

City of Melton  
Electronic  
Gaming  
Machine  
Planning Policy  
Project  
Reference  
Document  
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City of Melton Electronic Gaming Planning Policy Project  
Reference Document

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City of Melton Electronic Gaming Planning Policy Project  
Reference Document

**Contents**

Executive summary.....iii

Introduction..... 1

    Background ..... 1

    Purpose of the Reference Document ..... 1

    Process..... 2

1 Legislative context ..... 3

    1.1 Relevant legislation..... 3

    1.2 Relevant state planning policy ..... 3

2 City of Melton strategic and planning context..... 9

    2.1 City of Melton Council Plan 2013-2017 and Annual Action Plan 2015-16 ..... 9

    2.2 City of Melton Municipal Public Health and Wellbeing Plan 2013-2017..... 9

    2.3 City of Melton Responsible Gambling Policy 2014..... 9

    2.4 Melton Planning Scheme..... 11

3 City of Melton gaming context ..... 13

    3.1 Gaming venues..... 13

    3.2 Gaming indicators..... 14

    3.3 Relative socio-economic disadvantage ..... 15

    3.4 Accessibility to gaming venues for the City of Melton ..... 17

4 Principles underpinning the Local Planning Policy for Electronic Gaming ..... 18

    4.1 Principle 1 - Gaming venues and EGMs should be accessible to the extent that they are available but not convenient. .... 18

    4.2 Principle 2 – The availability of EGMs and gaming venues should be managed to reflect population growth and distribution..... 24

    4.3 Principle 3 - Exposure to opportunities to gamble should be managed to safeguard the health and wellbeing of communities at an elevated risk of gambling-related harm..... 29

    4.4 Principle 4 – Venues should be designed and operated to maximise their potential community benefits..... 32

5 Proposed changes to the Melton Planning Scheme..... 39

    5.1 Proposed amendments to the Municipal Strategic Statement ..... 39

    5.2 Proposed Inclusion of local policy - Clause 22.13 Local Planning Policy for Electronic Gaming ..... 40

City of Melton Electronic Gaming Planning Policy Project  
Reference Document

5.3 Proposed inclusions to Particular Provisions - Clause 52.28 – Gaming ..... 41  
Appendix 1 – Bibliography ..... 42

**Figures**

Figure 1 – Location of urban growth zones, City of Melton ..... 5  
Figure 2 – Gaming venues in the City of Melton..... 13  
Figure 3 – SEIFA Score of Relative Socio-economic Disadvantage 2011, small areas ..... 15  
Figure 4 – SEIFA Score of Relative Socio-economic Disadvantage 2011, Melton Township..... 16

**Tables**

Table 1 – Gaming venues in the City of Melton ..... 14  
Table 2 – Key gaming indicators 2015/16..... 14

City of Melton Electronic Gaming Planning Policy Project  
Reference Document

### Executive summary

Council is responsible for the assessment of planning permit applications to install and use EGMs in terms of the provisions of the *Planning and Environment Act 1987* and the Melton Planning Scheme.

The *City of Melton Responsible Gambling Policy 2014* recommends an amendment to the Melton Planning Scheme to incorporate a Local Planning Policy for Electronic Gaming. The purpose of this policy is to provide the framework that will assist Council in responding to key factors and drivers of change that will influence the future of gaming in the City of Melton. These factors include the need to effectively guide the location and operation of proposals to install or use EGMs in the future, and ensure that the location and operation of gaming venues and EGMs minimise the potential for gambling-related harms.

The City of Melton strategic and planning context has identified the need to protect the health and wellbeing of the community as a priority. The social and economic impacts of gambling-related harms are recognised as a health issue which needs to be addressed at the state and local level.

The City of Melton has seven gaming venues, four of which are hotels and three of which are clubs. These venues are located in the established areas of Melton Township and Caroline Springs. Melton Township is characterised by concentrations of socio-economic disadvantage which is one of the indicators of gambling-related harms.

The community of the City of Melton currently has good access to opportunities to participate in EGM gambling, both within the municipality and in adjoining municipalities. However, the increase in population in the municipality's growth areas may be associated with an increased demand for EGMs.

The *City of Melton Local Planning Policy for Electronic Gaming Reference Document* provides the evidence and strategic justification which underpins the Local Planning Policy for Electronic Gaming and the recommendations that will guide the assessment of applications to install and use electronic gaming machines (EGMs) considered under Clause 52.28. This Reference Document describes the framework within which this policy direction has been prepared. This framework is founded on four principles, namely:

1. Gaming venues and EGMs should be accessible to the extent that they are available but not convenient.
2. The availability of EGMs and gaming venues should be managed to reflect population growth and distribution.
3. Exposure to opportunities to gamble should be managed to safeguard the health and wellbeing of communities at an elevated risk of gambling-related harm
4. Venues should be designed and operated to maximise their potential community benefits.

City of Melton Electronic Gaming Planning Policy Project  
Reference Document 2017

## Introduction

### Background

The *City of Melton Council Responsible Gambling Policy 2014* defines Council's various roles in relation to preventing gambling related harms in the community. It identifies the need for a Local Planning Policy (LPP) for Electronic Gaming to establish a statutory planning framework to guide the management of gaming venues and electronic gaming machines (EGMs) in the City of Melton.

The purpose of the LPP is to support the provisions of Clause 52.28 *Gaming* of the Melton Planning Scheme, and its accompanying schedules, and to guide the assessment of planning permit applications considered under this Clause. This will enable Council to effectively manage any potential proposals for additional gaming venues and EGMs in both the established and growth areas of the City of Melton.

### Purpose of the Reference Document

The *City of Melton Local Planning Policy for Electronic Gaming Machines Reference Document 2017* (Reference Document) has the following purposes:

1. Provides the evidence underpinning the LPP that will guide the assessment of applications considered under Clause 52.28. This evidence base consists of the following:
  - the social, economic and environmental context within which gaming venues and EGMs operate in The City of Melton;
  - the strategic, statutory and legislative framework within which gaming venues and EGMs are regulated and operate in the City of Melton; and
  - key principles that are established by decisions and recommendations made by the Victorian Commission for Gambling and Liquor Regulation (VCGLR), Victorian Civil and Administrative Tribunal (VCAT) and Planning Panels Victoria (PPV).
2. Provides Council with the framework to address policy tensions associated with an activity regarded as a legal form of entertainment but is also associated with harms within the community;
3. Provides the framework that will assist Council in responding to key factors and drivers of change that will influence the future of gaming in the City of Melton such as the:
  - anticipated changes in population size and distribution associated with development in the City of Melton's growth areas;
  - concentrations of socio-economic disadvantage in certain communities;
  - changes to the legislative framework and gambling arrangements at the State Government level; and
  - introduction of additional harm minimisation measures by the State Government.

City of Melton Electronic Gaming Planning Policy Project  
Reference Document

4. Establishes the strategic basis for statutory implementation of amendments to relevant clauses in the Melton Planning Scheme including:
  - o revised provisions to the Municipal Strategic Statement at Clause 21;
  - o inclusion of a new local planning policy for electronic gaming at Clause 22; and
  - o revisions to the Particular Provisions on gaming at Clause 52.28 introduced by VC39 in 2006.

### Process

The information presented in this Reference Document has been derived from three primary sources, namely a document review, an environmental scan and the stakeholder engagement and community consultation process. Please refer to the *City of Melton Electronic Gaming Planning Policy Project Background Report 2017* for full details of the document review and environmental scan.

A full list of documents used to prepare this Reference Document is included in Appendix 1.

The detailed findings from the stakeholder engagement and community consultation process are presented in a separate document entitled the *City of Melton Electronic Gaming Planning Policy Project, Stakeholder Engagement and Community Consultation Findings 2017*.

City of Melton Electronic Gaming Planning Policy Project  
Reference Document

## 1 Legislative context

The statutory instruments and harm minimisation measures that operate at the State level are described below.

### 1.1 Relevant legislation

#### Planning and Environment Act 1987

The *Planning and Environment Act 1987* is the key legislative tool involved in assessing planning permit applications for gaming venues.

The purpose of the *Planning and Environment Act 1987* is to guide planning for the use, development and protection of land in Victoria. The Act sets out the Victoria Planning Provisions (VPPs), regulations for the operation and amendment of the Melton Planning Scheme, and other processes relating to the operation of land use in the municipality.

There is no reference to health and wellbeing in the objectives of the *Planning and Environment Act 1987*.

Amendments to the *Planning and Environment Act, 1987* in 2015 now require Council to have regard to the number of objectors in considering whether the use of development of land may have a significant social effect.

#### Gambling Regulation Act 2003

The *Gambling Regulation Act 2003* is the statutory instrument within which applications for gaming venues and licences are assessed.

Relevant objectives of the *Gambling Regulation Act 2003* (GRA) are:

- (a) to foster responsible gambling in order to—
  - (i) minimise harm caused by problem gambling; and
  - (ii) accommodate those who gamble without harming themselves or others;
- (ab) to ensure that minors are neither encouraged to gamble nor allowed to do so; and
- (f) to promote tourism, employment and economic development generally in the State.

### 1.2 Relevant state planning policy

The following clauses in the State Planning Policy Framework describe the role of planning.

Clause 10.02 *Goal* of the State Planning Policy Framework seeks to ensure that the objectives of Planning in Victoria are fostered through appropriate land use and development planning policies and practices which integrate relevant environmental, social and economic factors in the interests of net community benefit and sustainable development.



## City of Melton Electronic Gaming Planning Policy Project

## Reference Document

The objective of Clause 11.01-2 *Activity Centre Planning* is to encourage the concentration of major entertainment and cultural developments into activity centres. One of the strategies to enhance accessibility is to encourage services to be available over longer hours.

Clause 11.02-4 *Sequencing of development* seeks to ensure that services are available in growth areas early in the life of the development of new communities.

Clause 17.01-1 *Business* seeks to encourage development that meets the community's needs for retail, entertainment, office and other commercial services and provides net community benefit in relation to accessibility, efficient infrastructure use and the aggregation and sustainability of commercial facilities.

Clause 17.01-2 *Addressing out-of-centre development* discourages the location of large scale entertainment facilities in out-of-centre locations unless they are highly accessible, located on the Principal Public Transport Network, and are associated with net community benefit.

### 1.2.1 Plan Melbourne

*Plan Melbourne*, which was released in 2014, is currently referenced in the State Planning Policy Framework of the Melton Planning Scheme. This strategy, together with the Regional Growth Plans, outlines the vision for Melbourne's growth to the year 2050. It highlights the important role that activity centres play in enhancing the liveability of communities by providing access to transport, services, social infrastructure and employment opportunities.

