
Cardinia Shire Gaming Policy Review

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1. Executive summary

1 This report has the following purposes:

- To provide a concise overview of gaming issues affecting Cardinia Shire.
- To set out an evidence-base and policy framework to guide decision making on new gaming proposals within the Shire.
- It forms a strategic basis for statutory implementation of gaming policy in the Local Planning Policy Framework of the Cardinia Planning Scheme.

2 Five Principles drive the revised policy framework:

1. Gaming machines should be accessible but not convenient.
2. The protection of problem gamblers and vulnerable communities.
3. The provision of gaming machines should be capped, densities controlled and the number of new venues minimised.
4. A choice and diversity of other entertainment facilities and attractions should be available in venues that offer Electronic Gaming Machines (EGMs).
5. Venues should be designed and operated to minimise harm and amenity impacts.

3 The report finds:

- The following strategic conclusions and directions can be framed.
- Given the current structure of the Municipal Strategic Statement a strategy statement regarding gaming is most appropriately included at Clause 21.06.

2. Purpose and background

2.1 Purpose

4 This report has the following purposes:

- To provide a concise overview of gaming issues affecting Cardinia Shire, including an outline of recent experience of regulating gaming through the Victorian Planning Provisions.
- To set out an evidence-base and policy framework to guide decision making on new gaming proposals within the Shire under the Victorian Gaming Regulation Act 2003 and the Planning and Environment Act 1987.
- To establish the strategic basis for statutory implementation in the Cardinia Planning Scheme.
- To advance a draft planning scheme amendment including:
 - Revised provisions to the Municipal Strategic Statement at Clause 21;
 - A new local policy to be included at Clause 22; and
 - Schedules to be added to the Particular Provisions on gaming at Clause 52.28, to replace those which expired in 2011.

2.2 Background

2.2.1 The need for a updated policy

5 The provisions of Clause 52.28 on Gaming are generic in their application across the State.

- 6 The planning scheme provides a framework to analyse land use and development conditions and assists in determining where gaming venues and machines should be prohibited; the planning scheme provides minimal guidance on the exercise of discretion of permit applications except for a select number of decision guidelines.
- 7 The decision guidelines of Clause 52.28 do not provide a strategic context of evidence and insight into the particular issues presented by the Cardinia community and the visitors to the Shire.
- 8 In 2007, Cardinia Shire, as part of a regional consortium of Councils, commissioned research to explore the impacts of gaming throughout Melbourne's south-east. This work provided the strategic basis for Cardinia Shire's existing gaming policy. However, the work is now out of date and does not reflect recent changes to gaming regulation, the latest research into problem gambling and EGMs, or the prevailing pattern of development within Cardinia Shire.
- 9 This reference document seeks to fill that gap.

2.2.2 Driving principles underpinning the revised policy

- 10 The recommended planning policy is based upon 5 principles that have a direct bearing and relevance to the purposes and decision-making guidelines of Clause 52.28 and their emphasis upon identifying appropriate areas, sites and venues for the use and installation of EGMs.
- 11 The five principles that drive this revised policy framework are as follows:
 1. Gaming machines should be accessible but not convenient.
 2. Gaming provisions should seek to protect problem gamblers and vulnerable communities.
 3. To minimise potential harm the provision of gaming machines should be capped, densities controlled and the number of new venues minimised.
 4. A choice and diversity of other entertainment facilities and attractions should be available.

5. Venues should be designed and operations conducted to minimise potential harm and amenity impacts.
- 12 These principles are discussed and applied in the body of this report to the circumstances of Cardinia Shire and are directly linked to the framework of the recommended local policy.

2.3 Recent relevant events and matters

- 13 Since the earlier adopted Council gaming policy there have been a series of important additional events and matters that further inform the consideration of the appropriate location of EGMs in Cardinia Shire.

2.3.1 Decisions in various jurisdictions

- 14 A number of decisions by the Supreme Court of Victoria, the Victorian Civil Administrative Tribunal (VCAT) and the Victorian Commission for Gambling and Liquor Regulation (VCGLR) on proposals to establish new gaming venues and install machines in existing venues have broadened the understanding and debate about the merits of various locations. Those decisions apply to metropolitan and regional applications in both clubs and hotels.
- 15 Those decisions and their associated commentary have informed and are referenced in this report.
- 16 The issues considered in those decisions have included:
 - The clustering of gaming venues.
 - The location of venues immediately adjacent to vulnerable communities.
 - The distinction between convenience and destination gaming.
 - The definition of strip shopping centres.
 - The weight to be given to problem gamblers and vulnerable communities.
 - The role and importance of community opinion and attitude.
 - The balancing of community contributions and venue enhancement.

- Existing use rights as they apply to the area set aside for gaming in established venues.

2.3.2 ABS 2011 Census of population

- 17 The current SEIFA assessment of the Cardinia Shire community has only been available since 2013.

2.3.3 Changes to gaming machines entitlements

- 18 Until August 2012 the ownership and control of gaming machines in Victoria was held by two organisations. An auction of 10-year licenses in 2010 (which became operational in August 2012) witnessed a significant reallocation of the ownership and location of EGM entitlements between the operators of hotels and clubs with licenses in Victoria.
- 19 This marked a notable change in the gaming environment, considered and accounted for in the 2007 gambling policy framework.

2.3.4 Further research on problem gambling

- 20 Since 2007 the research to understand and address problem gambling has been further advanced. Of particular relevance in this matter are the inquiries of the Productivity Commission and the Victorian Competition and Efficiency Commission examining problem gambling in Victoria. The recent findings of these inquiries are referenced in this report.

2.3.5 Recent local gaming policies

- 21 A number of municipalities have recently prepared local gaming policies. Recent cases such as Moonee Valley, Mount Alexander and Benalla follow a similar framework and justification to that advanced in this report.

3. Legislative Context

3.1 Relevant legislation

- 23 The Cardinia Shire gaming planning policy will sit within the context of a broader legislative and statutory framework.
- 24 The Planning and Environment Act 1987 (P&EA) and the Gambling Regulation Act 2003 (GRA) establish the legislative framework.
- 25 The relevance and distinction between the two Acts as they apply to this policy are important. A local planning policy gains its head of power as a gazetted provision of the Cardinia Planning Scheme and planning schemes are enabling instruments of the P&EA.
- 26 Each Act has a different overarching 'test' to measure acceptable outcomes:
- In the Gambling Regulation Act 2003 the relevant test is 'no net detriment' test.
 - In the Planning and Environment Act 1987, 'net community benefit' is the relevant test.

3.2 Planning legislation and policy

- 27 The objectives of the P&EA as they are relevant to this matter seek:
- To provide for the fair, orderly, economic and sustainable use and development of land.
 - To secure a safe working, living and recreational environment for all Victorians and visitors to Victoria.
 - To facilitate development in accordance with the objectives of the Act.
 - To balance the present and future interests of all Victorians.

- 28 The planning legislative framework does not specifically reference the term ‘harm minimisation’ but expresses the concept more broadly with reference to the ‘safe’ environment to be secured for all Victorians.
- 29 The planning scheme emphasises ‘integrated decision making’ noting at Clause 10.04 of the Cardinia Planning Scheme that planning aims to meet the various needs and expectations of society by addressing aspects of economic, environmental and social wellbeing affecting land use and development.

Planning authorities and responsible authorities should endeavour to integrate the range of policies relevant to the issues to be determined and balance conflicting objectives in favour of net community benefit and sustainable development for the benefit of present and future generations.

- 30 There are no clearly articulated state planning strategies or policies providing direction on gaming (there is a need for a local policy) but the planning provisions that are relevant draw particular attention to the role of the planning decision being to identify appropriate locations for gaming machines.
- 31 In so far as economic and social considerations are relevant it is in the context of identifying the appropriate locations.
- 32 This is made clear in the purposes and decision guidelines of Clause 52.28 addressing gaming.

Clause 52.28 – Purposes:

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

- 33 A permit is required to install or use electronic gaming machines on a site.
- 34 The decision guidelines (Clause 52.28-5) require a responsible authority to consider as appropriate:
- 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 and services to members and patrons.
- 35 The form and structure of many of the local gaming policies developed since 2007 are quite similar. They seek to assist the identification of appropriate locations for the use and installation of EGMs by providing guidance upon features that might distinguish an appropriate area, site and venue as more or less suitable. In each case, social and economic considerations are brought to bear.
- 36 More than half of the 79 municipal districts in Victoria have developed gaming policies in the past decade; a significant number have proceeded as far as seeking a planning scheme amendment to have the policy recognised in the MSS.

3.3 Gaming legislation

- 37 The Gambling Regulation Act 2003 has different purposes and measures of acceptable outcome as they apply to gaming machines. The Act establishes the lawfulness of operating gaming machines and provides that they should be accessible to all Victorians.
- 38 The purposes of the Act focus upon honesty and freedom from criminal influence, the regulation of approved venues and the activities of persons in those venues and the following, which are particularly relevant in this matter.

- Promoting tourism, employment and economic development generally in the State.
 - Fostering responsible gambling.
 - Minimise harm caused by problem gambling.
 - To accommodate those who gamble without harming themselves and others.
 - To allocate gaming machine entitlements to maximise the financial and social benefits to Victorians.
- 39 The objectives of the Gambling Regulations Act as they apply to gaming machines provide for the consideration of social and economic costs and benefits and a judgement as to whether there will be 'no net detriment' arising from the approval.
- 40 The following considerations can be identified as major themes considered under the Gambling Regulations by the VCGLR.
- Social and Economic impact (no net detriment).
 - Concentration of EGMs/Venues and available licences under the cap.
 - Proximity to local educational institutions.
 - Population growth (changes in demand).
 - Proximity to shopping centres.
 - Resident opinion.
 - Responsible gaming practices.
- 41 This Local planning policy and reference document on gaming seeks to reconcile the tension between the community's reasonable access to gaming machines while being mindful of a range of harm minimisation strategies to assist problem gamblers and vulnerable communities.
- 42 In so far as this policy has had regard to social and economic considerations it is in the context of the identification of appropriate locations. It is not a policy that seeks to address the full ambit of the Gambling Regulations.

