



12 August 2020

Ms Jennifer Holmes
Chairperson of Board
Monbulk Bowling Club
PO Box 30
MONBULK VIC 3793

By email: jennifermholmes@yahoo.com

Dear Ms Holmes

Monbulk Bowling Club Inc – Application to extend time for works to be carried out at the Premises

I refer to an application, dated 14 April 2020, by Monbulk Bowling Club Inc (**Applicant**) to vary the conditions of its venue operator's licence imposed by a decision of the Victorian Commission for Gambling and Liquor Regulation (**Commission**) dated 19 August 2019 (**Original Decision**).

Background and Application

In the Original Decision, the Commission approved a variation to the number of electronic gaming machines (**EGMs**) at the Monbulk Bowling Club, 11 Moore Street, Monbulk (**the Club**), from 30 to 40 EGMs, subject to conditions outlined in Appendix A of the Original Decision (**Original Conditions**).

Under condition (1)(b) the Original Conditions included building works to be carried out at the Club (**the Works**). The Works consist of;

- (i) *the reconfiguration of the Gaming Room (inclusive of the installation of the Additional EGMs) situated in the Lower Ground Floor of Premises in accordance with drawing no. TP1.12 dated 10 January 2019 contained in Appendix 2 of the Social and Economic Impact Assessment prepared by NBA Group dated February 2019 (SEIA) (Stage 1); and*
- (ii) *the renovation of the Ground Floor in accordance with drawing no. TP3.14 dated 10 January 2019 contained in Appendix 2 of the SEIA (Stage 2).*

Among the Original Conditions was the requirement for Stage 1 Works to be substantially complete within 12 months of the date of the Original Decision or, in other words, by 19 August 2020.

On 14 April 2020, the Commission received an email from you, applying for an extension of time for the completion of the Stage 1 Works as outlined in the Original Conditions (**Variation Application**).

Subsequent emails between the Commission and you sought to clarify the scope of the application. On 22 June 2020, you confirmed that you have progressed the Works and were about to appoint a builder. Your understanding was that the Works will be completed by late November 2020, however there is a possibility the Club may find further issues with the existing building and there is a concern that the impact of COVID-19 may cause further delay during the construction period. In these circumstances, you have applied for an extension of time for completion of the Stage 1 Works, to 31 January 2021.

You also informed the Commission that there has had to be some changes to the Stage 1 Works but that these are minor and have little effect on the public areas of the lounge and bar. You advised that the Club had to make these changes due to practical issues with excavating under the existing building. This proved to be prohibitively expensive as the foundations of the existing building would be compromised to the extent that new footing would have to be constructed, together with retaining walls and tanking.

You have submitted to the Commission that the changes to the Works are minimal and comprise of:

- (a) Office relocation from original proposal due to structural issues with the existing building;
- (b) Addition of a cashier's booth as an extension to the bar;
- (c) Minor reconfiguration of the toilets to include an air lock; (and)
- (d) Omission of additional stair and staff room due to structural issues with the existing building.

You have submitted to the Commission that the above changes became apparent as you progressed the design and that you do not consider them to be significant. The Club's Variation Application is for Stage 1 works only, however should changes to the Stage 2 Works be necessary you will contact the Commission. The Commission refers you to condition (1)(e), in Appendix A of the Original Decision:

the application for an extension of time to complete the Stage 2 Works must be made at least 30 days prior to the expiry of the 36 month period for Stage 2 Works. Any request for an extension of time must include an explanation as to why the Works have not been substantially completed.

On 17 June 2020 you provided the Commission with a copy of new drawings of the Stage 1 Works, in support of the Variation Application for the Commission (including Drawing numbers A000, A100, A120, A200, A210, A220, A230, A231, A232, A233, A234, A235 and A240), and on 12 July 2020 you emailed further information, that was provided by the Club's Board Director, Mr Chris Clerici.

Decision and Reasons for Decision

The Commission has determined that the test to be applied in considering variation of condition requests such as this is whether the Variation Application, if granted, would involve a substantially similar benefit to the local community to that reflected in the Original Decision and Original Conditions, and, if it does, whether the Commission should exercise its discretion to vary the conditions considering the objects of the *Gambling Regulation Act 2003*.

The Commission considers that it is appropriate to grant the Variation Application on the following basis:

- (a) The new drawings depict works that are substantially similar to those referred to in the Original Conditions. Therefore, the Commission's view is that the completion of the Works in accordance with the new drawings will be 'completion to the satisfaction of the Commission' as set out in condition 1(a) of the Appendix of the Original Decision;
- (b) The Works are only being varied to accommodate some minor but necessary changes discovered during the early stages of the Works;
- (c) The Commission considers that the benefit to the local community flowing from the Works is not impacted in any significant way by either the new drawings or the extension of time for the Works sought in this Variation Application, when compared with the Works as considered in the Original Decision;
- (d) The Applicant seeks a 5 months and 12 days extension for the completion date, which the Commission considers as relatively short in comparison to the overall time taken to complete the Works; and
- (e) The Applicant has advised the Commission that the construction work involved in the Works may be substantially completed by November 2020, although this is dependent on factors such as any further issues with the existing building and the impact of COVID-19.

Accordingly, the Commission confirms the conditions of the Original Decision are amended as follows:

...

1. WORKS

...

(b) *The works shall consist of:*

- (i) *the reconfiguration of the Gaming Room (inclusive of the installation of the Additional EGMs) situated in the Lower Ground Floor of Premises in accordance with drawing no. TP1.12 dated 10 January 2019 contained in Appendix 2 of the Social and Economic Impact Assessment prepared by NBA Group dated February 2019 (SEIA), as amended by new drawings provided to the Commission by the Monash Bowling Club on 17 June 2020 (Stage 1); and*

...

(c) *The Stage 1 Works must be substantially completed by 31 January 2021.*

...

For the avoidance of doubt, the Commission confirms that the conditions otherwise remain the same as those in the Original Decision dated 19 August 2019.

If you have any queries, please do not hesitate to contact Paul Davies, Senior Solicitor, Legal Services, on 9098 5371 or paul.davies@vcglr.vic.gov.au.

Yours sincerely

Ms Helen Versey
Deputy Chair