*Plan Melbourne 2017-2050*, which was released in March 2017, will be used to update *Plan Melbourne*. This revised strategy will also be incorporated into the State Planning Policy Framework of the Melton Planning Scheme. Toolern has been identified as a future Metropolitan Activity Centre in *Plan Melbourne 2017-2050*

### 1.2.2 Growth Corridor Plans and projected population growth

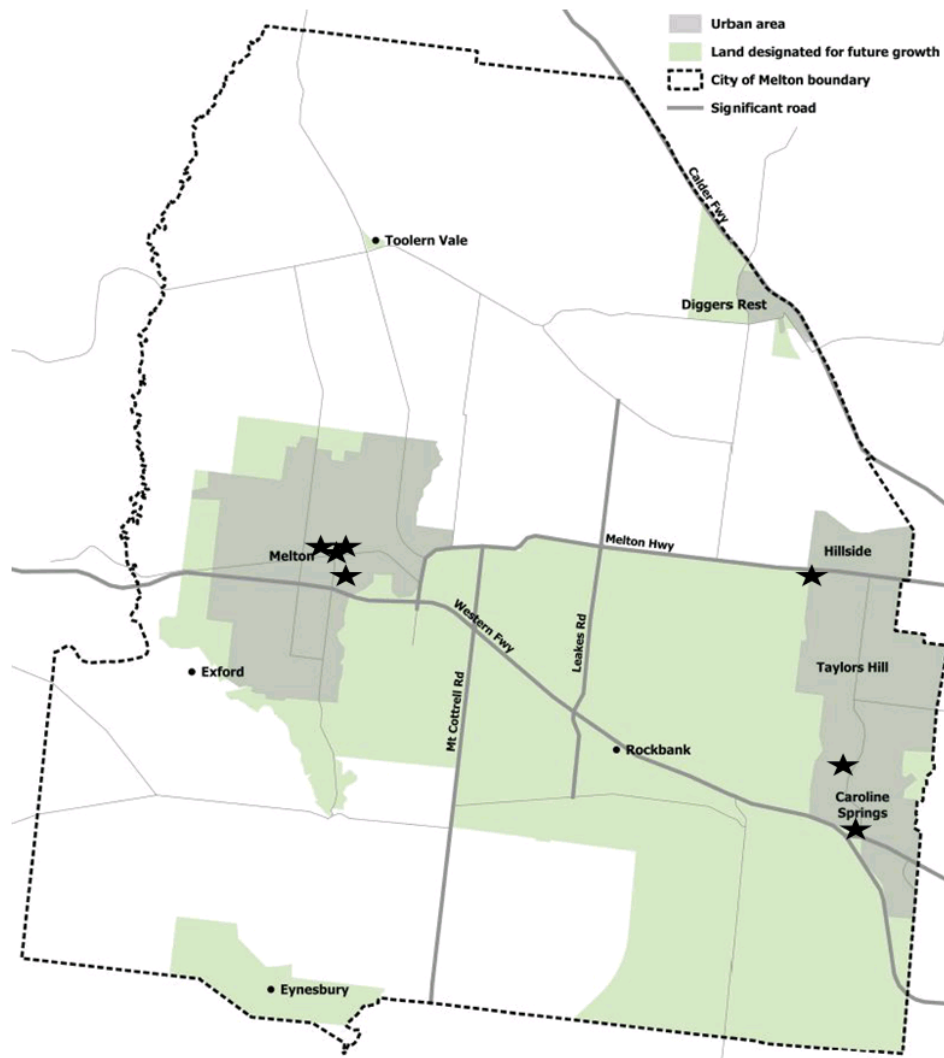
Growth Corridor Plans are prepared by the Victorian Planning Authority (VPA) within the context of *Plan Melbourne*. They set the strategic frameworks that guide development in Melbourne's four growth corridors and inform the development of precinct structure plans. They broadly identify preferred land uses, likely transport corridors and locations of major and principal town centres<sup>1</sup>.

The majority of the City of Melton is located in the West Growth Corridor which is one of four growth corridors surrounding metropolitan Melbourne. However, the township of Diggers Rest is located in the Sunbury-Diggers Rest Growth Corridor Plan.

The areas within the municipality expected to experience significant growth are illustrated in Figure 1.

City of Melton Electronic Gaming Planning Policy Project  
Reference Document

Figure 1 – Location of urban growth zones, City of Melton



Source: City of Melton and VCGLR

★ Gaming venue

City of Melton Electronic Gaming Planning Policy Project  
Reference Document

### 1.2.3 Precinct Structure Plans and Development Plans

Precinct Structure Plans (PSPs) are detailed planning documents that guide development in a neighbourhood or group of neighbourhoods. PSPs indicate areas suitable for urban development, the location of activity centres and the broad land use framework that is appropriate for each area.

### 1.2.4 Victoria Planning Provisions

#### **Clause 10 Goal**

The overarching goal of planning in Victoria is to ensure that the objectives of planning in Victoria are fostered 'through appropriate land use and development planning policies and practices which integrate relevant environmental, social and economic factors in the interests of net community benefit and sustainable development.

#### **Clause 10.04 Integrated decision-making**

This Clause states that local governments should endeavour to balance conflicting objectives in favour of net community benefit and sustainable development for the benefit of present and future generations.

#### **Clause 11.02-4 Sequencing of development**

The objective of this Clause is to manage the sequence of development in growth areas so that services are available from early in the life of new communities.

#### **Clause 17.01-1 Business**

The objective of this Clause is to encourage development which meets the community's needs for retail, entertainment, office and other commercial services and provides net community benefit in relation to accessibility, efficient infrastructure use and the aggregation and sustainability of commercial facilities.

#### **Clause 17.02-2 Out of centre development for Metropolitan Melbourne**

One of the strategies in this Clause is to ensure that out-of-centre proposals are only considered where the proposed use or development is of net benefit to the community in the region served by the proposal or provides small scale shopping opportunities that meet the needs of local residents and workers in convenient locations.

Another strategy is to discourage large sports and entertainment facilities of metropolitan, State or national significant in out-of-centre locations unless they are on the Principal Public Transport Network and in locations that are highly accessible to their catchment of users.

#### **The role of planning**

Clauses 10 *Plan Melbourne*, 10.04 *Integrated decision-making*, 11 *Settlement* and 17 *Economic development* in the State Planning Policy Framework articulate the important role that planning plays

City of Melton Electronic Gaming Planning Policy Project  
Reference Document

in supporting the creation of socially, economically and environmentally sustainable communities and meeting the community's expectations.

**Clause 52.28 Gaming**

All planning schemes in Victoria contain a standard gaming provision (Clause 52.28), which was introduced by VC39 in 2006. This Clause provides the framework within which the local planning policy framework (MSS and local planning policies) are formulated and implemented across Victorian municipalities.

This Clause introduced a prohibition on EGMs in strip shopping centres and shopping complexes. The rationale for prohibiting EGMs from shopping complexes and strip shopping centres is that their convenience in relation to areas where people undertake their day to day activities may result in impulse gaming which, in turn, is a key determinant of gambling-related harm.

The purposes of this Clause are:

- To ensure that gaming machines are situated in appropriate locations and premises.
- To ensure the social and economic impacts of the location of gaming machines are considered.
- To prohibit gaming machines in specified shopping complexes and strip shopping centres.

Strip shopping centres are defined under Clause 52.28-4 *Gaming*.

Clause 52.28-5 *Gaming* outlines the following decision guidelines that provide the framework within which Councils assess planning permits:

- The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- The compatibility of the proposal with adjoining and nearby land uses.
- The capability of the site to accommodate the proposal.
- Whether the gaming premises provides a full range of hotel facilities or services to patrons or a full range of club facilities or services to members and patrons.

This Clause does not provide specific guidance in relation to the information that needs to accompany an application to assist Council in assessing whether the proposal is appropriate in terms of its location and premises, or the social and economic impacts associated with the proposal.

**Clause 63 – Existing uses**

This Clause allows for existing uses to continue to operate in circumstances where they do not comply with the current provision of the planning scheme.

The implications of this Clause are that gaming venues that do not currently comply with the provisions of Clause 52.28 because they are located in prohibited areas such as strip shopping centres and shopping complexes may continue to operate under their current planning permit

City of Melton Electronic Gaming Planning Policy Project

Reference Document

conditions. The provisions of Clause 63 *Existing Uses* therefore preclude Council's ability to reduce the number of EGMs within the gaming venue or require the gaming operator to comply with existing design guidelines and harm minimisation measures. However, any proposals for buildings or works, or to increase the number of EGMs within the gaming venue will require a planning permit, providing Council with an opportunity at this stage to impose planning permit conditions that reflect harm minimisation measures relating to operating hours, design and venue management.

City of Melton Electronic Gaming Planning Policy Project  
Reference Document

## 2 City of Melton strategic and planning context

This section presents an overview of the strategic policy and planning framework within which gaming venues and gaming machines are managed in the City of Melton.

### 2.1 City of Melton Council Plan 2013-2017 and Annual Action Plan 2015-16

The Council Plan 2013-2014 identifies four themes, three of which may be relevant to gaming namely (1) innovative local economy; (2) governance and (4) harm reduction.

The goals and objectives focus on reducing health inequalities through facilitating healthy lifestyle choices.

Action 4.4.1 under *Outcome 4 – A city of people leading healthy and happy lives* in the Annual Action Plan 2015-16 is to Develop a Local Planning Policy for Electronic Gaming, part of which includes the preparation of a reference document.

### 2.2 City of Melton Municipal Public Health and Wellbeing Plan 2013-2017

The purpose of the Municipal Public Health and Wellbeing Plan 2013-2017 is to enhance the health and people in the City through partnerships between Federal and State Government, local agencies, service providers and the community.

Objective 4.5 under *Theme Four: Healthy lifestyles – people leading healthy and happy lives* is to minimise the social and health impacts associated with gaming. Specific strategies under this objective are supporting the delivery of a diverse range of non-gaming entertainment options; undertaking research to inform strategic planning for gaming licence applications in order to minimise the impacts of gaming in high risk areas; and working in partnership with venues and industry in order to reduce gambling related harms.

### 2.3 City of Melton Responsible Gambling Policy 2014

The *City of Melton Responsible Gambling Policy 2014* (the Policy) is Council's social policy that describes Council's commitments in relation to addressing harms associated with all gambling products and activities over which Melton City Council has influence. The overarching aim of the Policy is to minimise the harms associated with all forms of gambling at an individual and community level. It guides Council when assessing applications for both gaming licences submitted under the *Gambling Regulation Act 2003* and planning permits submitted under the *Planning and Environment Act 1987*.

The Policy acknowledges that gaming is a legitimate form of entertainment but that it is also associated with harm to the individual and the community. It also recognises that exposure to gambling activities and products can lead to harms that are disproportionately experienced by those vulnerable to the impacts of gambling-related harm.

City of Melton Electronic Gaming Planning Policy Project  
Reference Document

A further objective of the Policy, and the LPP, is to ensure that applications for gaming licences and planning permits are accompanied by a strong, robust, defensible and transparent evidence base presented in the form of a Social and Economic Impact Assessment. This will enable Council to rigorously assess each application on a case by case basis in terms of the nature and extent of the potential social and economic harms and benefits associated with the application. This evidence will assist Council when assessing an application for a planning permit to install and operate gaming machines, or a gaming licence on land within a 2.5km (5km in new growth areas) radius of the City of Melton's municipal borders, and within the Melton City Council's decision-making jurisdiction.

The three harm minimisation interventions that underpin the Policy are reducing the demand for EGMs, reducing the supply of EGMs in a community and supporting those most at risk of harm from gambling. The Policy identifies the following strategies relating to the three harm reductionist principles that need to be incorporated within the LPP:

**Demand reduction:**

- Promote a wide range of non-gambling activities, including through the planning of Council events, services and activities.

**Supply reduction:**

- Manage access to availability of EGMs in vulnerable communities.
- Assess the potential for a proposal to achieve net economic and social benefit.
- Require that social and economic impact assessments include a rigorous assessment of the land use impacts of a proposal.
- Discourage proposals that are not compatible with existing land uses and that are accessible to gambling sensitive uses.

**Harm reduction**

- Require that venues are designed, operated and managed in accordance with effective harm minimisation measures. Factors to be taken into consideration include location of venue in relation to other gaming venues; signage and advertising; exposure and convenience.
- Ensure that applications for planning permits and gaming licences are accompanied by a strong and robust evidence base that supports transparent and effective decision-making.

The Policy includes a recommendation to support an amendment to the Melton Planning Scheme to incorporate a Local Planning Policy for Electronic Gaming. The key purpose of this recommendation is to strengthen Council's capacity to effectively manage the location and operation of gaming venues and machines through Clause 52.28 of the Planning Scheme. This Policy sets the framework within which the Local Planning Policy for Electronic Gaming

City of Melton Electronic Gaming Planning Policy Project  
Reference Document

will be prepared and implemented. The LPP will therefore also be founded within the framework of the three harm minimisation principles that underpin the Policy.

## 2.4 Melton Planning Scheme

The following components of the Melton Planning Scheme are relevant to a local planning policy for electronic gaming.

The Local Planning Policy Framework consists of Clause 21, Municipal Strategic Statement (MSS) and Clause 22, Local Planning Policies (LPP).

The following clauses in the existing Local Planning Policy Framework are currently relevant, or have potential relevance, to gaming venues, EGMs and entertainment uses.