4. The Cardinia Shire strategic context to gaming

4.1 Overview

- 43 The Shire of Cardinia comprises an area of 1,280km² at the south-eastern fringe of Metropolitan Melbourne. While dominated by rural and significant environmental landscapes, the Shire also includes the eastern extent of the South – East Growth Corridor focussed around Officer and Pakenham.
- 44 The residential population of the Shire has grown sharply over the past decade from 50,038 in 2003 to 87,008 in 2014, with the principal concentrations located in the key centres of Officer, Pakenham and Beaconsfield.
- 45 The population will continue to grow strongly over the next 20 years to 174,993 in 2036, driven predominantly by the development of the South – East Growth Corridor. Townships such as Emerald, Koo Wee Rup, Gembrook, Cockatoo, Upper Beaconsfield, Garfield, Bunyip, Lang Lang and Nar Nar Goon and other rural areas outside of the growth corridor may experience limited growth.
- 46 While the Shire is not a major tourist destination, except for individual attractions such as Puffing Billy and the southern Dandenongs, Council strategies and policy are focussed on building a tourism profile by leveraging strong population growth and existing opportunities for visitor experiences, including boutique farm produce, arts and crafts, cultural and historic locations and the natural environment.
- 47 Gaming has a strong presence only in Pakenham, with four club and hotel venues comprising a total 263 EGMs. A single hotel venue in Beaconsfield comprises a further 40 EGMs, contributing to an overall total of 303 EGM's within the Shire.
- 48 Recent planning permit approvals to install EGMs at the Pink Hill Hotel and Pakenham Sports Club may result in changes to the current number (increase of 60 EGMs) and distribution (relocation from Pakenham to Officer) of EGMs.
- 49 Five municipalities surround the Shire. To the west municipalities including Casey and part of Yarra Ranges, which are distinguished by a metropolitan focus including

higher order centres with a broad range of services and attractions and a greater choice of gaming venues and machines.

- 50 Regional municipalities to the north, east and south, including parts of Yarra Ranges, Baw Baw, South Gippsland and Bass Coast, typically contain lower order centres spread over a far greater area and provide fewer venues and total EGMs.

4.2 Regional planning and development context

- 51 Planning for the South – East Growth Corridor has been the dominant regional planning priority influencing the Cardinia Shire over the past three decades.
- 52 During this period, successive State government directions, framework plans and growth corridor plans have identified the areas surrounding Officer and Pakenham for residential, industrial and business growth. The current Metropolitan Planning Strategy reinforces this vision.
- 53 Land within the Cardinia Shire and which forms part of the South – East Growth Corridor, is divided into nine different precincts, seven of them Precinct Structure Plan Areas. As of November 2014, Precinct Structure Plans had been completed for the Officer, Cardinia Road and Cardinia Road Employment precincts. Structure Plans have been completed for the Beaconsfield Precinct and the Pakenham Activity Centre.
- 54 Precinct Structure Plans are yet to be completed for the Officer Employment Area, Pakenham Employment Area - Stage1, Pakenham South Employment Area – Stage 2, Pakenham West Employment Area and Pakenham East precincts.

4.3 Council Plan and local plan context

4.3.1 Cardinia Shire Council Plan: Creating the future

- 55 The Council Plan sets out the vision, challenges, strategic objectives and indicators of success for the Cardinia Shire for the four-year period from June 2014.

56 Key challenges identified by the plan that are relevant to the gaming context focus on the need to develop a prosperous local economy, long-term financial sustainability and encourage residents to improve their health and wellbeing.

57 These challenges are addressed through objectives and key indicators of success regarding the Shire's people, community and economy.

58 The objective for people is:

'We support a variety of needs and lifestyles through programs and activities that promote and develop the wellbeing of Cardinia Shire.'

59 This objective is addressed by strategies that seek to provide access to a range of activities and services, including a variety of recreation and leisure opportunities.

60 The objective for the community is:

'We will foster a strong sense of connection between Cardinia Shire's diverse communities'.

61 This objective is addressed by strategies that seek to meet diverse community needs, engage communities and increase their levels of participation and improve the health and wellbeing of residents.

62 The objective for the economy is:

'We will create a support local employment and business opportunities for our community and the wider region'.

63 This objective is addressed through a range of strategies that seek to increase business diversity and resilience and develop a local economy that supports the improved health and wellbeing of the community.

- 64 Community health and wellbeing is addressed in further detail in Council's Municipal Public Health and Wellbeing Plan 2013 – 17. While this plan does not specifically reference gaming, it recognises other like issues including reducing misuse of alcohol and drugs, and controlling tobacco use.
- 65 The plan also recognises the levels of advantage and disadvantage identified by the Socio-Economic Index for Areas (SEIFA), acknowledging that a small area of the Shire has a SEIFA score in the lowest 10% of the state.

4.3.2 The Local Planning Policy Framework

- 66 Gaming is addressed directly by the Cardinia Planning Scheme Municipal Strategic Statement (MSS) at Clause 21.06-4 Gaming.
- 67 In particular, the MSS emphasises a commitment to minimising the negative impacts of gaming on the community by ensuring that gaming machines are only provided within venues that are appropriately located and have appropriate characteristics.
- 68 Key strategies and decision guidelines focus on ensuring that the location of EGMs will achieve a positive environmental, social and economic outcome and will negate problem or convenience gambling.
- 69 In particular, EGMs are encouraged in locations where there is a choice of community centres, neighbourhood houses and venues that offer social and recreation opportunities other than gambling.
- 70 Conversely, EGMs are discouraged within vulnerable and disadvantaged areas that are more at risk of problem gambling, areas with high levels of pedestrian traffic that are convenient and rural townships where there is not alternative club or hotel without EGMs.

- 71 Clause 21.06-4 Gaming is predicated on the south-east region consortium work and also the existing, but out-dated, Responsible Gaming Policy 2005 – 2009. This Policy provides further direction to council's decision making processes and response to applications made by venue operators.
- 72 Other objectives and strategies of MSS relevant to the gaming context address settlement, economic development, activity centres and tourism.
- 73 Settlement is addressed at Clause 21.03 Settlement and Housing under the themes of urban growth area, rural townships and rural residential / rural living development. Broadly, Clause 21.03 seeks to achieve the following:
- Urban growth area: Encourage development of a functional, attractive, safe and sustainable urban environment in accordance with approved PSPs.
 - Rural townships: Achieve sustainable development, enhance distinct character and environmental qualities and support a range of commercial, retail, community and recreational facilities and services. Emerald and Koo Wee Rup are identified as the focus for higher order commercial and community facilities and services outside of the urban growth area.
 - Rural residential / rural living: Recognise the demand for rural residential and rural living dependant and integrate closely with existing township or urban areas.
- 74 The objectives of Clause 21.03 Settlement and Housing are further informed by Clause 21.04-3 Activity centres and Clause 21.07 Local Areas.
- 75 Clause 21.0-4-3 seeks to establish a network of activity centres in the urban growth area to create opportunities for a range of activities including retail, commercial, community, residential and entertainment to meet the needs of the community.
- 76 While the objective is directed towards the urban growth area, the clause also recognises that Emerald and Koo Wee Rup provide larger activity centres within the

rural township areas and that other smaller centres are dispersed throughout the municipality.

- 77 Clause 21.07 Local Areas sets out a vision, detailed framework plan and specific objectives for six rural townships within the Shire, including Gembrook, Cockatoo, Emerald (including Avonsleigh and Clematis), Lang Lang, Upper Beaconsfield and Bunyip. Notably, Clause 21.07 does not address Koo Wee Rup (although the exhibited Amendment C189 proposes to introduce Koo Wee Rup to this Clause.
- 78 Tourism is addressed at Clause 21.04-5, which defines tourism as a multifaceted industry that combines diverse activities such as travel, leisure, recreation, entertainment, hospitality, business and conferences, supported by activities in a range of sectors including visitor attractions, accommodation, retailing, transport and other services. While Clause 21.04-5 recognises that Cardinia is not generally considered a tourist destination, the municipality offers a number of opportunities for visitors to experience the region.
- 79 Clause 21.04-5 supports the maintenance and development of tourism related activities. This is expressed through strategies that support existing assets of the Shire as well as encouraging particular activities.

4.4 Conclusion

- 80 EGMs are accessible to a high proportion of the Cardinia Shire community.
- 81 Unlike many other municipalities, the Cardinia Shire Council has actively recognised and responded to the challenge posed by EGM's through a clear commitment to minimising the negative impacts of gaming on the community, outlined in both the Cardinia Planning Scheme MSS and Council policy.
- 82 The next phase of this commitment is focussed on refining a gaming local planning policy for the Cardinia Planning Scheme that:

- Recognises the established accessibility and arguably excessive convenience of gaming facilities in Pakenham.
- Recognises that the main body of the community located in the central and western part of the municipality has a high level of accessibility to EGMs and venues in immediately adjoining municipalities; and within the growth corridor.
- Recognises that rural townships and smaller communities of the Shire can access gaming in the Shire's growth area. For these communities gaming is accessible via the major road network, but not within the respective settlements.

5. Principles and policies applicable to gaming (Policy Framework)

- 83 A review of the considerable body of research on gaming and the experience of regulating gaming through the Victorian Planning Provisions enables 5 principles to be identified that usefully inform the consideration of the appropriate location of gaming facilities.
- 84 These principles are advanced and applied to examine the particular issues, context and circumstances presented by gaming in the Shire of Cardinia.
- 85 The principles and discussion are linked to recommended policy provisions that can be usefully ordered under policy considerations that address appropriate areas, sites and venues.

These principles are as follows:

1. Gaming machines should be accessible but not convenient.
2. Gaming provisions should seek to protect vulnerable communities and persons with a gambling problem.

3. The provision of gaming machines should be controlled and managed through the use of caps, densities of machines relative to the adult population and by minimising the number of new venues.
4. A choice and diversity of other entertainment facilities and attractions should be available.
5. Venues should be designed and operations conducted to minimise harm and amenity impacts.

6. Principle 1 – Gaming machines should be accessible but not convenient

6.1 The Principle

86 The principle – ‘Accessible but not convenient’ - has become synonymous with local gaming planning policy.

87 The legislative framework provides for the community and visitors to be able to access gaming facilities throughout the State but simultaneously recognises that convenience, for some sectors of the community, has the greatest potential to undermine harm minimisation.

88 The State Government has made clear its concern regarding convenience (temptation, impulse and opportunity) by giving responsible authorities the ability to identify and prohibit gaming machines in shopping complexes and strip shopping centres as defined at Clause 52.28. The distinction of prohibited areas has been provided since the outset of gaming considerations in Victorian planning system.

89 Policy and strategic planning have acknowledged the greatest level of accessibility to the community is offered at higher order activity centres.

90 The central location of these centres in cities and shires make them the focus of road and fixed rail transport networks and provide the most efficient accessibility to the broad community.

91 It has been in higher order activity centres that particular attention has been promoted in planning policy to concentrating entertainment and recreation facilities.

92 Thus, a tension has established which suggests merit in locating gaming facilities in and around higher order activity centres and larger townships, but not in convenient locations such as proximate to the main retail core and retail uses.

93 The ongoing relevance of these observations was revisited in the Tribunal decision - Queensberry Hotel Pty Ltd v Minister for Planning and Community Development [2013] VCAT444.

94 In that matter the Tribunal turned its mind to its jurisdiction with regard to the gaming provisions of Clause 52.28 and found them to be limited to the question of location.

'It appears to us that the concern about strip shopping centres and restriction on EGMs in shopping centres is really focussed on the problem of so called "convenience gaming". "We think that Clause 52.28 reflects a view that the temptation to convenience gaming is an evil that should be avoided by controlling the location of EGMs. We understand the expression "convenience gambling" to mean gambling that comes about as a result of people going about other business and other concerns being confronted with opportunities to gamble that they have not set out to find.'

