projection and assumed future expenditure growth rather than direct evidence demonstrating insufficient gaming capacity at Club Officer.
44. Council submits these inferential methods are considerably weaker than the direct venue-specific evidence and should be accorded very limited weight.
45. The comparison venue analysis itself is problematic. The Expenditure Report relies on a small comparator group of only five comparator venues (Bentleigh RSL, Warragul Club, Warragul Country Club, Watsonia RSL and Yarraville Club) dating from 2013–2017, to infer likely gaming performance, utilisation patterns and future expenditure outcomes at Club Officer.<sup>23</sup>
46. Council submits these comparators provide limited assistance in assessing current demand for additional gaming opportunities at the venue because they substantially pre-date COVID-19, recent Victorian gambling reforms and significant changes in economic conditions affecting outer-suburban households. Several comparator datasets relied on by the Applicant are now approximately 8 to 12 years old.
47. Further, while the Expenditure Report itself acknowledges gaming expenditure data during the COVID-19 period was 'compromised' and unsuitable for meaningful comparison purposes due to venue closures and operational restrictions,<sup>24</sup> the report nonetheless relies heavily on historical pre-pandemic comparator data notwithstanding there are now several years of post-pandemic gaming data available following the end of major Victorian gaming restrictions in late 2021.
48. Further, several comparator venues operate within materially different demographic, socio-economic and competitive environments from the Officer/Pakenham growth corridor. For

<sup>22</sup> Expenditure Report, paras 9.2–9.4.

<sup>23</sup> Expenditure Report, paras 9.8–9.14 and Appendix 6.

<sup>24</sup> Expenditure Report, para 8.2.



example, Bentleigh RSL and Yarraville Club are both expressly acknowledged by the Applicant's expert to be located within mature inner-suburban Melbourne areas and to be less comparable to Club Officer.<sup>25</sup> The Yarraville Club comparator is also located within the Maribyrnong municipality, which the report acknowledges has materially higher gaming expenditure per adult than the Cardinia municipality.<sup>26</sup>

49. By contrast, Club Officer operates within a rapidly expanding outer-suburban growth corridor characterised by significant residential development, younger family demographics, substantial mortgage exposure and materially different socio-economic conditions from several of the nominated comparator venues.
50. The SymPlan SEIA identifies Club Officer already records the highest player loss per EGM within Cardinia Shire and concludes gaming machines at the venue are already being used 'intensely' relative to other municipal venues.<sup>27</sup> Council submits this evidence materially undermines any suggestion the proposal merely responds to modest operational demand or convenience considerations.
51. Council submits those differences materially reduce the reliability of extrapolating historical expenditure and utilisation outcomes from the comparator venues to Club Officer and the Officer/Pakenham catchment.
52. More fundamentally, Council submits population growth within Officer and the broader Cardinia municipality cannot simply be equated with demand for increased gambling accessibility. Population growth within growth-area municipalities may equally indicate increased exposure of financially vulnerable households to gambling products and gambling-related harm, particularly in communities experiencing elevated mortgage stress and broader cost-of-living pressures.
53. The Commission reached a similar conclusion in refusing the 2017 Application. In that proceeding, the Commission concluded there was already 'wide access' to EGMs within the municipality and attributed no material weight to asserted benefits associated with improved gambling 'choice', convenience and patron enjoyment.<sup>28</sup>
54. Ultimately, Council submits the Commission should not infer unmet demand merely because a venue is popular, patrons enjoy gambling, or population growth exists within the surrounding municipality. Demand for gambling products is not itself a social benefit, nor does the existence of gambling demand answer the statutory question of whether increased gambling accessibility will produce a neutral or positive net impact on community wellbeing.
55. In Council's submission, there is no evidence, much less compelling evidence before the Commission demonstrating the existing complement of 60 EGMs at Club Officer is insufficient to meet genuine patron demand, nor establishing any operational necessity for an additional 20 gaming machines.
56. Rather, the Applicant's case substantially depends on speculative demographic assumptions, inferential modelling and projected future expenditure growth rather than compelling direct evidence of unmet demand for additional gaming capacity at Club Officer.

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<sup>25</sup> Expenditure Report, para 9.15.

<sup>26</sup> Expenditure Report, para 9.15.

<sup>27</sup> SymPlan SEIA, pp 18–19.

<sup>28</sup> 2017 Reasons, paras 124–126, 158–166.

57. Council submits the evidence falls materially short of establishing any genuine operational need for an additional 20 EGMs or otherwise demonstrating that increased gambling accessibility is warranted.

**PROPOSAL IS EXPECTED TO GENERATE SUBSTANTIAL ADDITIONAL GAMBLING EXPENDITURE, INCLUDING SIGNIFICANT 'NEW EXPENDITURE' EXTRACTED FROM THE LOCAL COMMUNITY**