- 21.01 Snapshot of the City of Melton in 2014
- 21.01-8 Recreation and Leisure Facilities
- 21.02 Key Issues in the municipality
- 21.03 1 Planning Vision
- 21.03-2 – Planning objectives
- 22.05 – Employment Policy
- 22.06 – Retailing Policy

The schedules to Clause 52.28-3 and 52.28-4 *Gaming* provide the opportunity for each local authority to identify specific shopping complexes and strip shopping centres within the municipality within which EGMs are prohibited. There is also the opportunity to prohibit EGMs in all strip shopping centres by replacing the list of strip shopping centres in the schedule to Clause 52.28-4 with a blanket prohibition in all strip shopping centres on land covered by the planning scheme.

In the City of Melton, the following existing shopping complexes and strip shopping centres are included in the current schedules to Clause 52.28-3 and 52.28-4:

**Shopping complexes:** Woodgrove Shopping Centre (Melton Township), Coburns Shopping Centre (Melton Township), Bellevue Shopping Centre (Hillside) and Melton Fresh Shopping Centre (Melton South).

**Strip shopping centres:** Burleigh Road Shopping centre, (Melton Township), Cradle Road Shopping Centre (Diggers Rest), Exford Road Shopping Centre (Melton Township), High Street Shopping Centre (Melton Township), Scott Street Shopping Centre (Melton Township) and Wattle Valley Shopping Centre (Hillside).

The Reference Document includes a recommendation to include existing shopping complexes which are not currently included in the schedules to Clause 52.28-3 of the Melton Planning Scheme.

At present, there is no local planning policy for electronic gaming in the Melton Planning Scheme. As a result, planning permit applications for new gaming venues or increases in the number of EGMs in



City of Melton Electronic Gaming Planning Policy Project

Reference Document

existing venues, are assessed in terms of Clause 52.28 which is applicable across all Victorian municipalities. This Clause does not provide guidance on the scope of information that needs to accompany a planning permit application preventing Council from mandating the applicant to submit the information required to adequately assess the application. It also does not provide Council with sufficient guidance to enable it to assess planning permit applications at the local level in the municipality's established and growth areas.

One of the purposes of a *City of Melton Planning Policy for Electronic Gaming* is therefore to provide both Council and the applicant with guidance on municipal specific assessment criteria and the information required to assess the planning permit application.

City of Melton Electronic Gaming Planning Policy Project  
Reference Document

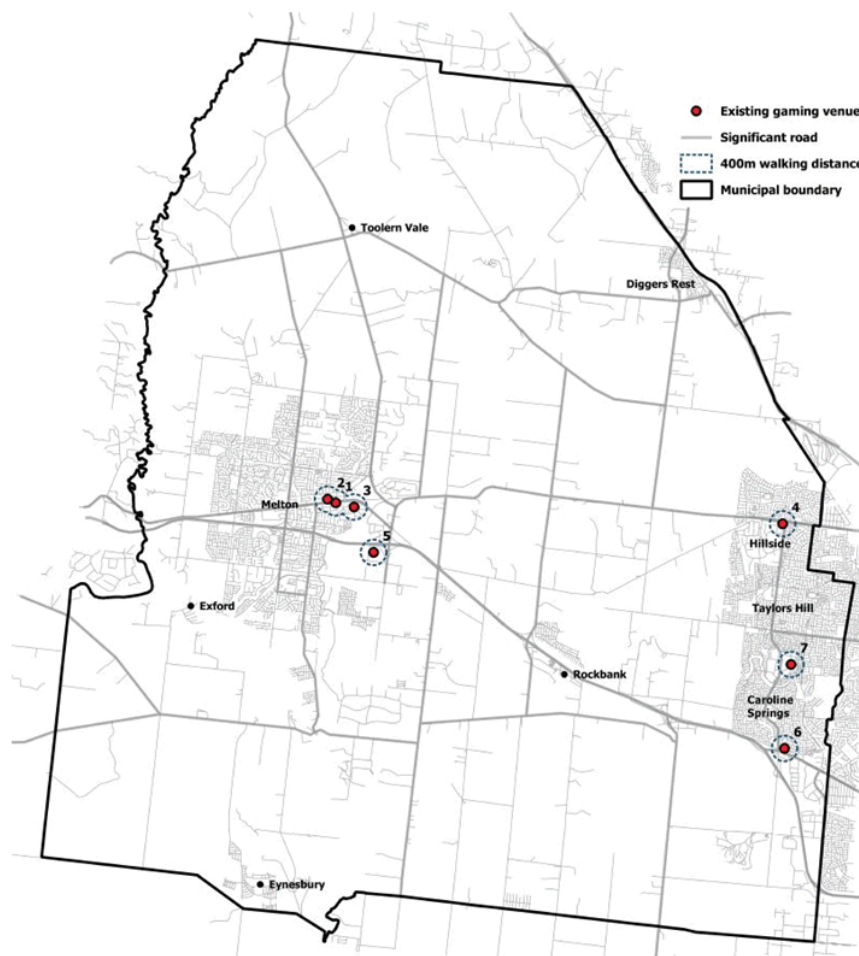
### 3 City of Melton gaming context

This section describes the physical and land use context within which gaming venues operate in the City of Melton. It also describes key gaming indicators that need to be taken into consideration when assessing applications for planning permits under the LPP and Clause 52.28.

#### 3.1 Gaming venues

There are seven gaming venues in the municipality (refer to Figure 2 and Table 1).

Figure 2 – Gaming venues in the City of Melton



Source: City of Melton

City of Melton Electronic Gaming Planning Policy Project  
Reference Document**Table 1 – Gaming venues in the City of Melton**

	Venue	Address	Operating EGMs and EGM licences	Expenditure 2015/16
1	Golden Fleece Hotel (Melton)	257-263 High Street Melton	45	\$9,209,756.44
2	Mac's Hotel (Melton)	322-332 High Street Melton	82	\$11,113,475.64
3	Melton Country Club	Melton Recreation Reserve, Reserve Road Melton	90	\$ 5,747,188.77
4	Sugar Gum Hotel	2 Gourlay Road Sydenham	50	\$ 8,665,266.70
5	Tabcorp Park	2 Ferris Road Melton South	80	\$ 7,129,494.22
6	The Club	1312-1322 Western Highway Caroline Springs	66	\$ 6,616,576.22
7	West Waters Hotel	10-20 Lake Street Caroline Springs	90	\$11,553,280.02
	<b>City of Melton</b>		<b>503</b>	<b>\$60,035,038.01</b>

Source: VCGLR

**3.2 Gaming indicators**

The key gaming indicators for the City of Melton in 2015/16 are illustrated in Table 2.

**Table 2 – Key gaming indicators 2015/16**

Indicator	2015/2016
<b>EGM expenditure</b>	\$ 60,035,038.01
<b>Number of operating EGMs</b>	503
<b>Adults per Venue</b>	14,277.92
<b>Density of EGMs per 1,000 Adults</b>	5.03
<b>Expenditure per Adult</b>	\$601

Source: VCGLR

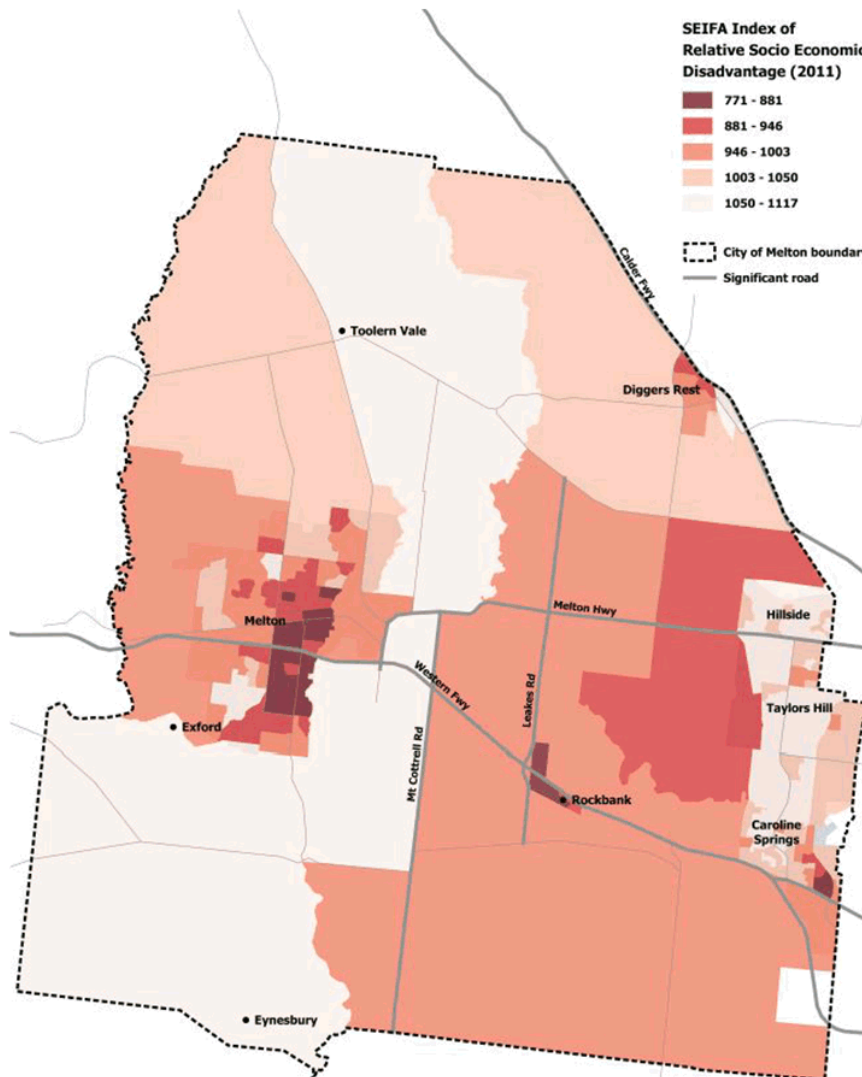
Approval has been granted for an additional 20 EGMs at the Sugar Gum Hotel (2013). This means that the total number of EGMs that are approved for the municipality is 523.

City of Melton Electronic Gaming Planning Policy Project  
Reference Document

**3.3 Relative socio-economic disadvantage**

The small areas experiencing the highest levels of socio-economic disadvantage in the City of Melton are Melton South, Melton, Melton Township, Kurunjang, Diggers Rest and Melton West (refer to Figure 3).

