

22.05 GAMING29/01/2015
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This policy applies to all applications to install or use a gaming machine or use land for gaming.

22.05-1 Policy Basis29/01/2015
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Clause 52.28 of the Moonee Valley Planning Scheme requires a planning permit to install or use a gaming machine. This policy seeks to guide Council's decision making in relation to planning applications for gaming machines by implementing findings of the *Moonee Valley Gaming Policy – Reference Document (2014)*.

This policy:

- Provides additional details to assist in the application of Clause 52.28 at the local level.
- Implements the provisions of Clause 21.07 as it relates to gaming.

Taking into account specific characteristics of the local community that make it vulnerable to the negative impacts of gaming, this policy guides the location of gaming machines to appropriate areas, sites and venues.

For the purposes of this policy, social (community and public) housing means housing for people on lower incomes that is owned or leased by the Department of Human Resources, registered housing associations or not-for-profit housing organisations. A concentration of social (community and public) housing will generally be said to exist if there are 50 or more dwellings of that type within a circle with a 150 metre radius.

22.05-2 Objectives29/01/2015
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- To minimise harm from gaming and the incidence of problem gambling.
- To discourage the location of gaming machines in, and proximate to, disadvantaged areas and vulnerable communities.
- To minimise opportunities for convenience gaming.
- To protect the amenity of surrounding uses of venues containing gaming machines.

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It is policy to locate gaming machines in accordance with the following criteria:

Appropriate areas

Gaming machines should be located in areas:

- Where the population is growing or expected to grow. In these areas gaming machines should not be established ahead of the provisions of non-gambling entertainment, recreation facilities and social infrastructure.
- Where they will make a positive contribution to the redistribution of gaming machines away from relatively disadvantaged areas, as defined by the latest SEIFA Index of relative socio-economic disadvantage.
- Where there is a choice of non-gaming entertainment and recreation facilities operating in the vicinity at the times that the proposed gaming venue will operate including hotels, clubs, cinemas, restaurants, bars and indoor recreation facilities.

Gaming machines should not be located in areas:

- Specified in the 3rd and 4th Schedule to Clause 52.28 and will be strongly discouraged in areas that abut, or are adjacent, opposite or in close proximity to prohibited areas that a proposed venue would reasonably be considered particularly convenient to users of the strip shopping centre.
- Which are completely or predominantly used for residential purposes.
- Which are within 100 metres and which are adjacent or clearly visible to locations where groups of people regularly go or pass as part of their day to day business.
- In proximity to areas where local convenience services are provided and where no or limited alternative attractions are offered.
- Where any Statistical Area (SA1) within 400 metres walking distance of the proposed venue is in the 5% most disadvantaged SA1 in Moonee Valley, as set out in the latest SEIFA Index of relative socio-economic disadvantage.
- Within any other local activity centre.
- Within 400 metres walking distance of a concentration of social (public and community) housing as defined in Clause 22.05-1.
- Which are within 100 metres and within the line of sight of a social support agency, gamblers help centre or problem gambling service delivery setting.

Appropriate sites

Gaming machines should be located on sites:

- That minimise the likelihood of people passing the venue in the course of their usual business or every day activities.
- Near activity centres, or at a sports or recreation club with a land holding of more than 2 hectares.
- That could reasonably be perceived as a destination in its own right. This would be achieved by separation from strip shopping centres, shopping complexes, railway stations and community facilities involving a high concentration of people undertaking daily activities.

In respect of machines near activity centres, gaming machines should be located on sites:

- At the periphery of activity centres, outside of the main transport, shopping, community and civic functions of the centre.

Gaming machines should not be located:

- Where they are convenient to concentration of shops, major community facilities or key public transport nodes where large numbers of pedestrians are likely to pass in the course of their daily activities.
- On sites that abut, are adjacent to, are opposite or are in the direct line of sight of a strip shopping centre of where the advertising for pokies in the premises is clearly visible to people in the prohibited or discouraged area.

Appropriate venues

Gaming machines will generally be preferred in existing venues and should be located in venues:

- That have a range of entertainment and leisure options and offer social and recreational opportunities other than gaming as the primary purpose of the venue.
- That are designed to comply with best practice and the full ambit of the VCGLR Venue Manual.