58. Council submits the Application is expected to generate a substantial increase in gambling expenditure within the municipal district and this feature of the proposal weighs heavily against approval.
59. On the Applicant's own modelling, the proposal is expected to generate between approximately \$1.1 million and \$1.35 million in additional annual gaming expenditure following installation of the additional 20 EGMs.<sup>29</sup>
60. In broad terms, gambling expenditure associated with additional EGMs may either:
- 60.1 represent expenditure 'transferred' from other venues, meaning gambling losses which would likely have occurred elsewhere in any event; or
  - 60.2 constitute 'new expenditure', meaning additional gambling losses generated because increased gaming accessibility results in increased gambling activity overall.
61. The distinction is important. While transferred expenditure may largely reflect redistribution of existing gambling activity between competing venues, 'new expenditure' represents a net increase in aggregate gambling losses within the community and therefore a corresponding increase in exposure to gambling-related harm.
62. Critically, the Applicant's evidence states approximately 55% of that projected increase represents 'new expenditure' rather than transferred expenditure from competing venues. On the Applicant's own case, this equates to between approximately \$608,000 and \$743,000 in additional annual gambling losses generated within the community rather than merely redistributed from other venues.<sup>30</sup>
63. The independent SymPlan SEIA similarly concludes approximately 55% of the projected additional player loss associated with the proposal would constitute 'new player loss', meaning additional gambling losses generated within the community rather than expenditure merely transferred between venues.<sup>31</sup>
64. The SymPlan SEIA further concludes a substantial proportion of that projected new expenditure is likely to arise from communities already exhibiting indicators of vulnerability to gambling-related harm.<sup>32</sup>
65. Council submits this is a highly significant feature of the Application. By definition, 'new expenditure' represents additional gambling losses incurred by members of the community which would *not otherwise occur* absent approval of the Application.

<sup>29</sup> Expenditure Report, paras 1.4 and 9.20–9.21 and Urbis, *Club Officer – Social & Economic Impact Assessment Report*, dated February 2026 (**Applicant's SEIA**), p 29.

<sup>30</sup> Expenditure Report, paras 1.5 and 10.9–10.15; Applicant's SEIA, p 29.

<sup>31</sup> SymPlan SEIA, p 25.

<sup>32</sup> SymPlan SEIA, p 23–25.

66. In practical terms, the Applicant's own modelling therefore acknowledges the proposal is expected to materially increase aggregate gambling losses within the municipal district rather than merely redistribute existing gambling expenditure between venues.
67. Council submits the Commission should approach that outcome with considerable caution. While transferred expenditure may involve displacement of gambling activity between competing venues, 'new expenditure' represents a net increase in gambling consumption and correspondingly a heightened risk of additional gambling-related harm.
68. The Applicant's Social and Economic Impact Assessment (**Applicant's SEIA**) acknowledges problem gambling constitutes the most serious social disbenefit associated with electronic gaming machines.<sup>33</sup> Council submits it necessarily follows substantial increases in gambling expenditure, particularly 'new expenditure', carry a corresponding risk of increased gambling-related harm affecting gamblers, families and the broader community.
69. Further, Council submits the projected increase in gambling expenditure is substantial when properly understood in context. The Application seeks approval for an additional 20 EGMs at a venue already generating significant gaming revenue and already operating within a municipality containing relatively broad access to gaming opportunities.
70. The Commission should not minimise the significance of the projected expenditure increase merely because the municipality remains below the applicable municipal limit or below State averages in certain gaming metrics. The statutory task under s 3.4.20 of the GR Act is not confined to municipal limit compliance or comparative gaming density analysis. Instead, the Commission must determine whether the likely social and economic impacts of increased gambling accessibility will be neutral or beneficial to community wellbeing.
71. Ultimately, Council submits the evidence before the Commission demonstrates the proposal is expected to generate a substantial net increase in gambling expenditure within the municipal district and, correspondingly, a substantial increase in exposure to gambling-related harm. The Commission should treat that projected increase as a significant social and economic disbenefit rather than a neutral economic outcome.
72. In Council's submission, this aspect of the Application:
  - 72.1 weighs heavily against approval;
  - 72.2 materially reinforces the conclusion the proposal is likely to increase aggregate gambling losses and corresponding gambling-related harm within the municipal catchment; and
  - 72.3 is fundamentally inconsistent with a conclusion the Application will produce a neutral or positive net social and economic impact on community wellbeing.

**ASSERTED SOCIAL AND ECONOMIC BENEFITS OF THE PROPOSAL ARE OVERSTATED, SPECULATIVE OR INADEQUATELY SUPPORTED BY EVIDENCE**

73. The Applicant asserts the proposal will produce a range of social and economic benefits associated with the redevelopment and expansion of Club Officer. Broadly stated, those asserted benefits include:<sup>34</sup>

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<sup>33</sup> Applicant's SEIA, p 39.

<sup>34</sup> Applicant's SEIA, pp 44–53; Witness Statement of Geoffrey Bainbridge dated 23 December 2025 (**Bainbridge Witness Statement**), paras 18-24.

- 73.1 upgraded hospitality, dining, sports bar and function facilities;
  - 73.2 increased patron amenity and venue capacity;
  - 73.3 increased employment during construction and operation;
  - 73.4 increased community use of the venue;
  - 73.5 improved entertainment and hospitality offerings within the Officer/Pakenham corridor; and
  - 73.6 broader economic benefits associated with redevelopment expenditure and increased visitation.
74. Council accepts the proposed redevelopment may produce some limited economic and amenity benefits, including upgraded venue facilities and some additional employment associated with expanded hospitality operations within the venue.
75. However, Council submits the Applicant materially overstates those asserted benefits and, in several respects, relies on speculative, contingent or inadequately supported assertions which should attract limited weight in the Commission's no net detriment assessment.
76. A central difficulty with the Applicant's case is that many of the asserted benefits are not independent community benefits arising from the redevelopment itself but are instead contingent on increased gambling expenditure generated from the additional EGMs.
77. In substance, the Application asks the Commission to accept increased gambling losses within the local community should be regarded as justified because those losses will facilitate broader commercial redevelopment and venue expansion.
78. Council submits the Commission should approach that proposition with considerable caution. While upgraded hospitality facilities, sports bar improvements and the addition of a function room may provide some community utility, those outcomes do not alter the fact the redevelopment is substantially intended to be funded through increased gambling expenditure extracted from the community.
79. Council further submits there is an important distinction to be made between:
- 79.1 social and economic benefits genuinely generated by a proposal; and
  - 79.2 commercial improvements to a private venue funded through increased gambling losses.
80. The fact a venue operator proposes to use increased gambling revenue to fund venue improvements does not, of itself, establish those improvements constitute a net community benefit sufficient to outweigh the likely increase in gambling-related harm.