The Tribunal went on to note:

'Confronting and tempting gamblers is said to be avoided by preventing the establishment of gambling venues in and about places where people will go for other convenience shopping, for example people frequent supermarkets, convenience shop, milk bars, hairdressers, newsagents and so on to buy daily, weekly or other regular needs.

And

Generally speaking it is policy to avoid them being confronted, at such time, with electronic machine gaming opportunities.'

95 The observations outlined above are important to consider in developing the Cardinia Shire gaming policy. While there are a range of other relevant principles and considerations, it is this principle that commonly sits at the heart of whether or not a particular site is an appropriate location for gaming.

96 A further dimension to the principle of 'accessible but not convenient' is the concept of destination gaming. Research in the mid 2000s conducted by the State Government concluded that destination gaming (EGMs in more remote locations

(‘destinations’) incurring a conscious decision and effort to access EGMs and thus a disincentive to opportunity gaming) did not offer a robust response to problem gambling. The explanation was that, due to existing very high levels of physical access to gaming, even with large reductions in venue numbers (in the order of 80%) the effect of such a reduction on the extent of problem gambling would be limited. When balanced against the impacts that extensive consolidation would have for local communities in terms of loss of employment and club revenues, it was decided that the destination gambling model would not be pursued.

- 97 Similar conclusions are reached by the Productivity Commission, which states that a different model of liberalisation - centred on destination, rather than community-wide, gambling - may have been more appropriate, than the current model of community wide gaming. However, reversing to any great extent the existing ‘open access’ policy of most jurisdictions would be costly and difficult.
- 98 The principle of ‘accessible but not convenient’ implies aspects of creating destinations and this has found expression in local policy and the distinctions drawn by practitioners between ‘convenience’ and ‘destination’ venues.

6.2 Application to the context of Cardinia Shire

6.2.1 Accessibility to gaming

99 The Cardinia Shire community's access to gaming machines and venues is appropriately addressed in both its regional and municipal context.

100 Table 1 and Plan 1 illustrate the broader context. There are currently 5 EGM venues in Cardinia Shire. The density of EGMs in Cardinia Shire was below the metropolitan average of 5.5 EGMs per 1,000 adults as at 2014.

Table 1: Regional Gaming Context (data sourced from the Victorian Commission for Gambling and Liquor Regulation)

Municipality	Venues	Attached Entitlements	Licensed EGMs	EGMs/1000 persons
Cardinia	5	303	303	3.71
Casey	13	888	924	4.29
Baw Baw	4	198	198	5.51
South Gippsland	4	105	105	4.66
Bass Coast	6	216	240	7.81
Yarra Ranges	9	444	457	3.52

Existing EGM venues are clustered in Pakenham, with the remaining venue located in Beaconsfield (Table 2 and Plan 2).

101 Two recent planning approvals may result in changes to the distribution of venues and EGMs in Cardinia:

- Pakenham Sports Club - Officer. A planning permit to install 60 EGMs has been obtained. The EGMs would be transferred from two existing venues in Cardinia Shire, the Pakenham Sports Club (all 38 EGMs) and Cardinia Club (22 of 40 EGMs).
- Pink Hill Hotel, Beaconsfield- a planning permit to install 60 EGMs has been obtained.

Table 2: Gaming Venues in Cardinia Shire (data sourced from the Victorian Commission for Gambling and Liquor Regulation)

Municipality	Current EGMs	Future EGMs
Pakenham Hotel (Pakenham)	70	70
Zagame's Cardinia Hotel (Pakenham)	50	50
Cardinia Club (Pakenham)	105	105
Cardinia Park Hotel (Beaconsfield)	40	
Pakenham Sports Club (Pakenham)	38	-
Pakenham Sports Club (Officer)	-	60
Pink Hill Hotel (Beaconsfield)	-	60
Total EGMs	303	345

- 102 The spatial analysis alongside the policy commentary at Section 4.3.2 indicates that the areas of Beaconsfield, Officer and Pakenham may be potential candidate locations for further gaming venues to respond to needs of the growing population of these areas.
- 103 Other locations which may be candidates include golf clubs, race courses and the like in the rural parts of the Shire, where the facility is removed from day to day convenience activities and the setting of the venue necessitates an effort to access it.

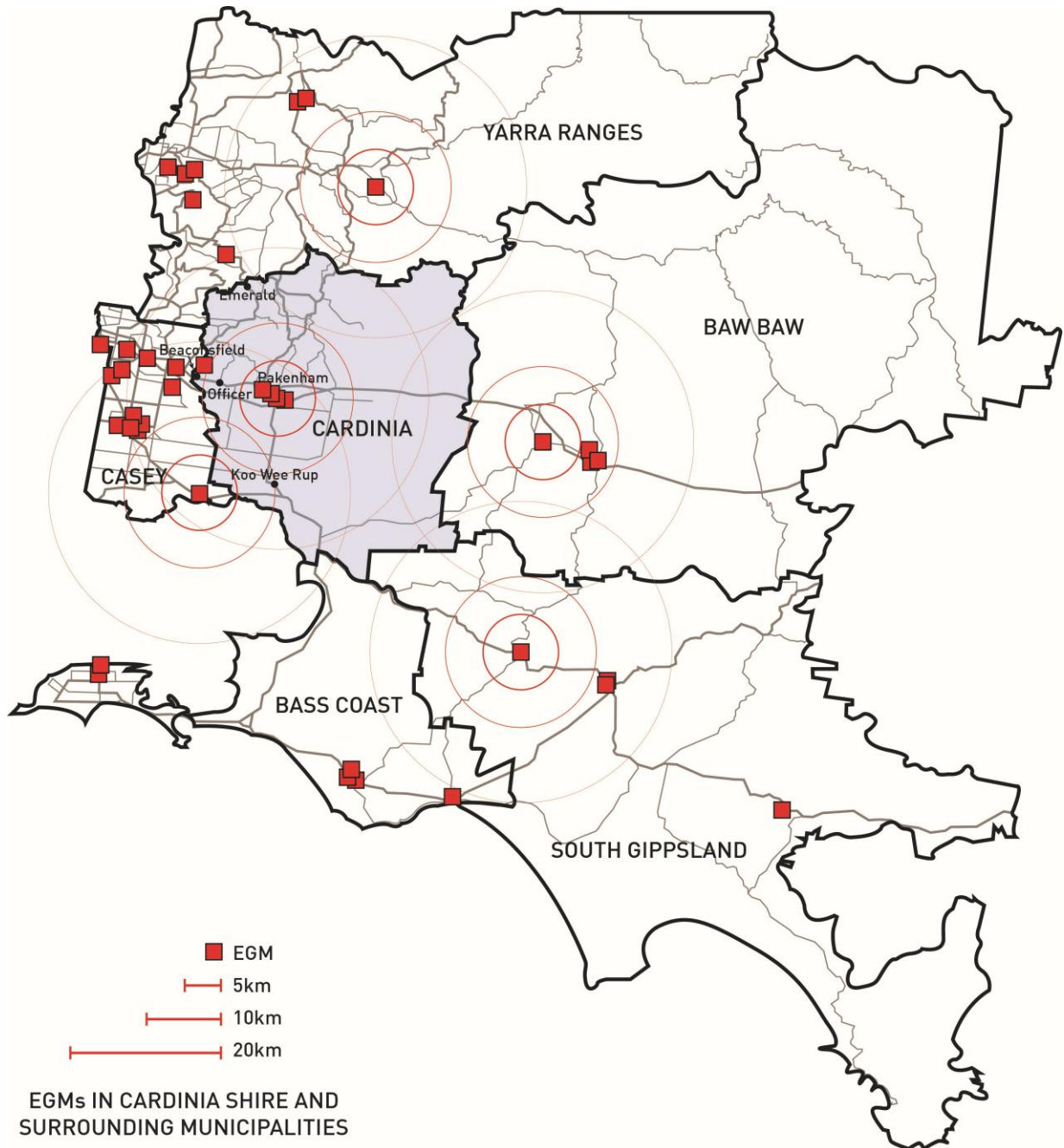


Figure 1: Regional Gaming Context (data sourced from the Victorian Commission for Gambling and Liquor Regulation)



Figure 2: Location of Existing EGM Venues in Cardinia Shire (Source: NearMap)

6.3 Locations where gaming machines should be discouraged or prohibited

6.3.1 Strip Shopping Centres and Shopping Complexes

104 The existing provisions of the Cardinia Planning Scheme prohibit gaming machines in a number of shopping complexes. The prohibited areas are defined in a precise manner, with particular properties nominated as the boundary of the prohibited areas. However, the current provisions do not nominate particular strip shopping areas where gaming is prohibited.

105 A strip shopping centre is an area that meets the following requirements:

- It is zoned for commercial use.
- It consists of at least 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.

106 The application of the definition is not static and it only takes the redevelopment of some properties or a change in land uses to vary the scope and boundaries of the strip shopping centre. Accordingly, a more generic approach, which nominates commercial precincts as opposed to hard boundaries, is more appropriate.

107 Areas which appear to qualify as strip shopping centres include part or all of commercially zoned land in the centres listed in proposed Schedule 52.28-3 and 52.28-4. There are other locations with land zoned for a commercial purpose but the extent of zoning appears to fall short of the other attributes of the definition.

6.3.2 The distinction between prohibition and discouragement

- 108 The concept of having areas where gaming machines are prohibited and strongly discouraged by a local policy is a feature of some municipalities' policies.
- 109 The term 'discouraged areas' has its origins in the observation that while a gaming venue might be prohibited in a particular centre or area, on land zoned for a commercial purpose the policy would be self-defeating if a venue could be established directly opposite and in clear view of a strip shopping centre.
- 110 Accordingly it has been practice to identify areas which are opposite, adjacent or in close proximity to strip centres, as areas where the establishment of EGMs will be explicitly discouraged.
- 111 Aside from areas in immediate proximity to prohibited areas the concept has further merit in the case of the establishment of gaming venues in heart of small settlements and centres where there are convenience services offered (and limited or no other attractions) but where land is not zoned for commercial purposes.
- 112 Locations where gaming machines and venues should be discouraged in the absence of prohibited areas include the townships of:
- Cockatoo
 - Emerald
 - Gembrook
 - Garfield
 - Lang Lang
 - Nar Nar Goon
 - Tynong
 - Tynong North
- 113 Some early gaming policies provided for the mapping of the boundaries of prohibited and discouraged areas on a cadastral base. The benefit of this approach was to give proponents, Council and the community clear direction where such policies would apply.