**Figure 3 – SEIFA Score of Relative Socio-economic Disadvantage 2011, small areas**

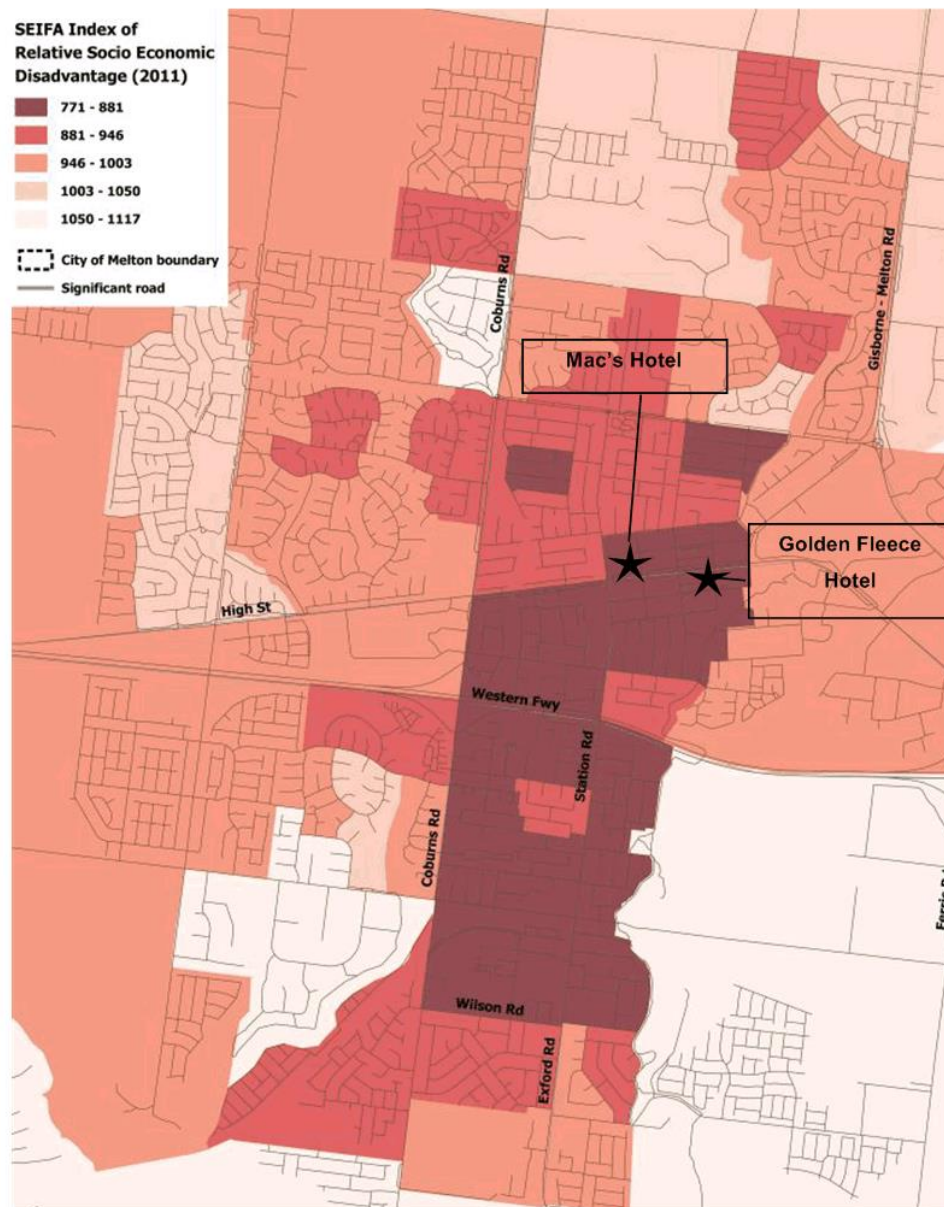


Source: City of Melton

City of Melton Electronic Gaming Planning Policy Project  
Reference Document

Two of the three gaming venues located in Melton Township are within areas which display concentrations of socio-economic disadvantage (refer to Figure 4).

**Figure 4 – SEIFA Score of Relative Socio-economic Disadvantage 2011, Melton Township**



Source: City of Melton and VCGLR

City of Melton Electronic Gaming Planning Policy Project  
Reference Document

### 3.4 Accessibility to gaming venues for the City of Melton

Existing gaming venues in the City of Melton serve both the community in the City of Melton and communities in adjoining municipalities such as Brimbank and Hume. The analysis of the catchments of existing venues indicates that:

- All gaming venues in the City of Melton are located within 5km of another gaming venue. Some of these venues are located in the adjoining municipality of Brimbank.
- The suburbs of Brookfield, Melton West, Melton, Melton South and Kurunjang are within 5km of the three gaming venues in Melton Township (namely Mac's Hotel, the Golden Fleece and the Melton Country Club). Kurunjang, Melton and Melton South are also within 5km of Tabcorp Park.
- Burnside, Burnside Heights and Caroline Springs are located within 5km of two gaming venues in Melton (Sugar Gum Hotel and West Waters) and a number of gaming venues in Brimbank.
- Hillside is located within 5km of the West Waters Hotel and two venues in Brimbank.
- Diggers Rest is not located within 5km of any gaming venues in the City of Melton, but is located within 5km of six gaming venues in the City of Hume.
- Eynesbury is the only local area in the City of Melton that is not within 5km of a gaming venue.
- The northern, eastern and southern municipal boundaries of the City of Melton are located within 5km of gaming venues in the municipalities of Hume, Brimbank and Wyndham respectively.
- There are 14 gaming venues within 5km of the municipal boundary of the City of Melton, five of which are in Hume, eight of which are in Brimbank and one of which is in Wyndham.

The City of Melton is expected to experience significant population growth in the future that will be guided by the PSPs and the Eynesbury Development Plan. This will alter the existing situation whereby the population is concentrated in the municipality's two established areas in Melton Township and the Eastern Corridor. This growth will be concentrated in the growth areas of Plumpton, Rockbank, Rockbank North and Toolern, each of which will be served by an activity centre. *Plan Melbourne 2017-2050* has identified the activity centre in Toolern as a future Metropolitan Activity Centre.

Figure 1 illustrates the location of the growth areas in relation to the existing gaming venues in the City of Melton. This figure indicates that those parts of the growth areas that surround the established areas of Melton Township and Caroline Springs will be within 5km of an existing gaming venue in the City of Melton.

City of Melton Electronic Gaming Planning Policy Project  
Reference Document

## 4 Principles underpinning the Local Planning Policy for Electronic Gaming

This section describes the four principles that provide the basis for the *City of Melton Local Planning Policy for Electronic Gaming*. It draws on a review of relevant literature, selected local planning policies for gaming in Victorian municipalities, and decisions made by the Commission, the Tribunal and Planning Panels Victoria.

It also summarises, by way of recommendations, how the principles will be incorporated into the City of Melton Local Planning Policy for Electronic Gaming.

### 4.1 Principle 1 - Gaming venues and EGMs should be accessible to the extent that they are available but not convenient.

#### 4.1.1 Destination and convenience gaming venues

Research has demonstrated that convenience gaming increases the risks of gambling-related harm as it may encourage spontaneous decisions to gamble and increased expenditure.<sup>2</sup> The impact of convenience and destination gaming venues on expenditure is evident in the City of Melton. Mac's Hotel and the Golden Fleece Hotel (Melton Township) are typical convenience gaming venues due to their location in the Melton High Street. Furthermore, the Golden Fleece Hotel (Melton Township) is located at the gateway to the Melton Town Centre, at a major intersection, and is highly visible to people visiting the town centre. These two venues had the highest and third highest expenditure per EGM in the City of Melton 2015/16. On the other hand, the Melton Country Club and Tabcorp Park, which are located at a distance from the town centre, had the lowest expenditure per EGM in 2015/16.

Due to these factors, one of the key criteria guiding the assessment of an application for a planning permit for a gaming venue, or an increase in the number of EGMs in an existing venue, is whether it will function as a destination or convenience gaming venue. Preference is usually given to venues that function as trip destinations and involve predetermined decisions to travel to a gaming venue. In *Pink Hills Hotel Pty Ltd v Yarra Ranges SC & Ors* [2013] the Tribunal approved an application for a new gaming venue as it considered that it would function as a destination rather than a convenience venue.

However, the Tribunal noted in *Darebin CC v Victorian Commission for Gambling and Liquor Regulation & Anor (Red Dot)* [2013] that it is not always possible to classify a gaming venue as either a destination or a convenience gaming venue. This is also true in the Melton context. The West Waters Hotel (Caroline Springs) is located within 400m of, and visible from, facilities and services associated with every day activities, and residential uses, hence may be classified as a convenience gaming venue. On the other hand, the diversity of non-gaming activities and the fact that it attracts a regional patron profile, introduce some elements characteristic of a destination gaming venue. Similarly, The Club and Sugar Gum Hotel which are also stand-alone venues that are separated from facilities and services associated with every day activities, may be classified as destination gaming

City of Melton Electronic Gaming Planning Policy Project  
Reference Document

venues. However, their proximity to residential uses and exposure to passing vehicles may facilitate and encourage spontaneous decisions to gamble.

This suggests that the potential for a gaming venue to operate as a destination or convenience venue be considered on a case by case basis, taking into consideration a range of factors such as location, size of site, availability of non-gaming activities and facilities in the venue.

#### 4.1.2 Prohibited and discouraged areas

##### Prohibited areas

Clauses 52.28-3 and 52.28-4 *Gaming* prohibit the location of gaming venues in shopping complexes and strip shopping centres respectively.

Shopping complexes are relatively easy to identify due to their design, access, form and mix of retail, business and service land uses. Their physical form and location, and to some extent land use mix, are also guided through structure planning processes that occur ahead of development. This suggests that it is appropriate to identify specific shopping complexes in the schedule to Clause 52.28 within which gaming venues are prohibited.

Strip shopping centres vary greatly in terms of size and scale, mix of land uses and accessibility. Although their location is often determined during the structure planning process, the physical form and land use mix within strip shopping centres is more organic and not managed through the planning process to the same extent as shopping complexes.

The universal tests in Clause 52.28-4 are applied on a case by case basis to determine whether a gaming venue is likely to be located in a strip shopping centre. These tests are applicable to all strip shopping centres, regardless of whether they are listed in the schedule to the Clause (in the case of existing strip shopping centres) or are proposed in a Precinct Structure Plan and Development Plan and have not yet been included in the schedule to the Clause.

Individually listing strip shopping centres in the schedule runs the risk that the prohibition will, inappropriately, not apply to a strip shopping centre omitted from the schedule. However, if the schedule states that gaming venues are prohibited from all strip shopping centres, Council would be able to assess each application on a case by case basis in terms of the universal tests included in Clause 52.28-4. This approach would ensure that the Clause is flexible and relevant to each circumstance, particularly when the proposal is located in a new and emerging community that is subject to a PSP.

Two of the seven gaming venues, namely Mac's Hotel and the Golden Fleece Hotel are located in the Melton High Street strip shopping centre. Although these two gaming venues are currently included in the list of strip shopping centres that are prohibited by Clause 52.28, they have existing use rights and are exempt from the provisions of this Clause as they were developed prior to its introduction into the Melton Planning Scheme. In cases like these, e.g. *Monash CC v L'Unico Pty Ltd* [2013], the Tribunal overlooked the fact that an existing venue is located in a strip shopping centre and therefore would be



City of Melton Electronic Gaming Planning Policy Project  
Reference Document

prohibited under the current provisions of the planning scheme, and approved an application for an increase in the number of EGMs.

The approval of a new gaming venue in an existing or future strip shopping centre would be prohibited under Clause 52.28-3 due to its potential to function as a convenience gaming venue and cause gambling-related harm. It will be necessary to review the list of existing shopping complexes included in the schedule to Clause 52.28-3 to ensure that no new gaming venues are introduced into shopping complexes. In addition, the *City of Melton Local Planning Policy for Electronic Gaming* should discourage an increase in the number of EGMs in an existing gaming venue located in a strip shopping centre in order to prevent the harms associated with convenience gambling. It should also

#### Discouraged areas

The Victoria Planning Provisions do not currently provide any guidance as to where EGMs should be discouraged (in contrast to prohibited). Some councils have sought to address this by identifying where gaming venues should be discouraged surrounding prohibited areas i.e. strip shopping centres and shopping complexes. This is to address a situation where gaming venues might contribute to convenience gaming as they are functionally and visually integrated with, but not necessarily located in areas prohibited by the planning scheme.

The Macedon Ranges Local Planning Policy for Gaming Reference Document illustrates specific property boundaries around the strip shopping centre where EGMs are discouraged. The Maribyrnong Reference Document includes maps that illustrate the generalised area within which EGMs are discouraged that include the strip shopping centre and a conceptual buffer surrounding the strip shopping centre.

The Planning Panel noted in the Macedon Ranges Planning Scheme Amendment C64 Gaming Controls and Policy that mapping specific boundaries would "severely undermine the usefulness of the maps" as they would not reflect changes to the land use character within the strip shopping centre. The Panel has also noted in the Maribyrnong Scheme Amendment C115 Gaming Policy Report (2013) that mapping of a generalised area surrounding strip shopping centres within which gaming venues are discouraged areas outside inner city municipalities is not appropriate as the boundaries of strip shopping centres are dynamic.

These findings suggest that including maps in a planning scheme would be inefficient as it would require ongoing amendments in order to ensure that they were up to date.

It is therefore more appropriate to base decisions on whether an area surrounding a strip shopping centre should be categorised as a 'discouraged area' on the following criteria rather than by way of a map:

- relative socio-economic disadvantage;
- concentration of gaming venues;
- proximity to gaming sensitive uses; and

City of Melton Electronic Gaming Planning Policy Project  
Reference Document

- proximity to facilities and services associated with people's everyday activities.

Nevertheless, proposals for EGMs and gaming venues should be discouraged in all areas that are visually and functionally integrated with areas that are prohibited under Clause 52.28.

#### 4.1.3 Activity centres

The State Planning Policy Framework gives preference to the location of entertainment facilities in activity centres as this maximises accessibility and contributes to land use diversity. In support of this, Clause 17.01-2 discourages the location of large scale entertainment facilities outside activity centres.

