

Council Policy

Council policy title:	Bayside Gaming Machines Policy 2010
Council policy ref no:	C/POL/CST/006
Council policy owner:	Director City Strategy
Adopted by:	Bayside City Council
Date adopted:	20 July 2010 / Item 10.10
Scheduled review:	To be incorporated into the next Bayside Planning Scheme Review.

1. Policy intent

To guide Bayside City Council's decision making in relation to the location of gaming machines and gaming venues in Bayside.

2. Purpose/Objective

Bayside City Council recognises that there are many forms of gambling currently available to members of the community. This policy is concerned with one form of gambling, the playing of electronic gaming machines ('gaming machines').

The policy outlines Council's position in relation to:

- the location of gaming machines and venues within the City of Bayside;
- the information to be submitted to Council in relation to an application for gaming machines or a gaming venue;
- consultation with the community about gaming machines and venues.

Gambling is recognised as a lawful form of recreation for adult members of the community. However, research demonstrates that a proportion of the community is susceptible to problem gambling, which can have significant adverse impacts on the health and wellbeing of individuals, families, communities and strength of local economies.

While all forms of gambling may have adverse impacts and an array of risk factors may contribute to problem gambling, research by the Productivity Commission (2009) shows that there is a causal relationship between problem gambling and the degree to which the community has access to gambling, particularly gambling on gaming machines. Council is also concerned to ensure that gaming venues do not compromise its strategic objectives for the economic sustainability and viability of activity centres, or undermine the amenity and character of residential areas.

In recognition of the harmful effects of gaming machine gambling on individuals and communities, amendments have been made to the *Gaming Regulation Act 2003* and the provisions within the Planning Scheme that relate to gaming.

As a result of these changes a planning permit is now required to install or use a gaming machine anywhere in the City of Bayside. This requirement does not apply to venues approved prior to the introduction of the new provisions; or in locations where gaming machines are specifically prohibited. In Bayside gaming machines are prohibited in Dendy Plaza, Brighton, and in all strip shopping centres.

These planning provisions enable local government to have a greater input into the location of gaming machines and gaming venues and the implementation of harm minimisation measures, and to give due consideration to the environmental, social and economic impacts of gaming machine gambling.

Objectives

- To guide Council's decision making in relation to planning applications for gaming machines, new gaming venues or the expansion of existing gaming venues.
- To minimise opportunities for convenience gaming and the incidence of problem gambling.
- To reduce adverse health, social and economic impacts of gaming machines.
- To ensure that gaming venues achieve a net community benefit.
- To protect the amenity of existing uses surrounding venues containing gaming machines.

3. Scope

The policy will apply to planning permit applications for new gaming premises and expansion of existing gaming premises in Bayside.

4. Roles & Responsibilities

Planning applications for new gaming machines within new or existing gaming venues will be processed by the Council's Statutory Planning Department. Input from the Recreation and Social Development Department will be sought in relation to assessing the applicant's social, economic and environmental impact assessment. If required, the Recreation and Social Development Department will prepare a social, economic and environmental impact assessment on Council's behalf.

5. Monitoring, evaluation & review

The effectiveness of the policy will be monitored by Council's Urban Strategy Department.

6. Policy statement

Location of Gaming Machines

Appropriate sites

Gaming machines should be located on sites that are more than 800 metres from:

- An Australian Bureau of Statistics collection district that is within the most socio-economically disadvantaged 20 per cent in Victoria as defined by the SEIFA index of relative disadvantage.
- Sensitive community facilities, including schools, kindergartens, child care centres, libraries, medical centres, churches, the offices of public and private welfare agencies and hospitals.
- A railway station or transport interchange.
- Another venue which operates gaming machines.

Gaming machines should not be located:

- In Neighbourhood Activity Centres.
- In the Bayside Business Employment Area.
- In suburbs where the density of gaming machines per 1,000 resident adults, including the proposed machines, is greater than the metropolitan Melbourne average.

Gaming machines are prohibited in:

- Dendy Plaza, Brighton.
- All strip shopping centres within the City of Bayside (refer to the schedule to Bayside Planning Scheme, Clause 52.28-4 'Gaming').

Appropriate venues

Gaming machines should be located in venues that:

- Provide a range of social, leisure and recreational activities other than gaming as the primary purpose of the venue. Alternative non-gaming social, leisure and recreational facilities include hotels, clubs, cinemas, restaurants, bars and indoor recreation facilities operating at the same times as the proposed gaming venue will operate.
- Incorporate effective management and mitigation measures to minimise the risk of harms associated with problem gambling.
- Have a gaming floor area less than 25 per cent of the total floor area of the venue.
- Have access to natural light and allow patron surveillance of outdoor areas.
- Have clear directional signs to all non-gaming amenities, including toilets and dining areas, lounges, recreational facilities.
- Physically and visually separate the venue's non-gaming activities from gaming activities.

- Are designed so that amenities for the venue's non-gaming activities, including entrances and exits, toilets, meeting spaces and dining areas, can be accessed without entering the gaming area.
- Do not operate for more than 16 hours per day.
- Do not have automatic teller machines.