- 114 An Independent Panel considering the inclusion of mapping of such areas in the Macedon Ranges Planning Scheme recommended against the use of the technique.
- 115 The caution and concern with such an approach is that the definition of the boundaries of a strip shopping centre, as defined in Clause 52.28, can change with the turnover of one or more tenancies. If the boundaries of a centre are shown in the planning scheme, it would take a further amendment to the planning scheme to vary them.
- 116 To overcome this limitation Amendment C115 to the Maribyrnong Planning Scheme has included plans in the background reference document, that do not include a cadastral base, but which show prohibited and discouraged areas in a generalised form, as a guide to parties.
- 117 In these circumstances the plans of prohibited and discouraged areas include the caution that the exact boundaries of a prohibited or discouraged area should be reviewed and tested at the time of an application being made.

6.4 Recommendations

- 118 Amend the fourth schedule to Clause 52.28 of the Cardinia Planning Scheme nominating the specific areas where gaming would be prohibited.
- 119 In the local gaming policy make specific reference to the principle of 'accessible but not convenient' indicate the policy intent to deter impulse gaming and provide for areas, as nominated above, to be discouraged.

Add this report to the Reference Documents nominated at Clause 21.06-4 of the Cardinia Planning Scheme.

- 120 Include the following considerations in the local policy:

Appropriate Areas

Gaming machines should be located:

- In locations where the facility is removed from day to day convenience activities and the setting of the venue necessitates an effort to access it.
- Where the location could reasonably be perceived as a destination in its own right. This would be achieved by separation from strip shopping centres, shopping complexes, railway stations and community facilities involving a high concentration of people undertaking daily activities.

Gaming machines should not be located in:

- Areas specified in Schedule 4 to Clause 52.28 and will be strongly discouraged in areas that abut, or are adjacent, opposite or in such close proximity to prohibited areas that a facility in such a location would reasonably be considered particularly convenient to users of the strip shopping centre.
- Areas proximate to townships and small centres where local convenience services are provided and where no or limited alternative attractions are offered.
- Areas that are key connections between core retail areas in a township or activity centre.
- Areas likely to be developed with the main shopping, transport, community and civic functions of an activity centre.

Appropriate sites

Gaming machines should be located on sites:

- That minimise the likelihood of impulse gaming by people passing the venue in the course of their usual business or every day activities.

- At the periphery of activity centres and removed from land zoned for a commercial purpose, or at a sports or recreation club.

7. Principle 2 – protect problem gamblers and vulnerable communities

7.1 The Principle

- 121 The socio economic circumstance of the local community is consistently considered when having regard to the location of gaming machines. These circumstances are inferred and referenced in the purposes and decision guidelines of Clause 52.28 and routinely cited in the policy basis of various gaming policies (including Greater Geelong Planning Scheme - Clause 22.57; Greater Bendigo Planning Scheme - Clause 22.28; Hume Planning Scheme - Clause 22.17) that place significant emphasis upon this principle and consideration.
- 122 The objectives of these policies seek to avoid the risk of exacerbating problem gambling.
- 123 Problem gamblers are to be found throughout the community regardless of social or cultural background or economic circumstance. They may represent a very small proportion of the community but their losses amount to a considerable proportion of all money spent on gaming.¹
- 124 The further distinction is made of vulnerable or more disadvantaged members of the community because they are arguably the sector of the community least equipped with the resources and life skills to cope with the consequences of problem gambling.
- 125 Planning policy on problem gambling is often couched in terms of distancing the location of gaming machines from areas exhibiting a particular concentration of persons with attributes of disadvantage as measured by information about the socio-economic conditions for specific smaller areas such as the SEIFA Index.

¹ Problem gamblers comprise approximately 0.3 to 1.2% of the adult population, but are responsible for between 22 and 60 per cent of EGM expenditure (see Productivity Commission 2010 and Victorian Competition and Efficiency Commission 2012).

- 126 In *Mount Alexander Shire Council v Victorian Commission for Gambling and Liquor Regulation and others* [2013] VCAT 101 the Tribunal has provided a useful summary of the relevance of problem gambling.

It noted:

I agree with the Commission that the broader issue of problem gambling is relevant to the Tribunal's consideration of the no net detriment test at a community level. It is now generally accepted that problem gambling is more likely to arise, albeit without clear correlation, in areas of socio-economic disadvantage. Social impact assessments therefore commonly and properly, have regard to indicators such as the Socio-Economic Impact for Areas (SEIFA) published by the Australian Bureau of Statistics – although these are not wholly determinative. There is room for debate in particular cases about what areas of a gaming venues catchment or municipal district should be considered as a measure of its socio economic status.

- 127 The Tribunal advanced that a proper consideration of economic impacts of a proposal under the 'no net detriment test' of the Gambling Regulations Act 2003 should make allowance and estimates for the costs of problem gambling to offset against the economic benefits of a proposal.
- 128 While estimates have been made of the national cost of problem gambling, a significant lingering, micro level, difficulty is objectively identifying the prevalence of problem gamblers in a small area and quantifying the costs associated with that addiction. The Tribunal drew the analogy of 'stabbing in the dark' in the matter of Royal Hotel Benalla v Victorian Commission for Gambling Regulation (Occupational and Business Regulation) [2012] VCAT 1972.
- 129 In the decision - Queensberry Hotel Pty Ltd v Minister for Planning and Community Development [2013] VCAT 444, the Tribunal faced similar but also different considerations. It was deliberating on a matter in the City of Melbourne where the local policy framework did not place the same explicit reference on problem gamblers and vulnerable communities, but it did observe at paragraph 65 of its

decision that it could find nothing in Clause 52.28 to suggest that that it is only in relation to the 'poor' that concern about the social and economic effects is to be taken in to considerations.

It may be true that EGMs are a preferred mode of gambling among people of modest or inadequate financial means, although we are not satisfied, on the material before us, that so called problem gambling is limited to such persons. Excessive gambling creates serious adverse social conditions where too much money is expended upon it. People who become addicted to gambling can come from any financial strata in society, and ultimately the result might be just as serious for people from within any such strata. People with very limited financial resources may find themselves in financial trouble more quickly than those that are more well to do, although the ultimate result might be the same and it might be achieved just as quickly if well to do addicted gamblers insist on gambling for high stakes, as apparently, some do.

- 130 The Tribunal went on to note '..... it appears somewhat paternalistic to seek to protect the poor, including the thrifty poor, from themselves; whilst not having a similar concern for the unthrifty problem gamblers in other areas.'
- 131 It was on this basis that the Tribunal went on to place a greater emphasis upon reducing convenience gaming for all rather than nominating particular social / economic strata within the community.
- 132 A more recent addition to this vein of analysis and commentary has been to distance gaming venues from locations where there is a concentration of social support services to disadvantaged members of the community or where there is a particular concentration of social housing. This approach has been advanced in Amendment C88 to the Port Phillip Planning Scheme and is proposed in Amendment C115 to the Maribyrnong Planning Scheme.

7.2 Problem gamblers and vulnerable communities in Cardinia Shire

7.2.1 Population Size and Growth

- 133 In 2014 Cardinia Shire had an estimated residential population of 87,008 persons, an increase from 57,950 in 2006.²
- 134 Since 2006 the Shire has experienced rapid population growth at a rate of 5.2% per annum, reflecting the location of one Melbourne's major growth corridors within the Shire. The growth area component of Cardinia Shire (comprising Beaconsfield, Offer and Pakenham), accounted for approximately 90% of population growth in the Shire between 2006 and 2014.³
- 135 Cardinia Shire's population is forecast to increase substantially into the future, reaching 164,419 by 2031 (an increase of over 76,000 persons at a rate of 3.7% per annum). As in the recent past, the majority of this growth (approximately 83%) will occur in the growth area component of the Shire.
- 136 Population growth is projected across all age groups. However, growth in the 70+ age group is projected to be particularly strong.
- 137 Growth is expected across the range of household types and average household size is projected to remain stable to 2031. Notwithstanding, the proportion of households that are lone person households is expected to increase marginally.
- 138 The demographic profile may be summarised as reflecting an ageing population, with lone person households becoming more common.

² ABS (2015) 3218.0 Regional Population Growth, Australia

³ i.d. Consulting (2015)

7.2.2 Problem gambling – a regional analysis

- 139 A recent Victorian study -Counting the Cost⁴: the Inquiry into The Social and Economic Costs of Problem Gambling in Victoria - a report by the Victorian Competition and Efficiency Commission, dated December 2012 has looked at the cost of problem gambling from a metropolitan and regional perspective.
- 140 The study is aimed to inform policy makers and the community about the true costs of problem gambling and where they fall.
- 141 The report found:
- 'Prevalence of problem gamblers varies across regions in metro areas from 0.3 per cent to 1.2 per cent and in regional areas from 0.1 per cent to 0.8 per cent.
 - Regional Victoria recorded a higher proportion of gamblers than metro Victoria, however, had broadly lower 'at-risk' rates relative to metro areas.'
- 142 The report states that while these results are not conclusive, they do support the existence of a relationship between higher prevalence rates of problem gambling in metro areas and a:
- Higher concentrations of EGMs.
 - Higher average net and relative expenditure on EGMs.
 - Higher level of relative disadvantage.⁵

The results for regional Victoria were more inconsistent.

⁴ Victorian Competition and Efficiency Commission 2012, Counting the Cost: Inquiry into the Costs of Problem Gambling, draft report, October

⁵ Victorian Competition and Efficiency Commission 2012, Counting the Cost: Inquiry into the Costs of Problem Gambling. Final Report December p. 120

- 143 The report noted the results were broadly consistent with a recent review of the geographical impacts of gambling:

‘Geographical analysis of the relationship between the density of EGMs, net expenditure and problem gambling prevalence rates consistently show greater densities to be associated with greater expenditure and a larger proportion of problem gamblers. EGMs tend to be most strongly concentrated in areas with greater social disadvantage, but this may only be because hotels and clubs have traditionally been more concentrated in poorer areas.’ (Delfabbro, Le Couteur, and IGASA 2009, 7)⁶

- 144 The report concluded these studies point to a number of potential drivers of the prevalence of problem gambling at a local level, but could not establish if costs associated with problem gambling also varied by region.
- 145 The inconclusive nature of the findings makes it difficult to infer implications for the Cardinia Shire gaming policy other than the insight that there is a lack of consistency between factors impacting problem gambling rates and each region must be evaluated on its particular merits.
- 146 As such, the contextual variables/conditions in Cardinia Shire are highly relevant to develop an appropriate policy for minimising problem gambling.

7.2.3 Cardinia Shire’s Population relative to Problem Gambling Risk Segment Profile

- 147 The demographic profile of problem gamblers has been investigated by Department of Justice DoJ (2009)⁷. The problem gambler profile indicates that some population groups are over/under represented:

- Higher proportion of males and lower proportion of females.
- Lower proportion of people 65yrs and older.