81. Indeed, the former Commission expressed similar concerns in refusing the 2017 Application, concluding:<sup>35</sup>
  - 81.1 there was already ‘wide access’ to EGMs within the municipality and attributed no weight to asserted social benefits associated with improved gambling ‘enjoyment’ and ‘choice’; and
  - 81.2 the proposed renovations would largely improve existing facilities rather than provide materially new services to the broader community and accordingly attributed only ‘no to marginal weight’ to several asserted social benefits arising from the redevelopment proposal.
82. Council further submits several of the Applicant’s asserted redevelopment benefits are expressed at a high level and are only modestly supported by the evidence before the Commission. In particular, the Applicant relies on assertions concerning:
  - 82.1 demand for additional dining, hospitality and function facilities;
  - 82.2 limitations in the venue’s current capacity to accommodate functions and events;
  - 82.3 increasing patron and community demand associated with population growth in the surrounding area; and
  - 82.4 anticipated increases in venue utilisation arising from the proposed redevelopment.
83. While there is some evidence directed to operational limitations and demand for expanded facilities, that evidence is largely anecdotal and unsupported by detailed objective analysis.
84. Mr Hussein Dergham, the General Manager of Club Officer, states the venue experiences ‘significant demand for functions which cannot be accommodated at the venue’, that the bistro is ‘not nearly large enough’, and that the proposed redevelopment would address a number of existing operational limitations affecting the venue.<sup>36</sup>
85. Similarly, Mr Neil Bainbridge, the Chief Executive Officer of Southside Racing Incorporated, states the redevelopment is intended to create ‘an event space’ for patrons from Cardinia Shire and surrounding areas and expresses a belief the community ‘really needs this function facility’. Mr Bainbridge further states the Applicant would ‘probably fill a function center [sic] for 600 patrons’ if constructed and that the redevelopment is being pursued ‘due to population growth’ and would be ‘a good investment for both the community and the Club’.<sup>37</sup>
86. Notably, these opinions and assertions are not accompanied by any independent demand modelling, occupancy analysis, function utilisation data or other detailed evidentiary material capable of objectively verifying the asserted level of unmet demand, projected future utilisation or broader community need for the proposed expanded facilities. This is deficient.
87. In particular, the Application does not include any of the following corroborating evidence:

<sup>35</sup> Reasons for Decision, paras 125–131 and Appendix 1, pp 36–37 and 51.

<sup>36</sup> Hussein Dergham’s Witness Statement dated January 2026 (**Dergham Witness Statement**), paras 10 and 11.

<sup>37</sup> Neil Bainbridge’s Witness Statement dated February 2026 (**Bainbridge Witness Statement**), paras 18–21.

- 87.1 booking records or patron turn-away data demonstrating existing function demand cannot presently be accommodated;
  - 87.2 sustained occupancy analysis demonstrating current hospitality facilities are operating at or near capacity;
  - 87.3 independent market or demographic analysis quantifying demand for a new function facility and expanded hospitality facilities;
  - 87.4 financial analysis demonstrating the proposed redevelopment could not proceed in a staged or alternative form absent approval of the additional EGMs; or
  - 87.5 objective evidence substantiating the scale of the asserted community benefit arising from the redevelopment proposal.
88. This issue is particularly significant where the Applicant expressly contends the redevelopment is effectively contingent on approval of the Application.
89. Mr Bainbridge states the redevelopment works are expected to cost approximately \$5.572 million and further states no works will be undertaken for at least five years if the Application is refused.<sup>38</sup>
90. Council submits the Commission should approach that contingency argument cautiously. The fact a private venue operator proposes to fund redevelopment works through increased gambling revenue does not establish:
- 90.1 the redevelopment itself genuinely depends on approval of additional EGMs;
  - 90.2 alternative funding mechanisms or staged delivery options are unavailable;
  - 90.3 the redevelopment would not otherwise occur in some form; or
  - 90.4 increased gambling accessibility is therefore justified.
91. Council further submits the Application provides limited detailed financial evidence explaining why the redevelopment cannot proceed absent approval of the additional EGMs.
92. While the Applicant refers to existing loan commitments and redevelopment costs, the Application does not contain detailed financing analysis, staged development assessment or independent evidence demonstrating the redevelopment is genuinely unviable without increased gambling revenue.<sup>39</sup> Council further notes the redevelopment materials themselves contemplate staged works, which further undermines the proposition no meaningful redevelopment could occur absent approval of the additional EGMs.
93. Council also submits the asserted employment and economic benefits should be approached cautiously. While the redevelopment may generate some additional employment during construction and operation, the Application provides limited detailed evidence quantifying:<sup>40</sup>
- 93.1 the nature and duration of those positions;

<sup>38</sup> Bainbridge Witness Statement, para 22.

<sup>39</sup> Bainbridge Witness Statement, para 22.

<sup>40</sup> Applicant's SEIA, pp 46-49.