Clause 52.28 prohibits the location of gaming venues in shopping complexes and strip shopping centres. This is because venues that are conveniently located in relation to facilities and services associated with people's day to day activities, which are typically located in shopping complexes and strip shopping centres, may contribute to convenience gambling (Darebin CC v Victorian Commission for Gambling and Liquor Regulation & Anor (Red Dot) [2013]). In *Queensberry Hotel Pty Ltd v Minister for Planning and Community Development* [2013] the Tribunal gave great weight to the provisions of approved development plans when it assessed whether the proposal would be associated with convenience gaming.

The policy imperative to locate gaming venues in activity centres and, at the same time, ensuring that they are both accessible but not convenient, raises a policy tension that needs to be addressed in the local planning policy for electronic gaming. This can be achieved by applying a principle that gaming venues should be located at the periphery but not within the core of the activity centre where day to day activities which are typically concentrated.

An analysis of expenditure per attached EGM entitlement at the seven gaming venues in the City of Melton indicates that it is highest at the Golden Fleece Hotel which is located at the gateway to the Melton High Street strip shopping centre. This suggests that the location of the venue in relation to facilities and services associated with day to day activities is likely to contribute to the high expenditure per attached EGM entitlement in the City of Melton.

The fact that residential land uses are key components of activity centres introduces a further policy tension as this may increase exposure and therefore contribute to convenience gaming. As a result, the Planning Panel noted in the Wyndham Local Planning Policy Panel Report, Amendment C174 that it is appropriate to ensure that gaming venues are functionally separated from residential developments.

The Club (Caroline Springs), Sugar Gum Hotel (Hillside) and Mac's Hotel (Melton Township) adjoin residential areas. West Waters Hotel (Caroline Springs) and the Golden Fleece Hotel (Melton Township) are located within 400m of residential areas but are functionally separated by roads and Lake Caroline (in the case of West Waters Hotel). The Melton Country Club (Melton Township) is functionally separated and located further than 400m from residential areas. Although it is not possible to alter the status quo in respect of the existing venues, it would be appropriate that any future gaming venue is functionally separated from residential areas.

City of Melton Electronic Gaming Planning Policy Project  
Reference Document

Tabcorp Park (Melton South) and West Waters Hotel (Caroline Springs) incorporate accommodation facilities which are classified as residential hotels. Residential hotels differ from residential land uses in that they are typically associated with temporary visits related to tourism rather than permanent residents. However, the definition of a residential hotel allows for the provision of gambling. It is therefore not feasible to require a gaming venue to be functionally separated from residential hotels in the same way as it is appropriate to require that gaming venues be functionally separated from residential areas. It may be appropriate to encourage the functional separation of the gaming lounge from the accommodation component of the gaming lounge in a residential hotel in order to minimise convenience and spontaneous gambling. It would also be appropriate to discourage proposals that integrate residential uses (as opposed to residential hotels) and gaming venues within the same development.

#### 4.1.4 Clustering

Research has found that most people do not travel very far to access gaming venues and that problem gamblers are more likely to visit multiple gaming venues than non-problem gamblers, low risk gamblers and moderate risk gamblers.<sup>3</sup> The proximity of venues to one another is referred to as clustering.

In its decision to refuse an application for the approval of a new gaming venue in the Francis Hotel in the Melbourne CBD, the Tribunal found that clustering may encourage and facilitate the movement of problem gamblers between venues which may in turn result in convenience gambling and gambling related harm.

This principle has been applied by the Planning Panel in the Wyndham Local Planning Policy Panel Report for Amendment C174 where it noted that clustering of gaming venues may alter the character and function of an area, both of which are planning considerations relating to the appropriateness of the proposal to the surrounding land uses.

In *Bright Newbay Pty Ltd v Bayside CC* [2010] the Tribunal found that a threshold of 400m is would be appropriate when assessing whether there is, or may be, a cluster of gaming venues in an area.

Two of the City of Melton's gaming venues, Mac's Hotel and the Golden Fleece Hotel in Melton Township, are located within 400m of one another, and therefore may be deemed to form a cluster. They are also located within a strip shopping centre which would be prohibited under the current provisions, and an area characterised by high levels of social-economic disadvantage. In the financial year 2014/15 the Golden Fleece Hotel had the highest expenditure per attached EGM entitlement of all gaming venues in the City of Melton and Mac's Hotel had the second highest expenditure of all gaming venues in the municipality. Although these factors cannot necessarily be attributed solely to the fact that these two venues form part of an existing cluster of gaming venues, their proximity to one another gaming venue may account for this expenditure pattern.

City of Melton Electronic Gaming Planning Policy Project  
Reference Document

#### 4.1.5 Size of site

One of the decision guidelines of Clause 52.28 is the capability of the site to accommodate the proposal. Preference is given in many local planning policies to sites with a land holding of more than 2ha. This is because sites of this size are likely to be located away from the core of activity centres and comprise large sporting and recreational clubs that provide a wide range of social, leisure, recreational and entertainment uses. These factors are considered to encourage destination gaming rather than convenience gaming and enable the site to establish an effective buffer between adjoining uses.

However, in *Bridge Inn Hotel Benmara Pty Ltd v Whittlesea CC* [2015] the Tribunal found that requiring the site to be larger than 2ha is not always necessary as smaller sites may provide an adequate buffer. Furthermore, the Planning Panel noted in the Panel Report for Mount Alexander Shire Amendment C72 that a 2ha site may not be required to accommodate the desired range of non-gaming facilities. It is therefore not necessarily good practice to routinely give preference to larger over smaller sites in local planning policies. This is demonstrated in the City of Melton where the Melton Country Club and Tabcorp Park (both of which are clubs) are located on land holdings of larger than 2ha in out-of-centre locations in Melton Township. Neither of these venues provides sport nor recreation activities, yet Tabcorp Park provides a broad range of non-gaming facilities such as accommodation and conference facilities. This example illustrates that it does not always follow that a larger site will result in a wider range of non-gaming facilities.

#### 4.1.6 Recommendations

- Give preference to proposals located away from the core of activity centres.
- Encourage proposals that are associated with destination gaming because of their location and size.
- Discourage proposals that are visually and functionally integrated with areas prohibited under Clause 52.28.
- Discourage applications where the subject site is in close proximity to residential uses or areas.
- Discourage proposals that would result in a cluster of venues within 400m of the subject site.
- Prohibit EGMs in all strip shopping centres across the municipality.
- Include a description of existing land use, zoning, existing gaming venues, and facilities and services associated with everyday activities as an application requirement.
- Retain the existing list of shopping complexes in Clause 52.28 in order to prevent the inclusion of a gaming venue in existing shopping complexes.
- Include Burnside Shopping Centre, CS Square Shopping Centre, Taylor's Hill Village Shopping Centre and Watervale Shopping Centre as they are existing shopping complexes.

## City of Melton Electronic Gaming Planning Policy Project

## Reference Document

**4.2 Principle 2 – The availability of EGMs and gaming venues should be managed to reflect population growth and distribution****4.2.1 Density of EGMs per 1,000 adults and number of gaming venues per adult**

Existing accessibility of EGMs and gaming venues is measured by density of EGMs per 1,000 adults and the number of existing gaming venues per adult respectively.

The Productivity Commission (2010) identified a direct relationship between a relatively high density of EGMs per 1,000 adults and gambling-related harm.<sup>4</sup> As a result, managing the density of EGMs is considered to be an effective strategy to address moderate-risk and gambling-related harm expenditure.<sup>5</sup> However, the Productivity Commission (2010) also found that the link between accessibility of EGMs and gambling-related harm becomes weaker once a threshold of accessibility has been exceeded, may change over time and can vary with different dimensions of accessibility.<sup>6</sup>

In 2015/16 the density of EGMs per 1,000 adults in the City of Melton (5.0) was lower than it was for metro and country municipalities (5.2 and 6.5 respectively) and Victoria (5.7). The density of EGMs per 1,000 adults in the City of Melton was also lower than it was for the adjoining municipalities of Wyndham, Hume and Brimbank but higher than the adjoining municipalities of Macedon Ranges, Whittlesea and Moorabool.

Between 2012/13 and 2015/16 the City of Melton experienced a reduction in the density of EGMs per 1,000 adults. This is even though the number of EGMs increased from 487 to 493 in this period. This is likely because the number of adults increased at a greater rate than the number of EGMs in the same period.

In 2014/15 there were fewer gaming venues in the City of Melton than all adjoining municipalities, except for Whittlesea and Moorabool.

These figures indicate that, in general, accessibility to EGMs and gaming venues in the City of Melton is lower than it is in the adjoining metropolitan municipalities. The City of Melton population forecast for 2017 is 139,331, and is forecast to grow to 315,022 by 2036.<sup>7</sup> The effect of this growth will be an overall reduction in the density of EGMs per 1,000 adults and number of gaming venues per adults across the municipality. These factors are likely to provide the industry with a basis on which to justify any proposed increase in EGMs or venues.

Density of EGMs per 1,000 people and the number of gaming venues per adult are usually assessed on a municipal rather than a local level where the proposal is situated. However, this approach is not appropriate in the medium and long term in the City of Melton which is going to experience an increase in population concentration in the growth areas of Plumpton, Rockbank South, Rockbank North and Toolern. If the numbers of EGMs and gaming venues remain at the current level, densities of EGMs per 1,000 adults and the number of gaming venues per adult in the established areas will remain stable (or even reduce) while, at the same time, become very low in the growth areas where the population will increase. An assessment of the density of EGMs per 1,000 adult and number of

City of Melton Electronic Gaming Planning Policy Project  
Reference Document

gaming machines per adult should therefore occur a local rather than a municipal level to ensure that it takes account of how a particular community will be affected by the proposal.

Existing gaming venues and EGMs are concentrated in the established areas of the municipality. To ensure that any demand for EGMs and new gaming venues in the municipality matches population growth and redistribution, and does not compromise communities in the established areas, it is appropriate to give preference to proposals involving an increase in EGMs and gaming venues in areas experiencing population growth rather than those where the size of population is stable. This approach was adopted by the Planning Panel in Mount Alexander Shire Amendment C72 where the Panel supported the establishment of a new gaming venue in growth areas of the municipality which are projected to experience significant population growth.

#### **4.2.2 Activity centre hierarchy**

The *City of Melton Retail and Activity Centres Strategy 2014* has identified that the higher order activity centres will have the most diverse range of non-gaming social, leisure, entertainment and recreational uses, and are intended to serve the largest catchment. For this reason, locations separated from the core but within these higher order activity centres are likely to be the appropriate locations for gaming venues as this reflects the protective factor associated with maximising access to non-gaming facilities and activities while prevent convenience gambling. Conversely, the lower order activity centres would not be considered appropriate locations for gaming venues as they would be unlikely to provide sufficient access to non-gaming social, leisure, entertainment and recreation uses and some may take the form of local neighbourhood strip shopping centres which are prohibited under Clause 52.28.

In the Panel Report for the Wyndham Local Planning Policy, Amendment C174 the Panel was not supportive of including specific locations or shopping complexes and strip shopping centres in growth areas in the schedule to Clause 52.28 where gaming venues are prohibited as it may prevent the assessment of the case by case merits of the proposal. This is because it is not always possible to predict the land use character and form, or activity and movement patterns during the preparation of PSP's. It is therefore recommended that the schedules to Clause 52.28 only include existing shopping complexes and prohibit EGMs in all strip shopping centres.

#### **4.2.3 The establishment of new gaming venues and increases in the number of EGMs**

In principle, future demand for gaming venues or additional EGMs may be accommodated either in existing gaming venues (often referred to as 'top ups') or in entertainment facilities such as hotels, pubs and clubs that do not currently contain EGMs or have not yet been developed.

Although each proposal is considered on a case by case basis, in many instances the Tribunal and Commission give preference to a 'top up' in existing venues rather than the creation of a new gaming venue. This is because the establishment of a new venue is considered to have a greater influence on

City of Melton Electronic Gaming Planning Policy Project  
Reference Document

accessibility and exposure to opportunities to gamble than an increase in the number of EGMs in an existing gaming venue.