⁶ As cited in Victorian Competition and Efficiency Commission 2012, *Counting the Cost: Inquiry into the Costs of Problem Gambling. Final Report December* p. 124

⁷ *A Study of Gambling in Victoria – Profile of Problem Gambling Risk Segments* p.87

- Higher proportion of people of Indigenous backgrounds.
- Lower proportion of professionals, technicians/trades-workers and clerical/administrative staff.
- A significantly higher proportion of sales workers, machinery operators/drivers and labourers.
- Lower proportion of people with a personal income of under \$31,199.
- A significantly higher proportion with an income of \$31,200-\$51,999.
- Lower proportion of households with an income of under \$33,799.
- A significantly higher proportion of households with an income of \$62,400-\$103,999.
- Lower proportion in Eastern Metro and Grampians.
- Lower proportion of people who have migrated to Australia in the past 5 years.
- Lower proportion of 'other households'.

148 When this profile of problem gamblers is considered against the population of Cardinia Shire, it is notable that in Cardinia Shire:

- There fewer persons aged over 65 years than the Victorian Average (10.7% compared with 14.2%).
- A relatively large proportion of households in Cardinia Shire have an income in the middle two quartiles (56.8%).
- A relatively large proportion of employed persons in Cardinia Shire are labourers (10.8% compared with 9.0%) or machinery operators and drivers (8.6% compared with 6.1%) compared with the Victorian Average.

7.2.4 Social and economic advantage and disadvantage

149 The Socio-Economic Index for Areas (SEIFA) is a product developed by the Australian Bureau of Statistics that ranks areas in Australia according to relative socio-

economic advantage and disadvantage. The 2011 version of SEIFA consists of four products.

- The index of relative socio-economic disadvantage (IRSD).
- The index of relative socio-economic advantage and disadvantage (IRSAD).
- The index of education and occupation (IEO).
- The index of economic resources (IER).

150 Each index is a summary of a different subset of Census variables and focuses on a different aspect of socio-economic advantage and disadvantage.

151 The index of relative socio-economic disadvantage (IRSD) focuses on disadvantaged areas. Plan 3 shows how different areas within Cardinia Shire rate on the index. As the Figure shows:

- The majority of the land area of Cardinia Shire is rural land. SEIFA data for communities located in these rural areas indicate very low levels of disadvantage.
- However parts of some of Shire's urban settlements, including Pakenham, Koo Wee Rup and Lang Lang have a low SEIFA score, indicating a relatively low level of socio-economic advantage in these areas.
- Notably, at present, the majority of EGMs located within Cardinia Shire are located in parts of Pakenham which have a low SEIFA score (Plan 4).

152 The challenge of relying on SEIFA was discussed by in the recent VCAT case Mount Alexander SC v Victorian Commission for Gambling and Liquor Regulation & Ors [2013] VCAT 101 (14 February 2013).

'the inputs or factors that might particularly influence a SEIFA index outcome in a particular community (e.g. a higher older-age population) do not necessarily correlate with factors relevant to the prevalence of problem gambling in that community.'[86]

- 153 Notwithstanding, while the SEFIA Index is not likely to be a reliable indicator of problem gambling *prevalence*, it does indicate areas where the population is less 'well off', and therefore potentially more of vulnerable to the impacts of problem gambling.

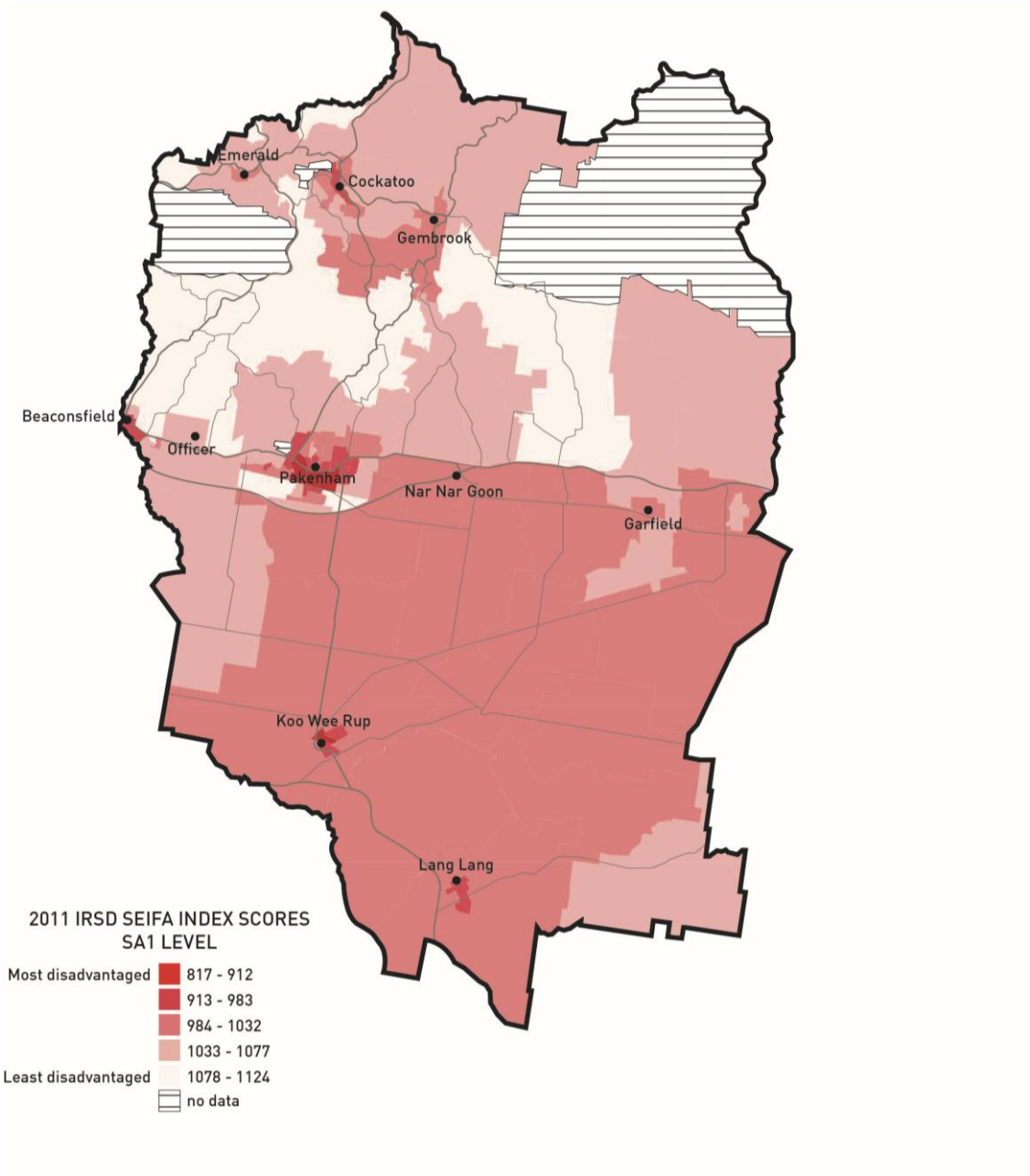
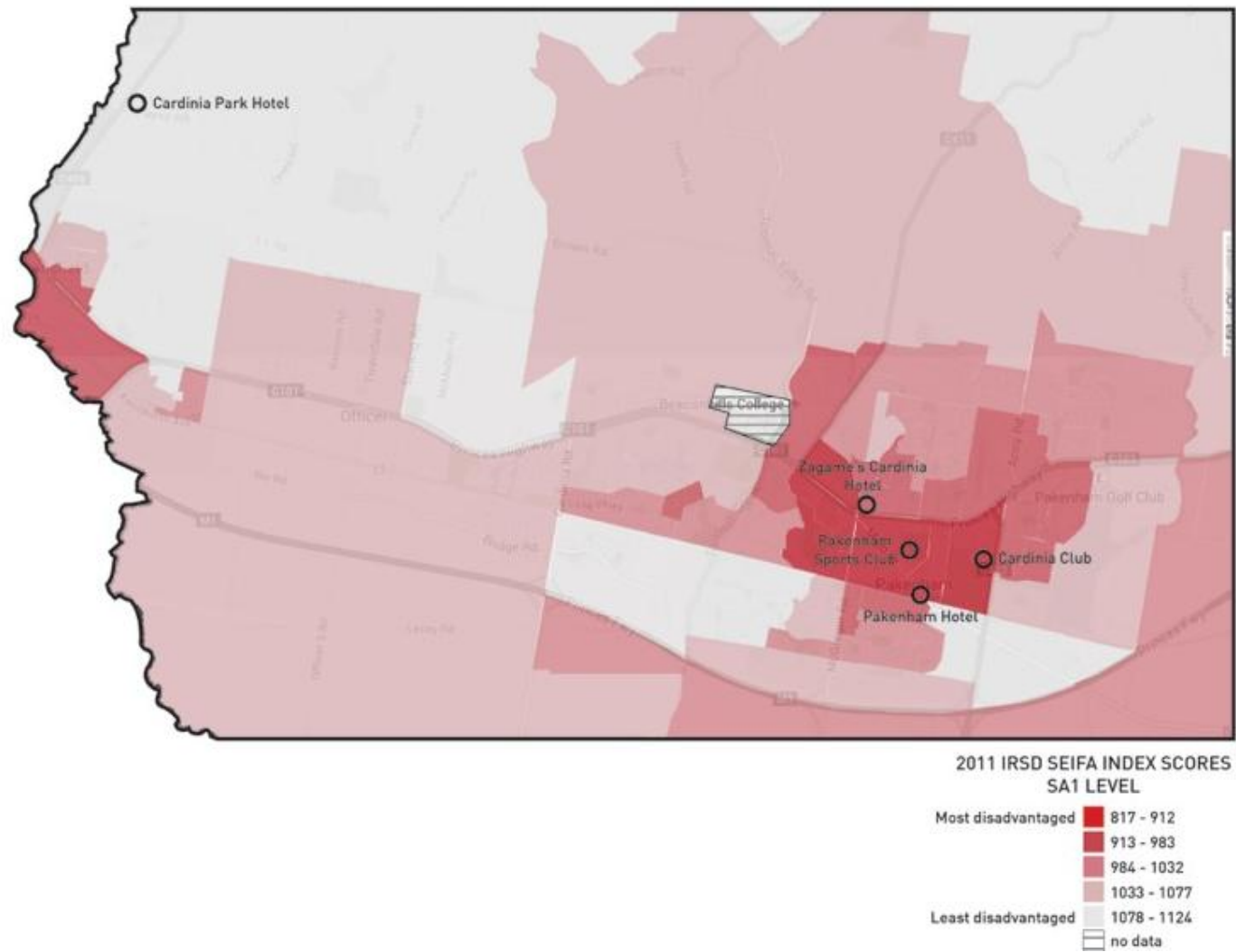


Figure 3: SEIFA Index - Cardinia Shire (data sourced from Profile.ID)



CFigure 4: SEIFA analysis and EGM locations within Cardinia Shire (data sourced from Profile ID)

7.3 Conclusions

- 154 Gaming venues and machines should not be located where they are particularly convenient to use by vulnerable members of the community or those with or a propensity towards a gambling problem.
- 155 The forgoing analysis emphasises the complexity of influences and factors that may have a bearing upon accentuating problem gambling in the community, but in the final analysis problem gamblers and vulnerable communities are not to be found just in discrete small clustered areas, but more randomly distributed across the community.
- 156 Preventive steps can be taken in terms of minimising exposure to members of the community who are most vulnerable to the impacts of problem gambling, by discouraging the location of gaming venues immediately proximate to localities of particular disadvantage; concentrations of social housing and in locations where social support agencies are located.
- 157 Seeking to control the location of gaming machines and venues on the basis of small area boundaries used to aid collection of Census data and/or arbitrarily selecting a quartile or decile reading in a statistical analysis to identify where the greater threat and vulnerability to gaming problems may exist is an imprecise method.
- 158 Some local gaming policies have advanced a control that requires a gaming venue to be located more than 400 metres away from a local statistical area with a certain SEIFA rating. The strength of this control in isolation is open to challenge.
- 159 An additional practical and precise criterion would be to apply a separation distance between gaming venues and notable clusters of social housing and the location of the offices of support agencies for vulnerable and disadvantaged persons and problem gamblers. This is articulated in the following recommendations.