- 93.2 whether positions are full-time, part-time or casual;
  - 93.3 the extent to which employment benefits are genuinely additional rather than redistributed within the local hospitality sector; or
  - 93.4 the extent to which those asserted benefits outweigh the corresponding increase in gambling-related harm and financial loss within the community.
94. Council further submits the Applicant's broader claims regarding economic contribution and community benefit are expressed at a high level and are only loosely connected to the specific proposal presently before the Commission. In particular, the Bainbridge Witness Statement relies on broad economic contribution material concerning the thoroughbred racing industry within the municipalities of Casey and Cardinia generally, including references to regional economic output, employment generation and household income impacts associated with racing activities.<sup>41</sup>
95. Council submits these broader industry-wide economic contribution figures provide no assistance in assessing the specific social and economic impacts of increasing EGMs at Club Officer from 60 to 80. The fact the broader racing industry contributes economic activity within the region does not itself establish that increased gambling accessibility at this particular venue will produce a neutral or positive net social and economic outcome for the community.
96. Further, the Application does not meaningfully distinguish between:
- 96.1 economic activity associated with the racing and hospitality operations generally; and
  - 96.2 the specific impacts attributable to approval of the additional 20 EGMs.
97. Council submits this distinction is important. Much of the economic activity relied on by the Applicant will continue irrespective of whether the Application is approved. Accordingly, broad references to regional economic contribution, employment generation and community expenditure risk overstating the incremental benefit properly attributable to the proposed increase in gaming machine numbers.
98. Similarly, several asserted economic benefits appear to depend on broad multiplier assumptions, projected future patronage growth and anticipated redevelopment outcomes rather than direct evidence demonstrating present unmet community need or quantifiable net community benefit arising specifically from increased gambling accessibility.
99. In Council's submission, the Commission should therefore attribute limited weight to these broadly asserted economic contribution claims when assessing the specific statutory question presently before it.
100. Council further notes the architectural plans relied on in support of the redevelopment proposal are expressly marked 'Preliminary' and 'For Discussion'. The Commission is therefore being asked to approve a permanent 33.3% increase in gaming machine numbers partly by reference to redevelopment outcomes which remain conceptual in nature and are not yet supported by finalised plans, development approvals or detailed delivery evidence. In these circumstances, Council submits the asserted redevelopment benefits should be approached cautiously and attract limited weight in the no net detriment assessment.

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<sup>41</sup> Bainbridge Witness Statement, Annexure 3.



- 101. Ultimately, Council submits the asserted social and economic benefits of the proposal attract materially less weight than the Applicant contends.
- 102. In Council's submission, the Application substantially seeks to justify increased gambling accessibility and increased gambling losses within the community on the basis those losses will support broader commercial redevelopment of a private venue. Council submits that proposition should not be treated as a substantial community benefit for the purposes of the no net detriment test.
- 103. Accordingly, Council submits the asserted social and economic benefits of the proposal are materially overstated and insufficient to outweigh the likely increase in gambling expenditure and gambling-related harm associated with approval of the Application.

**FAILURE TO DEMONSTRATE ANY MATERIAL NET COMMUNITY BENEFIT ARISING SPECIFICALLY FROM THE ADDITIONAL EGMS**

- 104. Council submits the Application fails to clearly distinguish between benefits:
  - 104.1 said to arise from the broader redevelopment proposal generally; and
  - 104.2 properly attributable to approval of the additional 20 EGMS, specifically.
- 105. This distinction is important. The statutory task before the Commission concerns the likely net social and economic impact of *increasing gaming machine numbers at the venue from 60 to 80*, and not the desirability of hospitality redevelopment or venue improvement considered in the abstract.
- 106. Much of the material relied on by the Applicant concerns:
  - 106.1 upgraded dining and hospitality facilities;
  - 106.2 expanded sports bar and new function facility;
  - 106.3 increased patron amenity;
  - 106.4 broader racing and hospitality operations; and
  - 106.5 general commercial redevelopment outcomes.
- 107. To the contrary, the Application provides limited to no evidence demonstrating these asserted benefits are properly attributable *to the additional EGMS themselves* or that such benefits could not be achieved through alternative funding mechanisms, staged redevelopment or more limited venue upgrades absent increased gambling accessibility.
- 108. Council submits this distinction is particularly significant where, as here, the Applicant expressly proposes to fund substantial private commercial redevelopment through increased gambling expenditure generated from additional EGMS.
- 109. In Council's submission, the fact redevelopment works may be desirable or commercially beneficial does not itself establish increased gambling accessibility will produce a neutral or positive net social and economic impact on community wellbeing.
- 110. Ultimately, Council submits the Application fails to demonstrate any substantial net community benefit arising specifically from the additional 20 EGMS sufficient to outweigh



the likely increase in gambling expenditure and gambling-related harm associated with the proposal.

111. Council further notes the SymPlan SEIA concludes there is ‘no specific commitment to increase contributions based directly on the outcome of this application’ and identifies only ‘very limited community benefit associated with the venue’s operations’.<sup>42</sup>
112. The SymPlan SEIA also identifies multiple alternative function and community facilities already exist within the surrounding catchment, thereby reducing the weight properly attributable to the asserted social benefit associated with the proposed function facilities.<sup>43</sup>
113. Accordingly, even if the Commission accepts the proposed redevelopment and new function facility may produce some limited community or amenity benefit, Council submits the independent evidence materially weakens the Applicant’s contention those asserted benefits are sufficient to outweigh the likely social disbenefits associated with increased gambling expenditure and increased gambling accessibility within the municipal catchment.