However, careful consideration should be given to whether preference should routinely be given to a top up for the following reasons:

- There are no gaming venues in the growth areas. As a result a preference for top ups would result in an increase in the established areas of the municipality where the market is reaching maturity while the demand for gambling in new and emerging communities could not be met.
- In the Panel Report for Mount Alexander Shire Amendment C72, the Planning Panel noted its concern that the preference for existing gaming venues may create a monopoly.
- A proposal for a top up may be associated with the transfer of expenditure and EGMs from areas of low to high disadvantage which would result in disproportionate harm amongst vulnerable communities.
- A proposal for a top up may involve an existing venue that encourages convenience gambling due to its location and design.
- A new venue may have greater capacity to comply with the VCGLR Venue Manual and implement effective harm minimisation measures than a proposal for a 'top up' in an existing venue which may exacerbate existing risk factors relating to location, design and operation.

The need to critically appraise a preference for top ups over the establishment of a new gaming venue is significant in the context of the City of Melton. For example, the two venues in the Melton Town Centre, namely Mac's Hotel and the Golden Fleece are in locations that do not align with the provisions of Clause 52.28-4 which prohibits the location of gaming venues in strip shopping centres in order to prevent impulse or convenience gambling. They are also located in areas with high levels of socio-economic disadvantage and in close proximity to gambling sensitive uses. Furthermore, they do not provide a diverse range of non-gaming activities and may not necessarily comply with current best practice in design. Although these gaming venues have existing use rights and therefore can continue operating under their existing planning permit conditions, an increase in the number of EGMs in these venues would not be considered appropriate. On the other hand, a new venue may have a more appropriate location, incorporate a diverse range of non-gaming entertainment, social and leisure opportunities and display best practice in design. This is particularly relevant in a municipality such as Melton, where new venues located in the growth areas have the potential to implement best practice in terms of location and design.

This means that each proposal should be considered on merit, based on its locational, design and operational features rather on the potential for it to create a new gaming venue.

## City of Melton Electronic Gaming Planning Policy Project

## Reference Document

**4.2.4 Availability of a choice of non-gaming entertainment, social, leisure and recreational activities and facilities**

The availability of non-gaming facilities and activities in the area surrounding the gaming venue was considered by the Tribunal in *Prizac Investments Pty Ltd & Ors v Maribyrnong CC & Ors (Red Dot) [2009]* to be a protective factor as it provides patrons and visitors with an alternative to gaming. This is because the absence of alternative social, entertainment leisure activities may encourage people to engage in gambling-related activities which in turn may increase the risk of gambling-related harm.<sup>8</sup> This is particularly relevant in new and emerging communities in growth areas where people may experience social isolation and where access to alternative non-gaming activities is limited.<sup>9</sup>

Activity centres are considered by the State Planning Policy Framework to be the preferred location for gaming venues. However, in Panel Report, *Mount Alexander Shire Amendment C72*, the Planning Panel noted that it is not always appropriate to give universal support to the provision of gaming opportunities in all activity centres as it is not possible to predict the extent to which non-gaming entertainment uses will be available in growth areas which are not yet established. This is because the sequencing of development and provision of facilities will, to some extent, be influenced by market forces and other requirements of a precinct structure plan.

Some precinct structure plans indicate the potential for the provision of a wide range of social and entertainment services, including taverns and hotels. However, this should not be considered a de facto approval of a gaming lounge within the tavern or hotel, either at the development stage or in the future when the tavern is fully operational. Factors that were taken into account by the Tribunal in *Prizac Investments Pty Ltd & Ors v Maribyrnong CC & Ors (Red Dot) [2009]* to determine if a tavern in a growth area is appropriate for a gaming venue was the availability of non-gaming entertainment uses in the surrounding area and whether these uses were open at the same time as the gaming lounge. This approach will ensure that the appropriate sequencing of entertainment uses is achieved, and that opportunities to gamble are only available once the community has adequate access to an appropriate range of non-gaming social, leisure, entertainment and recreational uses.

It is predicted that some of the new communities in the growth areas will not be within a 5km catchment of existing gaming venues that are currently located in the City of Melton or adjoining municipalities. The assessment of any proposal for a new gaming venue within the catchment of these communities needs to consider whether these new and emerging communities have sufficient access to a range of non-gaming social, leisure, entertainment and recreational uses before approval is given to the establishment of a new gaming venue.



City of Melton Electronic Gaming Planning Policy Project  
Reference Document

#### 4.2.5 Location of gaming venues in tourist precincts

It is possible that some of the City of Melton's heritage assets and tourist precincts may be the subject of planning permit applications for gaming venues in the future e.g. Eynesbury (Mixed Use Zone) and Leakes Road Tourist Precinct (Special Use Zone, Warrensbrook) respectively.

One of the benefits associated with the integration of a gaming component into a venue is its capacity to support tourism, particularly if the revenue from the gaming lounge is allocated to diversifying non-gaming social, leisure, entertainment and recreation uses. However, the presence of a gaming lounge in such facilities would prohibit access to the venue for people under the age of 18, thereby limiting the range of entertainment available to certain members of the community. As a result, buildings with heritage value and tourist attractions that are used as gaming venues may be less accessible to the broader community than those that do not include a gaming component.

None of the existing seven gaming venues in the City of Melton are in buildings that have significant heritage value. Nevertheless, applications for new gaming venues in the growth areas will need to assess the potential impact of the proposal on the built, natural and cultural heritage values of the area.

#### 4.2.6 Recommendations

- Encourage the location of gaming venues and additional EGMs in growth areas, where appropriate.
- Ensure that the location of gaming venues is consistent with activity centre hierarchy as part of the overall range of entertainment facilities and activities in the municipality.
- Encourage proposals that establish an effective buffer between adjoining uses, particularly if these uses are associated with residential dwellings and facilities associated with day to day activities and gambling sensitive uses.
- Encourage proposals that would diversify the range of non-gaming social, leisure, entertainment and recreation uses in the surrounding area.
- Discourage proposals that would result in the development of a gaming venue ahead of non-gaming social, leisure, entertainment and recreation uses in the surrounding area.
- Discourage proposals that would detract from the tourist potential of an area.
- Require that the site analysis accompanying the application provides information relating to:
  - the location and operating hours of non-gaming social, leisure, recreation and entertainment uses within the venue and within a 5km radius of the venue; and
  - built, natural and cultural heritage assets of the facility and within a 5km radius of the venue.

City of Melton Electronic Gaming Planning Policy Project  
Reference Document

### **4.3 Principle 3 - Exposure to opportunities to gamble should be managed to safeguard the health and wellbeing of communities at an elevated risk of gambling-related harm**

#### **4.3.1 Location in relation to vulnerable groups**

The SEIFA index of relative disadvantage is one of the three indicators regularly used by the Tribunal to determine whether the social and economic impacts of a proposal will cause or exacerbate gambling-related harm.<sup>10</sup> Communities located within areas located in the lowest quintile (i.e. 20%) of relative socio-economic disadvantage of the State (not the municipality) are usually considered to be the most vulnerable. As a result, that this indicator is often a planning consideration included in local planning policies (see local planning policies for gaming for Macedon Ranges Shire, City of Bayside, Yarra Ranges).

Certain communities within the established areas of the City of Melton are characterised by concentrations of socio-economic disadvantage. In some cases, e.g. Melton Township, these areas also have a high concentration of gaming venues and EGMs. It will therefore be important to manage the growth of EGMs within these communities, and others that may display socio-economic disadvantage in the future in order protect them from further gambling related harm. This principle was applied by the Tribunal in *Prizac Investments Pty Ltd & Ors v Maribyrnong CC & Ors (Red Dot) [2009]* where it found that applications should be considered in terms of their potential to transfer expenditure and/or gaming machines from areas of high to areas of low socio-economic disadvantage.

However, research has found that additional community characteristics, such as age, gender, cultural background, income, occupation, educational status, household structure and health status have the potential to increase an individual's risk of gambling-related harm. One of the purposes of Clause 52.28 is to ensure the social and economic impacts of the location of EGMs are considered across the community, not just on vulnerable groups. However, this Clause does not provide guidance on the specific factors that need to be considered when assessing the social and economic impacts of a proposal on the community in general and vulnerable groups in particular. For this reason, the Melton City Local Planning Policy for Electronic Gaming will need to include a requirement for the applicant to prepare a rigorous, objective and transparent social and economic impact assessment to accompany the application, and specific information that needs to be included in this impact assessment. This will ensure that applications are assessed in terms of a clear and transparent evidence base.

#### **4.3.2 Location in relation to gambling sensitive uses**

Clause 52.28 does not give guidance as to what may be defined as a gambling sensitive use. Land uses that have been included by the Tribunal in *Melbourne CC v Kingfish Victoria Pty Ltd & Anor (Red Dot) [2013]* and *Darebin Cc V Victorian Commission For Gambling And Liquor Regulation & Anor (Red Dot) [2013]* in the list of gambling sensitive uses include social housing (used by people who are disadvantaged, and/or previously homeless), victims of domestic violence respectively. The

City of Melton Electronic Gaming Planning Policy Project  
Reference Document

Manningham Local Planning Policy for Gaming has included social security offices, welfare agencies and gambler support services in their list of gambling sensitive uses.

The Tribunal typically precludes land uses from the list of gambling sensitive uses if there is a lack of clear evidence of a link with gambling-related harm e.g. schools, kindergartens, libraries, medical centres, sports and recreation centres and public open spaces. This is because these uses are more closely associated with convenience gaming than they are with vulnerable communities.

The Tribunal and Commission have used the following criteria to determine whether a service or facility can be classified as a 'gambling sensitive use':

- the presence of a clear and direct causal link between the use classified as a gambling sensitive use and elevated risk of gambling-related harm (Darebin CC V Victorian Commission For Gambling And Liquor Regulation & Anor (Red Dot) [2013], Bright Newbay Pty Ltd V Bayside Cc (2010);
- whether the venue is located along a route heavily used by pedestrians, including people vulnerable to gambling-related harm (Darebin Cc V Victorian Commission For Gambling And Liquor Regulation & Anor (Red Dot) [2013]);
- whether the identified gambling sensitive use was present before the proposed gaming venue or EGMs (Melbourne CC v Kingfish Victoria Pty Ltd & Anor (Red Dot) [2013]);
- the relative ease of access of, rather than distance between, the gaming venue and the gambling sensitive use (Darebin Cc V Victorian Commission For Gambling And Liquor Regulation & Anor) (Red Dot) [2013]);
- the hours of operation of the identified gambling sensitive use in relation to the hours of operation of the gaming venue (Mt Alexander Shire Council v Victorian Commission for Gambling and Liquor Regulation Ltd (Red Dot) [2013]); and
- whether there is an existing gaming venue that is more accessible in terms of distance and exposure to the gaming sensitive use (Darebin Cc V Victorian Commission For Gambling And Liquor Regulation & Anor (Red Dot) [2013]).

The following gambling sensitive uses are located in the City of Melton:

*Social and community housing:* There are concentrations of social housing in the suburbs of Kurunjang, Melton, Melton West, Melton South and Caroline Springs. Five of the seven gaming venues in the City of Melton are located in these suburbs.

*Centrelink:* There is one Centrelink Office located at the Woodgrove Shopping Centre (Melton Township) and one located in the Central Shopping Centre in Caroline Springs. These services are not visible from any gaming venue in the City of Melton. However, the Centrelink Office in Caroline Springs is located within 400m of West Waters Hotel.

*Financial counselling services:* The Djerriwarrh Health Services offers financial counselling in the Melton Community Health Centre (corner Yuille and High Street, Melton) and the Caroline

City of Melton Electronic Gaming Planning Policy Project  
Reference Document

Springs Community Health Centre (13-15 Lake Street, Caroline Springs). The Melton office is located within 400m of the Golden Fleece Hotel. The Caroline Springs office is located within 400m of West Waters Hotel.