- 160 The most practical and effective approach is to avoid the siting of venues in locations of particular convenience and susceptibility to impulsive behavior, such as shopping, where higher concentrations of people are regularly exposed to the temptation of gaming. This has been addressed in Principle 1.

7.4 Recommendations

7.4.1 Local policy – protect vulnerable communities and problem gamblers

- 161 The relevant related provisions for consideration in a local policy and not previously recommended are:

Appropriate Areas

Gaming machines should not be located in areas:

- Where any ABS statistical areas within 400 metres walking distance of the proposed venue is in the 20% most disadvantaged statistical areas in Cardinia Shire as set out in the latest SEIFA Index of relative socio-economic disadvantage.
- Gaming machines should not be located within 400 metres walking distance of a concentration of social housing comprising more than 50 dwellings or within a clear line of sight of a social support agency and or gamblers help centre.

8. Principle 3 – The provision of gaming machines should be capped, densities controlled and number of venues minimised

8.1 The Principle

- 162 The State government has introduced a limit or cap to the number of EGMs that can be established in a particular municipality on the basis of a perceived threat posed by too many machines in a particular locality. The cap is expressed as a relationship between the number of machines and the adult population in a municipality and operates at 10 machines per 1,000 persons over the age of 18.
- 163 An allied consideration is whether the growth in machines in an area will take the form of additional machines in an existing venue, or a new venue with new machines.
- 164 As a general guide a new venue has the potential to have a greater impact, making gaming more convenient to a greater number of potential patrons, and at the same time diminishes the proportion of premises not offering gaming. As a harm minimisation strategy more machines in existing venues will not be as evident to the community as more venues.⁸
- 165 The more pragmatic expression of the consequences for this gaming principle is the question of whether every additional machine adds equal benefit/dis-benefit to Cardinia Shire – that is, would an additional machine at a particular location produce a greater dis-benefit than an additional machine at an existing venue.
- 166 In Mount Alexander Shire Council v Victorian Commission for Gambling and Liquor Regulation and others [2013] VCAT 101, the Tribunal addressed the issue of the relevance of a margin of change to the ‘net detriment test’.

⁸ See for example: Thomas 2011; Delfabbro 2008 and SA Centre for Economic Studies (SACES) 2005.

‘An increase in gaming machines at an existing venue (a ‘top-up’) will likely have a lesser net impact than the introduction of machines at a new venue, and the social and economic impact evidence in support is likely to be more straight forward.

However the introduction of 50 gaming machines into a community will likely have a different impact if that community already has say, 200 machines rather than 20 or none at all.’

167 Each application will be different with its own set of circumstances. However as noted earlier in the above case both the creation of a new venue and a tripling of the number of machines within the community was viewed as a significant impact with detrimental implications for the character and perception of the community.

168 This principle seeks to ensure the establishment of new gaming facilities does not notably change the balance of a narrow choice and offer of entertainment options towards more gambling.

8.2 Application to Cardinia Shire

169 EGMs have been operating in Victoria since 1991.

170 At the 31 December 2014 the following statistics applied:

- 26,463 EGMs in Victoria with total losses of over \$2.5 billion for 2013-2014.
- Average number of EGMs per 1000 adults was 5.7.
- Average net losses per adult were \$543.

171 While the cumulative loss since the introduction of EGMs in Victoria is more than \$46 billion, annual losses have plateaued in recent years at around \$2.5 billion.

172 As with Wagering and Lotteries, the VCGLR regulates EGM gambling in Victoria. The Gambling Regulation Act 2003 provides the legislative framework for gambling in Victoria.

- 173 The Act stipulates that a maximum of 30,000 EGMs may operate in Victoria. This includes 2,500 in the Melbourne Casino and 26,682 EGMs in clubs and hotels in Victoria.
- 174 The Act also states that at least 20 per cent of machines must be situated outside Melbourne and that a maximum of 105 may be permitted within a single venue.
- 175 EGM gambling in Victoria is also subject to Local Government control. The Victorian Government introduced amendments to the Victorian Planning Provisions in 2006 in response to its commitment to improve the input of local councils into the location of EGMs.
- 176 A planning permit is now required to install all EGMs, replacing the previous as-of-right provisions for gaming machines if the area covered by the EGMs was less than 25 per cent of the gross floor area where liquor may be consumed.
- 177 A further complication is that existing uses rights (Clause 63) are established and apply where a gaming room has been lawfully established and any increase in gaming machines can be accommodated within the established gaming room. These provisions of the planning scheme can be relied upon to establish additional EGMs in an existing venue.
- 178 EGMs are prohibited in strip shopping centres and specified shopping centres. The exemption for hotels and clubs in strip shopping centres has been removed.

8.2.1 Electronic Gaming in Cardinia Shire

- 179 In 2014 there were 5 gaming venues in Cardinia Shire, which contain 303 EGMs.
- 180 EGMs are a significant source of revenue for the Cardinia based EGM venues. Approximately \$11,798,000 was spent by players at EGMs in the Shire in the first 6 months of the 2014-15 financial year.⁹

⁹ <http://www.vcgr.vic.gov.au/>

- 181 Expenditure on EGMs in the Shire has progressively increased in recent years from \$17.5 million in 2007-8 to \$21.2 million in 2013-14. However, during the same period, spending per adult declined from \$374 to \$323, with total increases in expenditure being driven by population growth. In 2014, the metropolitan average spend per adult was \$574.
- 182 EGM density in Cardinia Shire was 3.7 EGMs per 1,000 adults in Cardinia Shire as at 2014-15. EGM density in the Shire has decreased from 4.8 EGMs per 1,000 adults in 2007-8, and is currently below the Metropolitan average of 5.5 EGMs per 1,000 adults. The EGM density per 1,000 adults (18+) in neighbouring municipalities is Casey 4.3, Yarra Ranges 3.5 and Baw Baw 5.5. In this context, the density of EGMs in Cardinia Shire is low.
- 183 However, due to the concentration of EGMs in the urbanised part of Cardinia Shire, EGM density in Shire's growth area is much higher (Plan 5) than in the rural areas. To illustrate, if the growth area is analysed in isolation, EGM density as at 2014 in this area was 8.4 EGMs per 1,000 adults.
- 184 The population of the growth area component of Cardinia Shire is approximately 55,000 people and is projected to grow to 126,000 by 2036. At this time, the urban component of Cardinia would be home to a population which exceeds that of a number of metropolitan municipalities.



Plan 5: Extent of the South East Growth Corridor within Cardinia Shire (Metropolitan Planning Authority)

8.2.2 Maximum permissible number of machines

185 The *Gambling Regulation Act* 2003 provides for the VCGLR to set a maximum permissible number of gaming machine entitlements for specified regions and municipalities.

186 The latest specification of those limits was issued on 15th August 2012. Cardinia Shire's limit was set at 548 machines.

187 There are 303 active EGM entitlements issued in the municipality leaving a theoretical capacity of 245 EGM entitlements.

188 The Tribunal has appropriately and correctly observed¹⁰:

A cap is not an aspirational level of gaming machines for an area. The fact that a region or municipality may be below or even well below, a cap does not imply that further gaming machines can or should be approved.

189 The 1999 Productivity Commission report on gambling found there is a positive relationship between increases in EGM density and increases in gambling and subsequent research is suggestive of a relationship between gaming machine density and prevalence of problem gambling.

8.3 Recommendations

Having particular regard to:

- Economic development objectives.
- The existence of pockets of disadvantage in Pakenham and some rural settlements.
- The high density of EGMs in the Shire's growth area.

It is recommended that the appropriate strategic approach to additional gaming venues and EGMs would be one of being open to but careful in the siting of additional venues with

¹⁰ *Murrindindi Shire Council v Victorian Commission for Gambling and Liquor Regulation and others* [2013] VCAT 101

EGMs in the Shire's growth area so long as EGM density in the growth area remains within an acceptable range.

The relevant local gaming policy provisions should include the following:

Appropriate Areas

Additional gaming venues and machines should be located in areas:

- In or proximate to larger rural townships identified for business development and which attract visitors and tourism.
- In the growth area, so that EGM density throughout the area does not exceed 10 EGMs per 1000 adults.

Appropriate Venues

- Preference will be given to additional gaming machines being consolidated within existing venues.

9. Principle 4 – A choice and diversity of entertainment facilities and attractions should be available

9.1 The Principle

- 190 Gaming is a form of recreation and entertainment enjoyed by many without harm.
- 191 For a small but significant few (problem gamblers), it is an obsession and becomes a major problem with serious potential personal, financial, employment and relationship consequences.
- 192 Common drivers of problems gamblers' behaviour are a desire to escape loneliness, isolation, feeling overwhelmed by stress, and negative feelings surrounding life changes/transitions (i.e. job loss, children leaving home, loss of a loved one, divorce, retirement, etc.). EGMs and gaming venues respond to these behavioural drivers, but so can other recreational forms.¹¹
- 193 Therefore, an important, location based, harm minimisation strategy is to present the gambler with choice and a series of alternative entertainment attractions, other than gaming, in the immediate locality of a venue or within the venue.
- 194 Choice and diversity can be satisfied within a venue, by the provision of other attractions. The decision guideline of Clause 52.28, calling for consideration of the presence of a full range of hotel facilities, is motivated by this expectation.
- 195 Similar merit rests with other attractions and opportunities close by and entirely independent of the gaming venue, where a person can go and not be exposed to gaming.

¹¹ See Thomas *et al.* (2009) A theoretical model of EGM problem gambling: more than a cognitive escape. *International Journal of Mental Health and Addiction*, 7, 97–107.