#### **THE APPLICATION INSUFFICIENTLY ADDRESSES SOCIO-ECONOMIC VULNERABILITY, HOUSING STRESS AND OTHER RISK FACTORS AFFECTING PARTS OF THE MUNICIPAL CATCHMENT**

114. Council submits the Application materially understates the extent of socio-economic vulnerability, financial stress and other gambling risk factors affecting parts of the municipal catchment.
115. While the Applicant places substantial reliance on municipal-level indicators said to demonstrate relative socio-economic advantage within the municipality, including comparatively favourable Socio-Economic Indexes for Areas (**SEIFA**) rankings, relatively lower gaming expenditure per adult, comparatively lower EGM density and broader indicators of employment, income and home ownership,<sup>44</sup> Council submits those broad statistical measures mask significant pockets of vulnerability within the municipal catchment and do not adequately reflect the lived financial pressures affecting many households within rapidly expanding outer-suburban growth corridors, including the catchment areas surrounding the venue.
116. The Applicant’s SEIA acknowledges gambling-related harm is not confined to traditionally disadvantaged communities and that electronic gaming machine losses may disproportionately affect financially vulnerable households experiencing broader financial stress.<sup>45</sup>
117. Council submits this issue is particularly significant within the Officer/Pakenham growth corridor, which is characterised by:
  - 117.1 substantial population growth and rapid residential expansion;
  - 117.2 relatively younger family demographics;
  - 117.3 high levels of mortgage indebtedness;
  - 117.4 significant household financial commitments associated with newer housing estates;

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<sup>42</sup> SymPlan SEIA, pp 12, 29–30.

<sup>43</sup> SymPlan SEIA, pp 4–5, 30–31.

<sup>44</sup> Applicant’s SEIA, pp 23-35.

<sup>45</sup> Applicant’s SEIA, pp 34-41.

- 117.5 substantial commuter populations; and
- 117.6 increasing exposure to broader cost-of-living pressures affecting outer-suburban households.
- 118. Council submits these characteristics can increase vulnerability to gambling-related harm notwithstanding broader municipal indicators of relative socio-economic advantage.
- 119. In particular, households experiencing mortgage stress, rental pressure, rising living costs and financial instability may be especially vulnerable to gambling-related harm associated with increased gambling accessibility and increased gambling expenditure.
- 120. Council further submits the Application insufficiently grapples with the interaction between:
  - 120.1 increased gambling accessibility;
  - 120.2 financial stress affecting growth-area households; and
  - 120.3 the risk of increased gambling-related harm within vulnerable cohorts of the community.
- 121. Importantly, the former Commission accepted similar concerns in refusing the 2017 Application. In particular, the Commission accepted evidence residents within the Pakenham precinct exhibited indicators of socio-economic disadvantage and financial vulnerability which made them 'more susceptible to gambling harms'.<sup>46</sup> The Commission further accepted evidence more than 50% of the venue's patrons resided within the Pakenham precinct and that parts of the catchment exhibited higher levels of housing stress and financial vulnerability than broader metropolitan benchmarks, which reinforced concerns regarding the potential social impacts associated with increased gambling expenditure within the municipal district.<sup>47</sup>
- 122. Council submits those concerns remain materially relevant today and, in several respects, have intensified since 2017.
- 123. Since the earlier application:
  - 123.1 interest rates have materially increased;
  - 123.2 mortgage servicing pressures affecting outer-suburban households have intensified;
  - 123.3 rental affordability pressures have significantly worsened;
  - 123.4 broader inflationary and cost-of-living pressures have increased household financial stress; and
  - 123.5 household financial resilience within growth-area municipalities has become increasingly uncertain.
- 124. Council submits these matters materially increase the significance of gambling-related financial harm within the municipal catchment.

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<sup>46</sup> 2017 Reasons, paras 102, 115.

<sup>47</sup> 2017 Reasons, paras 105(d), 115–116.

125. Further, Council submits the Applicant's reliance on rapid population growth as supporting increased gaming demand materially oversimplifies the relationship between population growth and community wellbeing. Population growth does not inherently support expansion of gambling accessibility and cannot simply be equated with increased social benefit arising from additional gaming opportunities.
126. Council reiterates Officer/Pakenham growth corridor is characterised by substantial numbers of younger family households, significant mortgage indebtedness, high household establishment costs associated with newer residential estates and increasing exposure to broader cost-of-living pressures affecting outer-suburban communities. Council submits these characteristics may increase financial vulnerability and susceptibility to gambling-related harm rather than reduce it.
127. The SymPlan SEIA similarly identifies significant indicators of socio-economic vulnerability affecting parts of the venue catchment, including concentrations of welfare dependency, financial stress and broader indicators associated with vulnerability to gambling-related harm within Officer and Pakenham.<sup>48</sup>
128. It identifies Pakenham alone accounts for approximately 40% of the venue's gaming patrons despite the existence of identified socio-economic vulnerability indicators affecting parts of that community.<sup>49</sup>
129. Council submits this evidence materially undermines any suggestion broader municipal indicators of relative socio-economic advantage materially reduce the risk of gambling-related harm associated with the proposal.
130. Further, Council submits rapid population growth necessarily increases the absolute number of residents exposed to gambling products and gambling-related harm within the municipal catchment. Even if vulnerability rates remain proportionally stable, the scale of potential harm correspondingly increases as the population base expands.
131. In this way, the Applicant's analysis insufficiently engages with these dynamics and instead tends to assume population growth will translate into increased demand for gambling opportunities without adequately considering whether increased gambling accessibility within a rapidly expanding growth-area municipality is socially desirable or consistent with community wellbeing.
132. Council further submits the Applicant's evidence insufficiently considers the cumulative social impacts associated with increased gambling expenditure within communities already experiencing substantial financial pressure.
133. While the SEIA acknowledges gambling-related harm may arise from increased gaming expenditure, Council submits the analysis remains generalised and largely descriptive. The Application does not meaningfully quantify or assess:
  - 133.1 the likely distribution of projected gambling losses across different household cohorts within the catchment;
  - 133.2 the extent to which increased gambling expenditure may disproportionately affect financially vulnerable households;

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<sup>48</sup> SymPlan SEIA, pp 16–17, 23.