- Where the premises and associated uses are compatible with the predominant surrounding land uses.
- That already have gaming machines (in preference to the establishment of a new gaming venue).
- Where the design and operating hours will not detrimentally affect the amenity of the surrounding area.
- Gaming machines should not be located in venues that:
 - Have significant adverse amenity impacts on the adjoining land uses as a result of operating hours, traffic, noise, car parking, safety and security.
 - Operate 24 hours a day (there must be a 4 hour shut down of gaming after 20 hours of continuous gaming).
 - Have a gaming floor area of more than 25% of the total floor area accessible by the public.

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Application requirements

All applications must include the following information to the satisfaction of the responsible authority:

- How the application is consistent with the broader State and Local Planning Policy Framework including policies on recreation and entertainment and activity centres.
- A venue management plan identifying strategies to manage patron behaviour and minimise problem gambling in relation to the design and management of the venue, including the applicant's responsible gaming practices.
- Detailed plans of the design and layout of the premises including the location of all existing and proposed gaming machines, signage, external lighting, and evidence of compliance with any relevant gaming regulations for premises layout, design and operation of the gaming venue.
- Social and economic impact assessment prepared by suitably qualified and experienced persons that provides a robust assessment of the social and economic impacts (positive and negative) of the proposed EGMs.

The social and economic impact assessment should address but not necessarily be limited to the following:

- Details on the proposed number of gaming machines and associated forecast gaming expenditure (player losses).
- Details about the existing and proposed distribution and density of gaming machines in the municipality and local area, any proposed reallocation of gaming machines in the municipality, and the proposal's expected impact on patronage.
- If the applicant contends that gaming expenditure is likely to be transferred from other venues, the applicant is to provide:
 - Particulars as to how the level of transfer has been calculated (including, but not limited to comparison per machine expenditure at the venue prior to and then after the additional machines, current usage levels of machines at the venue and projected usage of machines at the venue after the additional machines);
 - The amount of transfer expenditure anticipated; and
 - Details of the nature and extent of community benefits expected from the proposal and how the benefits are to be secured and distributed to the broader local community.

- A detailed social profile of the population within the catchment area of the venue including:
 - The relative socio-economic disadvantage of the local neighbourhood and suburb and broader 5km catchment of the venue;
 - The latest SEIFA Index of relative socio-economic disadvantage; and
 - The projected growth, housing affordability and housing stress, income levels, unemployment rates, educational retention and attainment levels, and the percentage of social security recipients.
- Details of existing and proposed gambling and non-gambling entertainment and recreation facilities at the venue and within the suburbs that surround the venue including existing and proposed electronic gaming machine density and location of other gambling venues including adjoining municipalities.
- Details of the venue's distance to shopping complexes, strip shopping centres, major areas of community congregation, proximity to areas of normal daily activity such as public transport, shops, community facilities and proximity to welfare and counselling services.
- Details of currently available social support services including specific problem gambling services, financial counselling services, and material and financial aid services; the location of these services in relation to both the revenue and patron catchment area; and the level of current demand for these services.
- Pedestrian counts for venues, which are within close proximity to places where large numbers of pedestrians are likely to pass in the course of their daily activities. Pedestrian counts should be taken on different days and at a variety of times.
- A detailed overall assessment, which shows and summarises the economic and social impacts of the proposal and location and their effect on the community wellbeing and health.

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Decision Guidelines

Before deciding on an application the responsible authority will consider, as appropriate:

- Whether the proposal will positively respond to harm minimisation.
- Whether the proposal will be proximate to areas of socio-economic disadvantage.
- Whether the proposal will facilitate convenience gambling.
- In the terms of Clause 10.03, whether there is to be a net community benefit as derived from the application, aside from any community contribution scheme.
- Whether users of the gaming venue will have a genuine choice of gaming and non-gaming entertainment in the local area and in the venue itself.

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References

Moonee Valley City Council Electronic Gaming Machine Gambling Background Paper (2012)

Moonee Valley Gaming Policy – Reference Document (2014)