- 196 It is equally relevant to have regard to the concentration of venues in a locality. If there is a narrow, or no choice of hotel and clubs and other entertainment in a locality without gaming the potential for harm is enhanced rather than minimised.
- 197 A further consideration in matters of choice and diversity is the implications of time. Ensuring that gaming venues operate at times when other sources of recreation and attraction are also operating assists harm minimisation. It is desirable to avoid circumstances in which the only recreation being offered at any time during the day or night is gaming.
- 198 Gamblers Help sites reinforce the importance of having the option of a range of activities available to the problem gambler within the broader community context.
- 199 While the higher order activity centres, as a general rule, offer the stronger choice and diversity of attraction, other sources indicate volunteering and meditation as examples of what will be a wide range of non-gaming activities to refocus the attentions of problem gamblers away from gaming.

9.2 Local conditions impacting upon the choice and diversity of entertainment facilities and attractions

- 200 Cardinia Shire offers a significant range of formal and informal recreational and entertainment opportunities. However, these are concentrated in the growth area, and some of the Shire's smaller settlements have a very limited range of formal and informal recreational and entertainment opportunities.

9.3 Recommendations

- 201 It is recommended that as a strategic initiative Council examine and facilitate opportunities to further develop non-gaming based recreation and entertainment facilities in the municipality.
- 202 The following provisions are recommended for inclusion in a local gaming policy:

Appropriate Areas

Gaming machines should be located in areas:

- Where the community has a choice of non-gaming entertainment and recreation activities and established social infrastructure, some of which operate during the times that the proposed gaming machines will operate in the local area.

Appropriate venues

Electronic gaming machines should be located in venues:

- That offer a range of other forms of recreation and entertainment other than gambling based activities and which are located in spaces completely divorced from the presence of EGMs.

10. Principle 5 – Venues should be designed and operated to minimise harm and amenity impacts

10.1 The Principle

- 203 The impact of a proposal upon the amenity of an area is a typical and relevant consideration of land use planning. The decision guidelines of Clause 52.28 seek consideration to be given to the compatibility with nearby and adjoining uses and the capability of the site to accommodate the use.
- 204 The objectives of the local policy on gaming seek to protect the operation and amenity of existing uses surrounding gaming venues.
- 205 In most instances where gaming is being added to an established hotel or club the off-site amenity implications of gaming will be minimal or negligible. Unless the accommodation of the gaming facility necessitates a substantial restructure of the premises or additions which in some way impact upon the amenity of adjoining sensitive uses, particularly by virtue of noise, disturbance, changes in traffic patterns and the adequacy of car parking.
- 206 The composition, layout and design of venue are also relevant considerations with particular attention being drawn to this by the provisions of Clause 52.28. The reference to the provision of a full range of hotel or club facilities and services in the decision guidelines is associated with research that suggests that certain types of venue are more likely to have characteristics of low risk venues in terms of the use and consumption of EGMs. The more diverse the social and recreation offer, other than gaming, so risk / harm presented by gaming is reduced.
- 207 Other features with relevance to the current matter are the hours of operation, management policies and the siting of the gaming machines and their relative exposure to patrons and the public. The discrete siting of EGMs within a building, or removed from public viewing areas, contributes positively to harm minimisation.

208 Gambling venue design and activities can contribute to EGM problem gambling by creating an environment that increases the sense of escapism. The placement of machines near other facilities such as toilets, bars or next to eating areas can allow gamblers to continue with other activities while using the machines. A lack of natural light in a gambling area can also contribute to the sense of escapism that some gamblers feel when playing EGMs.

209 In addition, the placement of ATMs and EFTPOS facilities in prominent places in gaming venues further increases the risk for problem and moderate gamblers.

210 Apart from this, venues also provide other inducements to gamble such as raffles, free tickets, free alcohol, free food and giveaways. These often encourage people to stay in a venue for a longer period. Other inducements are linked directly to gambling include:

- awarding gifts to gamblers who reach a certain number of points on their loyalty cards.
- jackpot nights where the first person who gains a certain number of points on their loyalty card receives a cash prize, raffle tickets or coupons that can be converted into credits for EGMs.

211 In research by Hing and Haw (2010)¹² on the influence of venue characteristics on a player's decision to attend a gambling venue, they found the following potential risk factors for the problem gamblers who most frequented a hotel, club or casino.

- Extended opening hours – (also identified as a risk factor for the general population of gambler).
- Prioritising convenient physical access to the venue.
- Easy access to an ATM in the venue.

¹² Hing, N. and Haw, J. (2010) *The Influence of Venue Characteristics on a Player's Decision to Attend a Gambling Venue*. Centre for Gambling Education and Research School of Tourism and Hospitality Management Southern Cross University Lismore NSW 2480

Various specific features of gaming machines, including:

- Linked jackpots.
- Bonus features.
- Favourite machines.
- A large choice of machines.
- Low denomination machines.
- Types of gaming machines on offer.

Gaming room design risk factors:

- A layout that allows privacy.
- An atmosphere that reflects the glitz and glamour associated with Las Vegas.
- Not waiting to get on a machine nor to be interrupted while gambling.
- A facility with easy access.

10.2 Application to Cardinia Shire

10.2.1 *The composition and design of the venue and amenity*

212 The design and operation of venues has been the subject of a new 'Venue Manual' (Manual) prepared by the VCGLR as an online and hardcopy resource that is required to be complied with by EGM entitlement holders and is a useful set of guidelines for Council to have regard to in reviewing the design and proposed operation of a gaming venue.

213 The Manual addresses a broad range of topics including:

- Venue Operator's Licences.
- Gaming Machine Entitlements.
- Responsible Gaming, Accounting and Auditing.
- Investigations.
- Venue operational requirements.

214 Factors associated with venue design and development addressed by the Manual include:

- Approved gaming venues.
- Gaming machine Area – size layout and facilities.
- Gaming hours.
- Patrons.
- Cashier stations.
- Security arrangements.
- Display and inspection of Notices, signs and rules.
- Supervision of gaming machine areas / CCTV requirements.
- Credit / cash facilities.
- Advertising.

Each of the above factors is examined in greater detail in the Manual. For example the section on the size, layout and facilities addresses topics that include:

- Location relative to other facilities.
- Lighting.
- Windows not to be removed or obscured.
- Perimeter barriers surrounding the gaming room.
- Gaming machine interfaces.
- Venue environmental limits.

215 No useful purpose would be served in drafting a similar Council based document as many of the requirements are statutorily required by the Gambling Regulations Act. However the local policy should rely upon and emphasise compliance with the Manual.

216 The land use and development context of planning has a broader perspective and some additional considerations are reviewed below.

217 **Hours of operation** are a relevant consideration. While the Gambling Regulations 2003 require there to be a minimum break of 4 hours and no more than 20 hours

of continuous play these hours should be treated as an absolute maximum. It is preferable that any approval for a venue limit the hours of play to those of other premises in the locality that offer alternative forms of entertainment. This avoids a situation where the only choice is a hotel with gaming being the only attraction at various times of the night.

- 218 **Courtyards** should be capable of being able to be accessed without going through the gaming room.
- 219 **Bistros** should be able to be accessed without going through the gaming room; and dining in the bistro should be able to occur without an awareness of the gaming room.
- 220 The inclusion of children's facilities is often included in Social and Economic Impact Assessments for EGMs as a positive element of the application.
- 221 There is no evidence to suggest bringing children along to a gaming facility is in any way a positive experience and it is recommended that inclusion of children's rooms in EGM venues will not be regarded as a positive contributing aspect of the proposed application.

10.3 Recommendations

- 222 The local gaming policy should note that the inclusion of a children's facility in a venue will not be accredited as a positive contribution if the facility is added as part of application for EGM machines.
- 223 The relevant local provisions that should be included in a local policy include:

Appropriate venues

- Gaming machines should be located in venues that:
 - Are designed to comply with best practice and the full ambit of the VCGLR Venue Manual.

- Promote non-gaming activities that increase the choice of activities and attractions available to patrons,
 - Offer social, entertainment and recreational opportunities other than gaming as the primary purpose of the venue.
 - Limit play by condition of approval to times when alternative entertainment and recreation is also operating and available.
-
- Gaming machines should not be located in venues that:
 - Have gaming floor area of more than 25% of the total floor area of the venue.
 - Have 24-hour operations.
 - Are located within a prohibited areas identified in Clause 52.28 or a discouraged area as defined by this policy.

11. Strategic direction and local policy

11.1 Overview

- 224 The following strategic conclusions and directions can be framed.
- 225 The Cardinia community have access to gaming principally in the Shire's growth area and in neighbouring City of Casey.
- 226 At the municipal scale, the density of electronic machines and choice of venues offering gaming is low and expenditure is similarly relatively low.
- 227 However, due to the concentration of population and EGM venues in the Shire's growth area, and the proximity of this area to EGM venues in Casey, access to gaming for the majority of the Cardinia population is high.
- 228 The planning policy framework provides a rationale for enabling expansion of gaming venues and facilities in the Shire in locations which provide convenient access to gaming for the Shire's growing population but which minimise the negative impacts associated with convenience and problem gambling.
- 229 The Schedule 4 to Clause 52.28 prohibits gaming machines in the 'strip shopping centre' in and adjacent to the retail core of main town centres. It is desirable that gaming is also strongly discouraged in areas immediately adjacent venues and prohibited areas.
- 230 Similarly gaming venues in small settlements with convenient services but no other forms of recreation and entertainment should form discouraged areas.
- 231 The density of EGMs within the growth area should be limited to 10 EGMs per 1,000 residents, to ensure that residents of this area do not live with an unacceptably high level of access to EGMs.
- 232 Venues providing EGMs should be located away from areas where the local population is vulnerable to the impacts of problem gambling.

- 233 A direction of positive leadership would be by identification and facilitation of new and alternative recreation and entertainment choices for residents and visitors. This would have a secondary benefit in minimising the harmful effects of gaming.
- 234 Through the careful identification of appropriate areas and sites for the location of gaming venues by way of a local gaming policy and by the application of the VCGLR Venue Manual to secure best practice in venue design and operation, Council can practically contribute to a safer living and recreation environment and minimising harm in the context of gaming.
- 235 The following strategic direction and local policies are recommended for inclusion in the Municipal Strategic Statement at Clauses 21 and 22.
- 236 Given the current structure of the Municipal Strategic Statement a strategy statement regarding gaming is most appropriately included at Clause 21.04

11.2 Planning Scheme Implementation

11.2.1 Proposed inclusions in the Municipal Strategic Statement

21.06-4 Gaming

____/2015
C207

Cardinia Shire Council is committed to minimising the negative impacts of gaming on the community by ensuring that gaming machines are only located within venues that are appropriately located and have appropriate venue characteristics, in order to minimise harm to the community of Cardinia Shire and more specifically to persons with a gambling problem and vulnerable communities.

Key issues

- Avoiding problem gambling and convenience gambling.
- Locating gaming machines away from communities vulnerable to problem gambling.
- Achieving social and economic benefits in the location and re-location of gaming machines.
- Avoiding establishment of gaming machines in the growth area ahead of sufficient population growth.
- Recognising the need to protect the rural townships in the municipality from the negative impacts of gaming.