Gaming machines should not be located in venues that will have a significant adverse amenity impact on the adjoining land uses as a result of operating hours, traffic, noise, car parking, safety and security.

Applications for Gaming Machines and Gaming Venues

Information to be submitted with a planning permit application

In addition to the information and material supplied with a standard planning permit application, the applicant should also provide the following information:

- A summary of the application with details of the proposed hours of operation, patron numbers, the number of staff positions (equivalent full time), proposed security measures, non-gaming facilities to be provided and the number of gaming machines to be installed.
- A report addressing:
 - The probable social, economic, environmental and amenity impacts of the proposal.
 - Details of the nature and extent of community benefits expected from the proposal and how the benefits are to be secured and distributed to the local community.
 - Details of any existing gaming expenditure at the premises (over a three year period prior to the application) and a forecast of the anticipated expenditure at the premises if the proposal were approved.
- For applications to increase to the number of gaming machines in an existing gaming premise, the report must address the above matters in relation to both the existing and proposed gaming machines.

Council will use this information to assess whether the proposal achieves a net community benefit.

Further details about the information and analysis to be provided in the report are outlined below (social, economic and environmental impact assessment).

Social, economic and environmental impact assessment

In respect to probable the social and economic impacts arising from an application, Council will take into account the material provided by the applicant, which should include social research that specifically addresses the following:

- The specific and overall incremental social and economic impacts.
- The immediate and longer-term social and economic impacts.
- The direct and indirect social and economic impacts.

- Projected changes in per capita gaming expenditure, gaming machine density and gaming premises density resulting from the proposal.
- Social and economic indicators of residents living within 2km of the proposed premises. These indicators include:
 - The Socio Economic Index for Areas, the Index of Relative Disadvantage and the Index of Economic Resources.
 - Household and family composition.
 - Proportion of households experiencing rental and mortgage stress.
 - Location of public housing
 - Proportion of residents receiving income support.
 - Retained retail spending.
 - Proximity of the proposed premises to areas of disadvantage.
- Location aspects of the premises in terms of the accessibility of gaming opportunities.
- Measures that have been proposed by the applicant to restrict the access of minors to the gaming area.
- Responsible gaming measures proposed by the applicant.
- Design measures to minimise exposure to gaming facilities by other patrons of the venue.
- Non-gaming activities, facilities and opportunities at the premises.
- The amount of gaming revenue proposed by the applicant to be provided for the benefit of community in the City of Bayside (such as through sponsorships and donations), and the procedures by and purposes to which these monies will be allocated.
- The management structure of a gaming premises, including the costs and terms of lease and any management fees, and the effects of such on the amount of revenue available for direct community benefit.
- Any other relevant probable social and economic impacts on the local and wider communities.

Community Consultation and Response

Council will consult with the community about applications for gaming machines and venues, and about gambling generally, in accordance with the *Community Engagement Framework 2009*.

Council will continue to encourage community participation in the identification and evaluation of the individual and community impacts from gaming activities. Council will actively consult with the community and other key stakeholders on any proposed changes to Council's policy position in respect to gaming machines and gaming premises.

7. Related documents

Policies	
Strategies	
Procedures	
Guidelines	

8. Definitions & Abbreviations

The following key terms are used in this policy.

Business	means land included in the Business 3 and Mixed Use Zones in Sandringham East and Cheltenham as shown on the map to Clause 22.05 of the <i>Bayside Planning Scheme</i> .
Employment Area	means exposure to gaming opportunities as part of day-to-day activities such that a decision to gamble may be spontaneous rather than predetermined.
Convenience gaming	means a reconfiguration of supply towards fewer, but larger gaming venues that encourage predetermined decisions to travel and gamble and participate in a range of services and facilities. ¹
Gaming	means the playing of a gaming machine. ²
Gaming machine	includes electronic gaming machines, poker machines or pokies. ³
Gaming premises	means land used for gambling by gaming, and where there is the ability to receive a monetary reward. ⁴
Problem gambling	means gambling in a manner that leads to adverse consequences for the gambler, others or for the community due to the money and/or time spent.
SEIFA index	means a measure of the relative socio-economic disadvantage in terms of a community's access to material and social resources and ability to participate in society. ⁵
Strip shopping centre	means an area that meets all of the following requirements: <ul style="list-style-type: none">▪ it is zoned for business use;▪ it consists of at least two separate buildings on at least two separate and adjoining lots;▪ it is an area in which a significant proportion of the buildings are shops;▪ it is an area in which a significant proportion of the lots abut a road accessible to the public generally.⁶

¹ Department of Justice (2008) Destination Gaming. Evaluating the benefits for Victoria p1

² As defined by the *Gaming Regulation Act 2003*.

³ As defined by the *Gaming Regulation Act 2003*.

⁴ *Bayside Planning Scheme*, Clause 74.

⁵ ABS Information Paper 2039.0: An introduction to Socio-Economic Indexes for Areas (SEIFA)

⁶ *Bayside Planning Scheme*, Clause 52.28-4.