#### 4.3.3 The extent of assessment catchments

Another purpose of Clause 52.28 is that EGMs are situated in appropriate locations. However, this Clause does not give guidance as to the physical extent of this location. The extent of the 'location' is usually taken to include catchments that incorporate people most likely to be affected by the proposal. It is common for the area to be defined by typical *travel distances* which are 2.5km in municipal areas and 5km in regional areas.<sup>11</sup> It is considered that a catchment of 5km for the City of Melton is appropriate for the following reasons:

- The City of Melton community has a relatively high dependency on private transport which may increase the size of the traditional catchment associated with gaming venues.
- More than half of gaming patrons in the City of Melton indicated in the community survey that they travelled further than 5km to a gaming venue.<sup>12</sup>
- Activity centres, which serve a catchment greater than 5km, are the preferred locations for gaming venues.

A suitable catchment for the social and economic impact assessment for the City of Melton is 5km from the proposal. It is likely that, in some cases, this catchment will cover more than one municipality.

A suitable threshold used to assess the distance between the gaming venue and the gambling sensitive uses is 400m as this reflects the standard walking distance.

#### 4.3.4 Recommendations

- Discourage proposals that involve increasing access to opportunities to gamble within communities at an elevated risk of gambling-related harm.
- Discourage proposals where the subject site is located within 400m of, or easily accessible from, a gambling sensitive use.
- Include the requirement for a rigorous social and economic impact assessment to accompany an application. This assessment should include an in-depth analysis of the relevant land use, gaming, social, economic, health and crime indicators.
- Include a description of the socio-economic profile of the community within 5km of the proposal site as an application requirement.
- Include the potential for the proposal to increase vulnerability to gambling-related harms and social disadvantage and detract from the community's health and wellbeing status as a decision guideline.

City of Melton Electronic Gaming Planning Policy Project  
Reference Document

#### **4.4 Principle 4 – Venues should be designed and operated to maximise their potential community benefits**

##### **4.4.1 Off-site amenity and safety impacts**

One of the decision guidelines of Clause 52.28 is the compatibility of the proposal with adjoining and nearby land uses. In this context, compatibility is understood to relate to potential impact on safety and amenity associated with factors such as noise, traffic and visual impact.

Gaming venues are not usually associated with amenity impacts typical of other entertainment facilities such as hotels and nightclubs for the following reasons:

- The gaming component of gaming venues is typically less than 25% of the total leasable area of the venue. In theory, the gaming lounge would therefore attract a limited proportion of the venue's total patron numbers, some of which would be utilising other facilities in the gaming venue anyway. As a result, the gaming component of the gaming venue is unlikely to cause a significant additional impact on the safety and amenity of the adjoining or nearby uses.
- Gaming lounges are not used for activities associated with noise such as external speakers, live entertainment or amplified music.
- Although gaming lounges are required to close for a period, the closure times are not typically associated with the movement of large volumes of people.

With the exception of the Golden Fleece Hotel in Melton, all other gaming venues provide on-site car parking for patrons. All gaming venues, including those that adjoin residential areas (i.e. Sugar Gum Hotel and The Club), have direct access off main roads and therefore do not generate traffic in residential areas. Two of the seven gaming venues in the City of Melton are located within walking distance of one another. Any pedestrian movement between these two venues is likely to be very limited and staggered throughout the opening times. As a result, the gaming venues in Melton are unlikely to compromise safety and amenity as a result of noise or traffic.

The relationship between a gaming venue and the streetscape was a factor applied by the Tribunal in *Francis Hotel Pty Ltd v Melbourne CC (Red Dot)* [2012] when it assessed the potential compatibility of the site with the surrounding land uses and area. In this case the Tribunal focussed on the potential for the proposal to activate the street frontage as an aspect of amenity.

An analysis of the impact of proposal on the amenity and safety of the surrounding area as a result of noise, traffic, car parking, safety and compromised neighbourhood character will need to be included in the information accompanying the planning permit application.

City of Melton Electronic Gaming Planning Policy Project  
Reference Document**4.4.2 Community attitudes**

The *Planning and Environment (Recognising Bill 2015)* has introduced the requirement for the responsible authority and Tribunal to consider the number of objections received and not just the issues expressed by the objectors. Furthermore, the *City of Melton Responsible Gambling Policy 2014* requires that the applicant demonstrate that community engagement has taken place and that community attitudes have been considered.

The impact of a proposal on community values has influenced the Tribunal's decisions in the past. The Tribunal refused the application to establish a gaming venue in the Romsey Hotel because the community expressed a strong view that the proposal would be detrimental to the social character of the town (*Romsey Hotel Pty Ltd v Victorian Commission for Gambling Regulation & Anor [2009]*).

The technique used by Council in *Romsey Hotel Pty Ltd v Victorian Commission for Gambling Regulation & Anor [2009]* to identify community attitudes was a community survey. It is therefore suggested that one of the application requirements is that the applicant conduct a survey of the community most likely to be affected by the proposal. An appropriate catchment for this survey is 2.5km of the proposal site in the established areas and 5km from the proposal site as this is the community most likely to be affected by the proposal (*Whittlesea CC v George Adams Pty Ltd [2011]*).

The preparation of the Melton City Local Planning Policy for Electronic Gaming, and its associated Reference Document involved several opportunities to engage with the community and relevant stakeholders. These included a community survey, telephone interviews and workshops with stakeholders. The outcome of this consultation and engagement process have been integrated into the recommendations within this Reference Document and have informed the development of the Melton City Local Planning Policy for Electronic Gaming.

**4.4.3 Choice of activities within the venue**

One of the decision guidelines under Clause 52.28 that relates to the suitability of the premise for gaming is whether it provides a full range of hotel facilities or services to patrons, or a full range of club facilities or services to members and patrons.

These non-gaming activities and facilities typically include the following:

- clubs – sports and recreation, live music and entertainment, bistros, bars, meeting and function rooms, reading rooms; and
- hotels - live music and entertainment, bistros, bars, meeting and function rooms, children's play areas, sports bars and TAB, accommodation and amusement machines and bottle shops.

In interpreting this decision guideline, the Tribunal found in *Pink Hills Hotel Pty Ltd v Yarra Ranges SC & Ors [2013]* that:

City of Melton Electronic Gaming Planning Policy Project  
Reference Document

- There is no clear list of what needs to be included in order for there to be a *full range* but it is generally taken to mean that gaming facilities should not be the only facilities or services.
- Other gambling activities including TAB, and sports bars offering non-gambling activities such as watching TV and sports events may be included when considering whether there is a *full range*.
- There is no difference in the concept of a *full range* between clubs and hotels.
- There may be limitations on the capacity of the premises to offer what is considered a *full range* due to the size or nature of the site.
- *Full range* may be interpreted as a 'variety' providing that the venue offers patrons a variety of reasons to visit the premise.

As with the availability of non-gaming activities in the surrounding area, the availability of a choice of non-gaming activities within the venue would only act as a protective factor if they are open at the same time as the gaming lounge.

The seven gaming venues in the City of Melton offer differing ranges of gaming and non-gaming activities. Gaming activities typically include a gaming lounge and sports bar. Tabcorp Park is affiliated with Harness Racing Victoria, and hosts a number of racing events per month. This activity is likely to be associated with sports betting.

Non-gaming facilities provided by the City of Melton's gaming venues include a bistro, lounge and café, children's play area, function and meeting rooms, bottle shops (hotels), members' bars and rooms (clubs). Non-gaming activities typically include live entertainment in the form of bands and morning melodies. Some venues offer 'special events' that coincide with events such as Melbourne Cup Day, Christmas and New Year's Eve. Some of these events, particularly morning melodies and bingo, attract groups such as older people. Tabcorp Park (Melton South) and West Waters Hotel (Caroline Springs) provide accommodation, and function as entertainment and hotel complexes serving a wide catchment.

None of the gaming venues provide recreational facilities and activities that are open to the public such as swimming pools, golf, soccer or bowls.

In some of the City of Melton's gaming venues (namely Sugar Gum Hotel, Golden Fleece Hotel, Melton Country Club, The Club and West Waters Hotel), people have a choice of areas within the venue where alcohol is served during the time the gaming lounge is operational, providing them with an alternative to gaming. However, in other gaming venues (namely Tabcorp Park and Mac's Hotel) the hours during which alcohol may be served in the gaming lounge are longer than they are for other areas of the venue. As result, people who wish to consume alcohol during these hours may be encouraged to enter the gaming room, even if they had not wished to use the EGMs. This potentially increases exposure of people using other areas of the venue to gaming.

City of Melton Electronic Gaming Planning Policy Project  
Reference Document

In order for Council to assess the potential for a proposal to contribute to the choice of non-gaming activities available the community, the application details should include a description of the range of activities available, their operating hours, and the nature of the liquor licence under which the premises is operating.

#### 4.4.4 Venue type

The *Gambling Regulation Act 2003* only permits gaming in premises operating with a pub, club or racing club venue operator's licence. As a result, gaming venues are typically located in hotels, clubs and racing venues.

In the past the Tribunal has given preference to clubs rather than hotels or pubs (*Prizac Investments Pty Ltd & Ors V Maribyrnong Cc & Ors (Red Dot)* [2009]) as it was considered that hotels encourage impulse gambling and clubs incorporate protective factors such as providing a wider range of non-gaming activities and membership rules which restrict access to the gaming venue (*Rennie v Darebin CC* [2010] VCAT 1719).

Research has found however that some of the perceived social benefits associated with clubs are offset by the following factors:

- Many of the benefits are to members, not to the public at large.<sup>13</sup>
- The claimed benefits of gambling revenue on sporting activities and volunteering do not appear strong, and the presence of gambling may adversely affect volunteering rates.<sup>14</sup>
- The gross value of social contributions by clubs is likely to be significantly less than the support governments provide to clubs through tax and other concessions.<sup>15</sup>
- Marketing measure used by clubs may encourage families and parents to bring their children into the venues which may increase the likelihood that children will continue to visit these environments as adults and engage in gambling later in life.<sup>16</sup>

For this reason, the Melton City Local Planning Policy for Electronic Gaming should not give preference to applications that involve a club over hotel, but rather ensure that each application is assessed on merit in accordance with all the decision-making criteria embodied in the policy.

#### 4.4.5 Venue size and design

Prior to the inclusion of Clause 52.28 into the Victoria Planning Provisions in 2006, gaming rooms were an 'as of right use' in licensed hotels and clubs if they occupied 25% or less of the total leasable area premises. As a result, the Tribunal has used this proportion, in addition to the number of EGMs, to determine the size of the venue and therefore whether or not it is suitable for gaming (*Rennie V Darebin Cc* [2010]). This benchmark is also used to assess the proportion of gaming and non-gaming activities in the venue and therefore whether the venue has the capacity to provide a full range of services and facilities to patrons.

The Tribunal considered the following venue features as protective factors:



City of Melton Electronic Gaming Planning Policy Project  
Reference Document

- functional and visual separation of children's play areas from the gaming lounge;
- separation of gaming and non-gaming activities as it reduces the potential for impulse gambling (Monash Cc V L'unico Pty Ltd (Review And Regulation) [2013] and Darebin Cc V Victorian Commission For Gambling And Liquor Regulation & Anor (Red Dot) [2013]); and
- entry to the gaming lounge through the main entrance to the venue and non-gaming activities (rather than a separate external entrance) as this provides patrons with opportunities to select non-gaming alternatives prior to entering the gaming lounge (Francis Hotel Pty Ltd V Melbourne Cc (Red Dot) [2012]).

The VCGLR has produced the following two resources that guide the design and layout of gaming venues:

- Venue Manual (specifically Chapter 3 *Responsible Gambling* and Chapter 7 *Venue Operational Requirements*)
- Assessment of Children's Play Areas in Gaming Venues (Guidelines, 2013)

Some of the existing gaming venues in the City of Melton predate the current legislation, the Melton Planning Scheme and the VCGLR Venue Manual with the result that they may not necessarily be fully compliant with their requirements. For example, in some gaming venues, the gaming lounges are located at the front entrance e.g. The Club and are poorly screened with the result that they are highly visible to all patrons, including those in the non-gaming areas such as bistros, cafes and lounges. In addition, the gaming lounge in some gaming venues e.g. West Waters Hotel and the Golden Fleece Hotel are visible from the footpath, thereby exposing passersby to the presence of gaming. Although it is not possible to require that these design features are retrofitted, applications for top ups in these venues may be assessed in terms of the extent to which the proposal will involve measures to improve the internal layout of the venue, and therefore reduce the potential for harm.