Objective

To minimise the risk of problem gambling and convenience gambling through the appropriate location of gaming machines and appropriate characteristics of gaming venues.

Strategies

- Allow for access to gaming venues and machines but not in convenient locations.
- Ensure the location of gaming machines does not encourage problem gambling or convenience gambling.
- Ensure the location of gaming machines achieves positive environmental, social and economic outcomes.
- Encourage the redistribution of electronic gaming machines from areas of high vulnerability to areas of low vulnerability.
- Encourage the location of gaming machines:
 - In locations where there is a choice of community centres, neighbourhood houses, clubs or hotels without gambling activities.
 - In venues that offer social and recreational opportunities other than gambling.
 - In venues that implement management and operational practices that promote responsible gaming.
- Discourage the location of gaming machines:
 - In convenient locations that would be attractive to persons who are tempted and susceptible to impulsive and opportunistic gambling.

- Within vulnerable or disadvantaged areas that are more at risk of problem gambling.
- In areas with high levels of pedestrian traffic, to minimise convenience gambling.
- In a rural township where there is no alternative club or hotel without gaming machines.

Implementation

Use of policy and exercise of discretion

- When deciding on applications for gaming machines using local policy to ensure that gaming machines are situated in appropriate locations and premises, and to ensure the social and economic impacts of the location of gaming machines are considered (Gaming Policy at Clause 22.03), considering, as appropriate:
 - The relative vulnerability to problem gaming within a 5 kilometre radius of the proposed venue, or alternative catchment area where appropriate.
 - The net community benefit to be derived from the application.
 - Whether approval is likely to increase the social disadvantage or vulnerability of the local community.
 - Whether the location of the gaming machines or gaming premises will facilitate or discourage convenience gaming.
 - Whether the venue is accessible by a variety of transport modes.
 - Whether residents will have a choice between entertainment and recreation venues with and without gambling in the local area.
 - The impact of the proposal on the amenity of the area and surrounding land uses.

Reference documents

Cardinia Shire Gaming Policy Review (December 2015), 10 Consulting Group Pty Ltd

11.2.2 Proposed inclusions to Particular Provisions

SCHEDULE TO CLAUSE 52.28-3

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Prohibition of a gaming machine in a shopping complex

Name of shopping complex and locality				Land description
Arena Shopping Centre, Officer				Lot R in Plan of Subdivision PS625955
Cardinia Pakenham	Lakes	Shopping Centre,		Land in Plan of Consolidation CP374344
Heritage Pakenham	Springs	Shopping Centre,		Land in Plan of Subdivision PS549321
Lakeside Pakenham	East Village	Shopping Centre,		Lot 2007 in Plan of Subdivision PS447404
Lakeside Pakenham	Square	Shopping Centre,		Lot 1042 in Plan of Subdivision PS640819
Emerald				Land in Plan of Consolidation PC358199
Cnr Emerald-Monbulk and Gembrook Roads, Emerald				Land in Plan of Consolidation PC373789
Station Street, Koo Wee Rup				Lot 2 in Plan of Subdivision PS549875
Main Street, Bunyip				2-6 Main Street, Bunyip (CA26, CA27 and CA28 Sec 11)
Officer Town Centre				All land in Urban Growth Zone 4 (UGZ4) other than Town Centre Precincts 'Gateway' and 'Highway Business' shown in Plan 2 of UGZ4.
Pakenham Pakenham	Place	Shopping Centre,		Land in Plan of Consolidation CP160829
Pakenham Central Marketplace Shopping Centre, Pakenham				Lots 1 and 2 in Plan of Subdivision PS629098

C207

11.3 Proposed Local Policy

- 237 Include the following new local planning policy in Clause 22 of the Local Planning Policy Framework:

22.03 GAMING

- /-- This policy applies to all applications which require a permit to install or use a gaming machine, or use land for the purpose of gaming.

22.03-1 Policy basis

--/--

This policy will guide decision making by implementing the findings of the *Cardinia Shire's Gaming Policy Review (December 2015)*.

The policy builds on the State Planning Policy Framework, the Local Planning Policy Framework and Clause 52.28 and implements the objectives and strategies of Clause 21.06-4 of the MSS.

22.03-2 Objectives

--/--

- To discourage new gaming machines in vulnerable or disadvantaged areas.
- To achieve positive social, economic and environmental outcomes in the location and relocation of gaming machines and avoid exacerbating the risk of problem gambling.
- To minimise opportunities for convenience gaming.
- To locate gaming machines where the community has a choice of non-gambling entertainment or recreation activities within the gaming venue and the local area.
- To protect the amenity of areas surrounding gaming venues.

22.03-3 Policy

--/--

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

Appropriate areas

Gaming machines should be located in areas:

- Where the community has a choice of non-gaming entertainment and recreation activities and established social infrastructure, some of which operate during the times that the proposed gaming machines will operate in the local area.
- That are in the growth area, where the Electronic Gaming Machine (EGM) density cap does not exceed 10 EGMs per 1000 persons over the age of 18 as set by the State Government.
- Where they will make a positive contribution to the redistribution of gaming machines away from relatively disadvantaged areas, as defined by the latest Australian Bureau of Statistics (ABS) Social Economic Indexes for Areas (SEIFA) index of relative socio-economic disadvantage.
- Where the facility is removed from day to day convenience activities and is not easily accessible.

Gaming machines should not be located in areas:

- That abut, or are adjacent, opposite or in close proximity to prohibited areas as specified in the Schedule to Clause 52.28.

- Within 400 metres walking distance of a concentration of social housing comprising more than 50 dwellings or within a clear line of sight of a social support agency and /or gamblers help centre.
- Where any ABS statistical areas within 400 metres walking distance of the proposed venue is in the 20% most disadvantaged statistical areas in Cardinia Shire as set out in the latest SEIFA Index of relative socio-economic disadvantage.
- In areas that are key connections between core retail areas in a township or activity centre.

Appropriate sites

Gaming machines should be located on sites:

- That minimise the likelihood of impulse gaming by people passing the venue in the course of their usual business or every day activities.
- At the periphery of activity centres and removed from land zoned for a commercial purpose, or at a new sports facility or recreation club.

Gaming machines should not be located on sites:

- Where they are convenient to concentrations of shops, major community facilities or key public transport nodes where large numbers of pedestrians are likely to pass in the course of their daily activities.
- In townships and small centres where local convenience services are provided and where no or limited alternative attractions are offered.
- On sites that abut, are adjacent to, are opposite a strip shopping centre.
- On sites that are in the direct line of sight of a strip shopping centre.

Appropriate venues

Gaming machines should be located in venues:

- That offer and promote a range of other forms of recreation and entertainment other than gambling based activities.
- That promote non-gaming activities that increase the choice of activities and attractions available to patrons.
- That limit play by condition of approval to times when alternative entertainment and recreation is also operating and available.
- That already have gaming machines (in preference to the establishment of a new gaming venue).
- That are designed to comply with best practice and the full ambit of the VCGLR Venue Manual or any regulatory successor.
- Promote responsible gaming practices.

Gaming machines cannot be located in venues that:

- Have 24 hour-a-day operation or venues that do not allow for a substantive period of time whereby gaming machines are non-operational.
- Are located within a discouraged area as defined by this policy.
- Have gaming floor area of more than 25% of the total floor area of the venue.
- Will detrimentally affect the amenity of the surrounding area by way of design, location or operating hours.

22.03-4 Application requirements

--/-- It is policy to require applications to include the following information:

- How the application is consistent with the broader State and Local Policy Framework including policies on recreation and entertainment, economic development, tourism and town development.
- A robust assessment of the social and economic benefits and dis-benefits of the proposed EGMs and how the benefits are to be secured and distributed to the broader local community.
- Details about the existing and proposed distribution and density of gaming machines in the municipality and local area, any proposed reallocation of gaming machines in the municipality, and the proposal's expected impact on patronage.
- A current assessment of the suburb or town's relative vulnerability to problem gaming in comparison to others in the region.
- 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.
- If it is proposed to move EGMs from one part of the municipality to another, details of the relative social and economic differences between the two parts. An explanation as to why the EGMs are being transferred is to be provided.
- If relevant, details of existing gaming expenditure at the venue (over a 3 year period prior to the application) and a forecast of the anticipated expenditure at the venue if the proposal was to be approved.
- If EGMs are to be relocated from other venues, the likely social and economic impact of the proposal on those venues and the local area within which those venues are located.
- Gaming expenditure that is likely to be transferred from other venues, including:
 - particulars as to how the level of transfer has been calculated (including, but not limited to, comparison of existing and projected expenditure per machine at the venue, current usage levels of machines at the venue, projected usage level of machines at the venue after the additional machines);
 - the amount of transfer expenditure anticipated;
 - the resulting impact on revenue of the venue from where the expenditure is transferred; and
 - the resulting impact on the venue from where the expenditure is transferred (such as loss of employment, loss of complementary expenditures, loss of customers, impact on ability to provide services etc).

- .
- Details of the relative socio-economic disadvantage of the locality and the broader 5 kilometre catchment of the venue.
- The latest ABS SEIFA index of relative socio-economic disadvantage; and the projected growth, housing affordability and housing stress, income levels, unemployment rates, educational retention and attainment levels, and the percentage of social security recipients.
- Mitigating strategies to prevent problem gambling and external amenity impacts in relation to the design and management of the venue, including the applicant's responsible gaming practices.
- Details of existing and proposed gambling and non-gambling related entertainment and recreation facilities at the venue and within the local area.
- The distance to shopping complexes and strip shopping centres, community facilities, counselling services and public transport.
- Details of currently available social support services including specific problem gambling services, financial counselling services, and material and financial aid services; the location of these services in relation to both the revenue and patron catchment area; and the level of current demand for these services.
- Pedestrian counts outside the proposed venue on different days and at a variety of times, including (where relevant) comparisons with base levels in core areas of the activity centre.
- A detailed overall assessment, which shows and summarises the economic and social impacts of the proposal and their effect on community wellbeing and health.

22-03-5 Decision Guidelines

--/-- It is policy that the responsible authority considers, as appropriate:

- The relative vulnerability to problem gaming within a 5 kilometre radius of the proposed venue, or alternative catchment area where appropriate.
- Whether there is to be a net community benefit derived from the application, aside from any community contribution scheme. Net community benefit in this context means the objectives of planning in Victoria as established by Clause 10.02 – Goal of the State Planning Policy Framework in the *Cardinia Planning Scheme*.
- Whether approval is likely to increase the social disadvantage or vulnerability of the local community.
- Whether the location of the gaming machines or gaming premises will facilitate or discourage convenience gaming.
- Whether the venue is accessible by a variety of transport modes.
- Whether residents will have a choice between entertainment and recreation venues with and without gambling in the local area.
- The impact of the proposal on the amenity of the area and surrounding land uses.

22.03-6 References

Cardinia Shire Gaming Policy Review (December 2015), 10 Consulting Group Pty Ltd