<sup>49</sup> SymPlan SEIA, p 26.

- 133.3 the interaction between increased gambling accessibility and existing mortgage, rental and cost-of-living pressures affecting outer-suburban communities;
  - 133.4 the cumulative social impacts associated with sustained increases in gambling expenditure over time; or
  - 133.5 the extent to which projected 'new expenditure' may correspond to increased gambling-related harm within the community.
134. Council submits these omissions are significant because gambling-related harm is not confined to direct financial loss. Such harm may include relationship and family stress, mental health impacts, housing insecurity, financial hardship, social isolation and broader adverse impacts on community wellbeing.
135. The Applicant's SEIA acknowledges problem gambling may adversely affect not only gamblers themselves but also family members and the broader community.<sup>50</sup>
136. However, despite those acknowledgements, the Application largely treats gambling-related harm at a conceptual or generalised level and does not undertake detailed analysis of how increased gambling expenditure associated with the proposal may affect vulnerable households within the specific municipal catchment surrounding Club Officer.
137. Council further submits these risks assume even greater significance where, as here, the proposal is expected to generate substantial levels of 'new expenditure' and therefore substantial additional gambling losses within the community.
138. In Council's submission, the Application materially understates the likely social consequences associated with sustained increases in gambling expenditure within a rapidly expanding growth-area municipality experiencing increasing financial pressure and household economic vulnerability.
139. Council submits the Commission should not conclude comparatively favourable municipal SEIFA rankings or lower-than-average gaming expenditure metrics materially reduce the risk of gambling-related harm associated with increased gambling accessibility within the Officer/Pakenham catchment. Aggregated municipal statistics do not eliminate the existence of financially vulnerable households within the community nor diminish the social consequences associated with increased gambling losses incurred by those households.
140. To the contrary, the evidence presently before the Commission demonstrates the catchment contains several characteristics commonly associated with heightened vulnerability to gambling-related harm.
141. In those circumstances, Council submits the Commission cannot be satisfied the Application will produce a neutral or positive net social and economic outcome for the community. Rather, the evidence presently before the Commission demonstrates a material risk the proposal will increase gambling-related harm within a municipal catchment already experiencing significant financial and socio-economic pressure.

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<sup>50</sup> Applicant's SEIA, pp 39 to 41.

**APPLICANT'S EXPENDITURE MODELLING INADEQUATELY ACCOUNTS FOR IMMINENT VICTORIAN GAMBLING REFORMS DIRECTED TOWARD REDUCING GAMBLING EXPENDITURE AND GAMBLING-RELATED HARM**

142. Council submits the Applicant's expenditure modelling insufficiently accounts for the substantial regulatory uncertainty arising from recent and proposed Victorian gambling reforms directed toward reducing gambling expenditure and gambling-related harm.
143. Since the earlier 2017 Application, the Victorian Government has introduced and enacted several significant gambling harm minimisation reforms affecting electronic gaming machine operation in Victoria, including reforms now reflected in the *Gambling Legislation Amendment (Pre-commitment and Carded Play) Act 2025* and related regulatory measures.
144. Relevantly, those reforms include:
- 144.1 legislative requirements and powers providing for mandatory carded play and player account use in relation to EGMs;
  - 144.2 mandatory pre-commitment functionality, including the setting of binding time and expenditure limits before gambling;
  - 144.3 reduced load-up limits restricting the amount of money capable of being loaded onto gaming machines within prescribed periods or transactions;
  - 144.4 enhanced player information and account-based monitoring measures associated with pre-commitment and carded play systems;
  - 144.5 mandatory closure periods reducing the hours during which EGMs may lawfully operate;
  - 144.6 minimum spin-rate requirements and related gaming machine design reforms intended to reduce gambling intensity and continuous play behaviour; and
  - 144.7 additional harm minimisation, monitoring, compliance and player protection measures affecting EGM operation within Victoria.
145. Several of these reforms are already being progressively implemented, while others are scheduled for phased implementation over coming years.
146. Council submits the clear policy objective underpinning these reforms is to reduce gambling intensity, gambling expenditure and gambling-related harm associated with electronic gaming machines.
147. This issue is directly relevant to the reliability of the Applicant's expenditure modelling.
148. The Applicant's Expenditure Report substantially relies on:
- 148.1 historical gaming expenditure patterns;
  - 148.2 historical utilisation trends;
  - 148.3 historical comparator venue performance; and
  - 148.4 assumptions regarding future gaming behaviour and expenditure growth.

149. Council submits those historical patterns do not provide a reliable guide to future gaming behaviour within a materially changing regulatory environment specifically directed toward reducing gambling expenditure and gambling-related harm.
150. In particular, Council submits these reforms are likely to materially affect:
- 150.1 gambling frequency;
  - 150.2 gambling intensity;
  - 150.3 player behaviour;
  - 150.4 gaming expenditure levels; and
  - 150.5 venue utilisation patterns.
151. Council further submits the Application does not meaningfully quantify or analyse the extent to which these reforms may affect the projected gaming expenditure, utilisation assumptions and projected revenue outcomes relied on in support of the Application.
152. This omission is particularly significant because the Applicant relies heavily on projected future gaming expenditure to justify both:
- 152.1 the asserted operational need for additional EGMs; and
  - 152.2 the financial viability of the proposed redevelopment works.
153. Council submits the Commission should therefore approach the Applicant's long-term expenditure projections with caution. Historical gaming expenditure growth trends observed before significant gambling reforms are implemented do not, in Council's submission, reliably predict future expenditure outcomes once those reforms are fully operational.
154. Further, Council submits this uncertainty materially weakens the reliability of the Applicant's broader no net detriment analysis. If future gaming expenditure and utilisation outcomes are materially lower than projected due to gambling reform impacts, then:
- 154.1 the asserted economic benefits associated with the redevelopment are overstated;
  - 154.2 the asserted operational justification for additional EGMs is weakened; and
  - 154.3 the broader expenditure modelling relied on by the Applicant material overstates future gaming demand.
155. In Council's submission, the Commission should not place substantial weight on long-term expenditure projections materially dependent on historical gaming behaviour patterns, without careful consideration of the significant regulatory reforms presently reshaping the Victorian gambling environment.
156. Ultimately, Council submits the Applicant's expenditure modelling insufficiently accounts for the likely impacts of imminent gambling reforms and therefore materially overstates the reliability of its projected gaming expenditure and utilisation outcomes. Council submits this further undermines the Applicant's ability to establish the proposal will produce a neutral or positive net social and economic outcome for the community.