Local planning policies typically do not include specific guidelines reflected in the VCGLR Venue Manual or Responsible Codes of Conduct as this would be deemed to be repetitive and outside the scope of land use planning.

Nevertheless, preference may be given to applications for new gaming venues, or increases in the number of EGMs in existing venues, if the size of the gaming venue is limited to 25% of the area available to the public and if they comply with the VCGLR Venue Manual.

#### 4.4.6 Venue operations

The *Gambling Regulation Act 2003* restricts operating hours to a maximum of 20 hours each day and requires that there is a continuous four-hour break from gaming after every 20 hours of gaming. There is no statutory shut down time with the result that the continuous break of four hours may occur at any time of the day.

The Productivity Commission (2010) recommended that shutdown periods should commence no later than 2am and be of at least six hours' duration. Research that informed this recommendation found

City of Melton Electronic Gaming Planning Policy Project  
Reference Document

that the periods most likely to help moderate risk and problem gamblers, but not unduly affect non-problem gamblers are midnight to 4am followed by 7am to 10am.

All seven gaming venues in the City of Melton operate beyond 2am. All gaming venues in the City of Melton, with the exception of the Melton Country Club and West Waters Hotel, operate for a total of 20 hours a day, seven days a week. West Waters Hotel operates for a maximum of 19 hours a day, seven days a week and the Melton Country Club has varied hours, the longest being 18 hours with a shutdown period of six hours.

The cluster of gaming venues in Melton Township, together, operate between 8am (Golden Fleece Hotel) and 6am (Mac's Hotel), seven days a week. These two gaming venues are within walking distance of one another, effectively creating a shutdown period of just two hours.

Harm minimisation is a principle that underpins the statutory and strategic framework within which gaming venues operate in Victoria. The State Government has implemented a number of statutory harm minimisation measures that are beyond the scope of the planning process. As a result, harm minimisation measures are not typically considered to be a benefit associated with a planning permit application unless they include venue specific non-statutory procedures and initiatives.

The information accompanying the application should therefore include information relating to the operating hours of the gaming lounge in relation to other non-gaming activities, both within the venue and the surrounding area. Preference may be given to applications that reflect the Productivity Commission's recommendations in relation to operating hours, and proposals that incorporate non-statutory harm minimisation measures.

#### 4.4.7 Net community benefit

An important aspect of Clause 10 *Goal* is to achieve appropriate land use and development in the interests of net community benefit. As a result, many local planning policies for gaming in Victoria have included the achievement of net community benefit as one of the objectives.

The following factors should be considered when assessing the extent to which a proposal for a new gaming venue, or an increase in the number of EGMs in an existing venue, can contribute to net community benefit:

- the ability for the revenue from the proposal to support the provision of non-gaming activities and/or extend the range of activities (see *Monash CC v L'Unico Pty Ltd (Review and Regulation)* [2013], *Prizac Investments Pty Ltd & Ors v Maribyrnong CC & Ors (Red Dot)* [2009]);
- the ability of the application to increase the value of community contributions over and above those required by law (*Cardinia Local Planning Policy for Gaming*); and
- whether the proposal will result in a redistribution of gaming revenue from areas of high to low socio-economic disadvantage (*Cardinia Local Planning Policy for Gaming*).

City of Melton Electronic Gaming Planning Policy Project  
Reference Document

Gaming venues in the City of Melton fulfil an important economic role, contributing to the provision of employment, and entertainment and tourist facilities. Two venues namely Tabcorp Park (club) and West Waters Hotel provide high order entertainment facilities such as conference and meeting rooms and accommodation. This is significant given the relatively limited access the City of Melton community currently has to facilities of this nature.

Information relating to the potential for the proposal to contribute to net community benefit should accompany any application for a planning permit considered under the Melton City Local Planning Policy for Electronic Gaming and Clause 52.28.

#### 4.4.8 Recommendations

- Encourage proposals that demonstrate a 'best practice approach to venue design'. This involves minimising exposure to opportunities to gamble and maximising access to a range of non-gaming social, leisure, entertainment and recreation facilities and activities that operate at the same time as the gaming lounge.
- Encourage proposals where the gaming lounge is 25% or less of the area available to the public.
- Encourage proposals where the venue complies with guidelines prepared by the VCGLR or its successor.
- Encourage proposals where the shut-down periods exceed statutory requirements and the gaming lounge closes at 2am.
- Encourage proposals that would result in a net community benefit, deliver community contributions over and above those required by law, and implement appropriate non-statutory harm minimisation measures.
- Discourage proposals that would detract from the amenity of adjoining and surrounding land uses.
- Discourage gaming venues that detract from community values, tourism or heritage assets.
- Include the need for the application documentation to describe the contribution of the proposal to the delivery of non-gambling activities and facilities in the application requirements.
- Include the need for a transparent community survey prepared by a suitably competent professional in the application requirements. This survey should be distributed to residents and businesses within 2.5km of a site located in the established areas of the municipality and 5km of a site located in the growth areas of the municipality. This survey should also be reviewed by Council prior to distribution to ensure that it is appropriate.
- Require the applicant to provide details as to the potential for the proposal to result in a net community benefit.

City of Melton Electronic Gaming Planning Policy Project  
Reference Document

## 5 Proposed changes to the Melton Planning Scheme

### 5.1 Proposed amendments to the Municipal Strategic Statement

The following revised Municipal Strategic Statement will be required to give effect to the Local Planning Policy for Electronic Gaming Machines.

#### Clause 21.01 - Snapshot of City of Melton in 2014

The City of Melton has seven gaming venues, all of which are located in the established areas of Melton Township and the Eastern Corridor. Analysis of the City of Melton's community profile indicates that there are concentrations of socio-economic disadvantage in certain communities, some of which include gaming venues. The City of Melton has a high expenditure per adult and per attached EGM entitlement relative to other metropolitan municipalities.

#### Clause 21.02 – Key issues in the municipality

- Social, leisure and entertainment uses

#### Clause 21.03-1 Planning Vision

By 2015, Melton township will have continued to grow steadily and should contain in the order of 20,000 households. It is likely that there will be some differentiation in housing types, with a greater emphasis being placed on medium density housing (to cater for a steadily ageing population) in the centre of town and in Melton South. The development of the Toolern Precinct Structure Plan area will have begun, marking an important stage in Melton's future growth. The Hillside and Burnside estates in the Eastern Corridor will be thriving communities in their own right. Development in Caroline Springs and its town centre will be nearing completion. Shopping centres such as the Banchory Grove Activity Centre and the Bellevue Hill Neighbourhood Centre will have been developed providing their communities with a range of shopping and personal services. Community facilities such as children's services will have co-located with these centres, providing focal points for local residents. The City of Melton residents will have access to a diverse range of entertainment and recreation facilities in their local communities that will enhance their health and wellbeing and support strong social networks.

#### Clause 21.03-2 Planning Objectives

*Employment:* To create an environment conducive to economic growth, and wealth generation and community health and wellbeing.

*Retailing:* To encourage the growth and development of vibrant and dynamic retail and activity centres that diversify the community's access to a broad range of retail, entertainment and leisure facilities and promote social connectedness.

#### Clause 22.05 –Economic Development and Tourism Policy

##### Policy Basis

City of Melton Electronic Gaming Planning Policy Project  
Reference Document

Council wishes to ensure that Melton is recognised as a competitive tourist and entertainment destination which will bring economic benefits to the City.

**Clause 22.06 –Retailing\_Policy**

**MSS context**

To encourage the growth and development of vibrant and dynamic retail centres.

**Policy objectives:**

To diversify the community's access to a broad range of entertainment and recreation facilities and activities.

Two new policies have been prepared to inform the review of the Melton Planning Scheme, namely the *City of Melton Retail and Activity Centres Strategy 2014* and the *City of Melton Economic Development and Tourism Plan 2014-2020*.

It is also recommended that the following be included under the *Policy and exercise of discretion* section of Clauses that give effect to the *City of Melton Retail and Activity Centres Strategy 2014* and the *City of Melton Economic Development and Tourism Plan 2014-2020*.

- Using Local Policy to guide the location, design and management of gaming machines and venues *Electronic Gaming, Clause 22.13*

At present the Municipal Strategic Statement (at Clause 21) does not have a clause that relates to particular issues including economic development, tourism and infrastructure and community health and wellbeing. Some of these issues are dealt with through local planning policies included in Clause 22.

## **5.2 Proposed Inclusion of local policy - Clause 22.13 Local Planning Policy for Electronic Gaming**

Given the current structure of the Municipal Strategic Statement it is proposed that the Local Planning Policy for Electronic Gaming will be included at Clause 21.13.

City of Melton Electronic Gaming Planning Policy Project  
Reference Document

**5.3 Proposed inclusions to Particular Provisions - Clause 52.28 – Gaming**

The following amendments to the schedules to Clause 52.28 will be required to give effect to the Melton City Local Planning Policy for Electronic Gaming.

**5.3.1 Schedule to Clause 52.28-3 Gaming**

Prohibition of a gaming machine in a shopping complex:

Name of shopping complex and locality	Land description
Woodgrove Shopping Centre, Melton	533-555 High Street Melton, described in Certificates of Title Volume 10294 Folio 286 and Volume 9974 Folio 346, bounded by Barries Road, High Street and Coburns Road but excluding Coburns Shopping Central Shopping Centre
Coburns Central Shopping Centre, Melton	Lot 1 PS 120634 south west corner of High Street and Coburns Road
Bellevue Hillside Shopping Centre	North west corner of Wattle Valley Drive and Royal Crescent
Station Square Shopping Centre	North west corner of Brooklyn Road and Station Road, Melton South
Burnside Shopping Centre	Westwood Drive, Burnside
CS Square Shopping Centre, Caroline Springs	Land bounded by Caroline Springs Boulevard, Commercial Road, Lake Street referred to as 29 Lake Street, Caroline Springs including car parking area to the west of Lake Street referred to as No 10 Lake Street, Caroline Springs and The Place abutting Caroline Springs Boulevard
Taylor's Hill Village Shopping Centre, Taylors Hill	South east corner of Gourlay Road and Hume Drive
Watervale Shopping Centre, Taylor's Hill	Land located on the north-eastern corner of Calder Park Drive and Taylors Road, Taylors Hill

**5.3.2 Schedule to Clause 52.28-4 Gaming**

Prohibition of a gaming machine in a strip shopping centre.

Name of strip shopping centre and locality	Land description

A gaming machine is prohibited in all strip shopping centres on land covered by this planning scheme.

City of Melton Electronic Gaming Planning Policy Project  
Reference Document**Appendix 1 – Bibliography**

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City of Melton Electronic Gaming Planning Policy Project

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City of Melton Electronic Gaming Planning Policy Project  
Reference Document

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<sup>1</sup> Plan Melbourne

<sup>2</sup> Department of Justice (2008)

<sup>3</sup> State Government of Victoria (2009) Fact Sheet 8

<sup>4</sup> Productivity Commission (2010) p8.1

<sup>5</sup> Botterill, E, Gill, PR, McLaren, S & Gomez, R (2015)

<sup>6</sup> Productivity Commission (2010) p14.1

<sup>7</sup> i.d consulting

<sup>8</sup> Abbott, M, Binde, P, Hodgins, D, Korn, D, Pereira, A, Volberg, R & Williams, R (2013)

<sup>9</sup> Responsible Gambling Foundation (2015) *Background Paper. Risk factors for problem gambling: Environmental, geographic, social, cultural, demographic, socio-economic, family and household*

<sup>10</sup> The other two indicators are expenditure per adult and density of EGMs per 1,000 adults

<sup>11</sup> Department of Justice (2010) *The relationship between crime and gaming expenditure in Victoria*  
Office of Gaming and Racing

<sup>12</sup> Please refer to *City of Melton Local Planning Policy for Electronic Gaming Project Consultation Report 2017*

<sup>13</sup> Productivity Commission (2010)

<sup>14</sup> Productivity Commission (2010)

<sup>15</sup> Productivity Commission (2010)

<sup>16</sup> Bestman, A, Thomas, SL, Randle, M, Pitt, H, Daube, M & Pettigrew, S 2015