## **APPLICATION DOES NOT IDENTIFY ANY MEANINGFUL OR PROPORTIONATE HARM MINIMISATION RESPONSE**

157. Council further submits the Application does not identify any materially enhanced or venue-specific harm minimisation measures proportionate to:
  - 157.1 the proposed 33.3% increase in gaming machine numbers;
  - 157.2 the projected increase in gambling expenditure;
  - 157.3 the substantial levels of projected 'new expenditure'; or
  - 157.4 the acknowledged risk of gambling-related harm associated with increased gambling accessibility.
158. While the Application refers generally to responsible gambling practices and compliance with existing regulatory obligations, Council submits much of that material reflects standard compliance measures applicable to gaming venues generally rather than any enhanced harm minimisation response specifically directed toward mitigating the additional risks associated with the proposal.
159. Council further notes the Applicant's own compliance material identifies several areas in which existing responsible gambling practices and harm minimisation measures were considered capable of further improvement notwithstanding the venue already operates 60 EGMs.
160. Relevantly, the *Club Officer Compliance Report*, prepared by Onyx Gaming Pty Ltd, dated 6 February 2026 (**Gaming Compliance Report**) notes:
  - 160.1 the venue's Responsible Gambling Register contained entries which 'lacked detail' and recommended fuller incident recording practices to assist investigations where required;<sup>51</sup>
  - 160.2 during initial covert observations, gaming staff spent 'the majority of their time behind the cashier station', which the report observed made staff 'less approachable for patrons';<sup>52</sup>
  - 160.3 facial recognition technology remained 'in the process of implementing' at the time of the report;<sup>53</sup> and
  - 160.4 the venue's Anti-Money Laundering and Counter-Terrorism Financing risk assessment rated the venue as 'Medium-High' risk.<sup>54</sup>
161. Further, the Gaming Compliance Report itself recommends implementing additional harm minimisation measures, including:<sup>55</sup>
  - 161.1 amending the venue's harm minimisation policy;
  - 161.2 minimum staffing requirements within the gaming area;

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<sup>51</sup> Gaming Compliance Report, s 3.2.

<sup>52</sup> Gaming Compliance Report, s 3.6.

<sup>53</sup> Gaming Compliance Report, s 3.9.

<sup>54</sup> Gaming Compliance Report, s 3.3.

<sup>55</sup> Gaming Compliance Report, s 6.2

- 161.3 dedicated staff patrol obligations;
  - 161.4 annual YourPlay training requirements, requiring venue staff and relevant personnel to undertake periodic responsible gambling training concerning the operation, monitoring and promotion of the YourPlay pre-commitment system; and
  - 161.5 additional breach recording and reporting measures.
162. Council acknowledges these matters do not necessarily demonstrate serious non-compliance or systemic operational failure at the venue. However, Council submits they do demonstrate the venue's existing harm minimisation framework remains in development and continues to require refinement notwithstanding the venue already operates 60 EGMs.
163. In these circumstances, Council submits the Commission should exercise caution before approving a further 33.3% increase in gaming machine numbers absent clear and detailed evidence demonstrating materially enhanced harm minimisation capability proportionate to:
- 163.1 the increased gambling accessibility contemplated by the Application;
  - 163.2 the projected increase in gambling expenditure; and
  - 163.3 the substantial levels of projected 'new expenditure' identified by the Applicant's own modelling.
164. In particular, the Application does not identify any:
- 164.1 substantial expansion of venue-specific harm minimisation initiatives;
  - 164.2 materially enhanced local support partnerships or intervention programs;
  - 164.3 detailed strategy directed toward identifying or assisting vulnerable patrons within the catchment; or
  - 164.4 meaningful evidence-based framework for mitigating the projected increase in gambling expenditure and gambling-related harm associated with the additional EGMs.
165. Council further notes the SymPlan SEIA identifies the Applicant's Community Benefit Statement claims have consistently allocated no funding toward Class C expenditure, including responsible gambling initiatives, services supporting persons affected by gambling harm, or reimbursement of volunteers' expenses. Council submits this further reinforces the absence of any substantial or proportionate harm minimisation response associated with the proposal.
166. Council submits these omissions are significant given the Application expressly contemplates substantial additional gambling expenditure and increased gambling accessibility within a rapidly expanding growth-area municipality exhibiting indicators of financial vulnerability and housing stress.
167. In Council's submission, where an applicant seeks approval for a substantial increase in gaming machine numbers and projects significant levels of additional gambling expenditure within the community, the Commission should reasonably expect clear, detailed and proportionate harm minimisation measures specifically directed toward addressing the additional risks generated by the proposal.



168. The Application does not adequately provide such a response.
169. Council further notes the SymPlan SEIA concludes the proposal will materially increase community exposure to gambling through increased gaming floor area, increased gaming visibility, additional gaming access opportunities and greater integration of gaming activities within the redeveloped venue environment.<sup>56</sup>
170. The report also raises concern regarding aspects of the proposed venue layout and gaming environment, including increased accessibility to gaming areas and limited physical separation between gaming and non-gaming spaces.<sup>57</sup>
171. Council submits these matters further reinforce the conclusion the proposal is likely to increase gambling participation opportunities and corresponding exposure to gambling-related harm within the municipal catchment.

**CONCERNS IDENTIFIED BY THE FORMER COMMISSION IN RESPECT OF THE 2017 APPLICATION REMAIN MATERIALLY UNRESOLVED**

172. Council accepts the present Application must ultimately be determined on its own merits and based on the evidence presently before the Commission. However, Council reiterates the former Commission's refusal of the substantially similar 2017 Application remains highly relevant contextual material.
173. As set out throughout these submissions, Council submits the present Application does not materially resolve several of the core concerns previously identified by the former Commission.
174. In particular, the present Application continues to involve:
- 174.1 substantial projected increases in gambling expenditure within the community, including significant levels of projected 'new expenditure';
  - 174.2 reliance on projected population growth and assumed future gaming demand as justification for increased gambling accessibility;
  - 174.3 asserted redevelopment and venue enhancement benefits substantially intended to be funded through increased gambling expenditure generated by the additional EGMs; and
  - 174.4 a municipal catchment continuing to exhibit indicators of financial pressure, housing stress and socio-economic vulnerability despite broader municipal indicators of relative advantage.

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<sup>56</sup> SymPlan SEIA, pp 25–27.

<sup>57</sup> SymPlan SEIA, pp 27 and 30–32.

175. Council further submits several of these concerns have become more acute since 2017. In particular:
- 175.1 the catchment population has increased substantially, thereby increasing the absolute number of residents exposed to gambling products and gambling-related harm;
  - 175.2 mortgage stress, rental pressure and broader cost-of-living pressures affecting outer-suburban households have materially intensified; and
  - 175.3 the present proposal seeks to support a substantially larger and more commercially ambitious redevelopment through increased gambling expenditure extracted from the community.
176. Further, the reliability of the Applicant's expenditure modelling is now subject to additional uncertainty arising from significant Victorian gambling reforms directed toward reducing gambling expenditure and gambling-related harm.
177. Critically, Council submits the Applicant has not identified any substantial new evidence demonstrating the central concerns identified by the former Commission have been materially overcome.
178. Instead, Council submits the present Application continues to depend on many of the same underlying propositions previously treated cautiously by the former Commission, including projected demographic growth, inferred future gaming demand and asserted redevelopment benefits said to justify increased gambling accessibility.
179. In these circumstances, Council submits the former Commission's refusal decision strongly reinforces the conclusion the Commission cannot presently be satisfied the Application will produce a neutral or positive net social and economic outcome for the community.

## **CONCLUSION**

180. Council submits the Applicant has failed to satisfy the Commission the net social and economic impact of the proposal will not be detrimental to the wellbeing of the community within the meaning of s 3.4.20(1)(c) of the GR Act.
181. While the Application may produce some economic and social benefits, including venue improvements, increased hospitality amenity and some additional employment opportunities, Council submits those benefits are uncertain, limited in scope and/or materially overstated, and therefore attract limited weight for the reasons set out above.
182. For reasons advanced, Council submits:
- 182.1 the Application fails to establish any genuine operational necessity or compelling unmet demand for an additional 20 EGMs;
  - 182.2 the proposal is expected to generate substantial additional gambling expenditure within the community, including significant levels of 'new expenditure' representing additional gambling losses;
  - 182.3 the asserted redevelopment and venue enhancement benefits substantially depend on increased gambling expenditure extracted from the community;

- 182.4 the Application materially understates the socio-economic vulnerability, housing stress and broader financial pressures affecting parts of the municipal catchment;
- 182.5 the Applicant's expenditure modelling and future demand assumptions are highly inferential and subject to significant uncertainty, particularly having regard to Victorian gambling reforms directed toward reducing gambling expenditure and gambling-related harm; and
- 182.6 several of the core concerns identified by the former Commission in refusing the substantially similar 2017 Application remain materially unresolved.
- 183. Council further submits the Application substantially depends on projected future gambling expenditure growth within a rapidly expanding outer-suburban municipality already experiencing increasing financial pressure and household economic vulnerability.
- 184. In Council's submission, the evidence presently before the Commission demonstrates a material risk the proposal will:
  - 184.1 increase gambling accessibility;
  - 184.2 increase aggregate gambling losses within the community;
  - 184.3 increase exposure to gambling-related harm; and
  - 184.4 adversely affect financially vulnerable households within the municipal district.
- 185. Critically, Council submits the Applicant has not produced sufficiently persuasive evidence demonstrating those likely social and economic disbenefits will be neutralised or outweighed by corresponding community benefits.
- 186. Rather, the Application substantially seeks to justify increased gambling expenditure and increased gambling accessibility on the basis those gambling losses will facilitate broader commercial redevelopment and expansion of a private venue. Council submits this proposition should be treated with considerable caution and does not establish the proposal will produce a neutral or positive net impact on community wellbeing.
- 187. Having regard to the social and economic effects of the proposal, Council submits the Application would result in an unacceptable net community impact and is contrary to the objectives of gambling regulation and responsible gambling harm minimisation within Victoria.
- 188. In these circumstances, Council submits the Commission cannot be positively satisfied the statutory 'no net detriment' test under s 3.4.20(1)(c) of the GR Act has been met.
- 189. Accordingly, Council respectfully submits the Application should be refused.