

City of Melbourne
Draft electronic gaming Machine
Decision-making framework
October 2017

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Executive summary

This Decision Making Framework outlines the objectives and actions Council will adopt in order to minimise Electronic Gaming Machines (EGM) harm. Once adopted by Council, the decision making framework will underpin decisions Council makes in fulfilling its statutory roles in preventing and minimising harms associated with gaming. This includes making submissions to the Victorian Commission for Gambling and Liquor Regulation (VCGLR) under the *Gambling Regulation Act 2003* on applications for gaming approval, and assessing applications for planning permits to install and use Electronic Gaming Machines (EGMs) under the *Planning and Environment Act 1987* and Melbourne Planning Scheme. The draft Framework also outlines opportunities for Council to engage with this issue through advocacy, partnerships and service provision.

The preparation of this Decision Making Framework does not in any way mean that Council supports gaming. However gaming is a legal activity and Council has a role in the prevention of gambling related harm.

The City of Melbourne is Victoria's Capital City and the heart of metropolitan Melbourne. It is the location of much of Victoria's premier economic and cultural infrastructure, providing a world class range of commercial, cultural, leisure, entertainment, research, education and residential uses. EGMs form part of the entertainment offer in the City.

EGMs are recognised as the form of gambling associated with the greatest harms for individual users, their families and the broader community.

The social and economic impacts of gambling-related harm include:

- financial harm
- relationship disruption, conflict or breakdown
- emotional or psychological distress
- reduction in physical and mental health and wellbeing
- cultural harm
- reduced performance at work or study
- criminal activity
- community and service delivery.

There are also social and economic benefits associated with EGMs such as:

- provision of social, leisure and recreational activities and facilities
- revenue generation for the State government and venue operators
- allocation of cash and in-kind community contributions
- venue investment, employment, and tourism.

The use and/or installation of EGMs require two separate approvals - a license from the VCGLR under the *Gambling Regulation Act 2003*, and planning approval from the responsible authority under the *Planning and Environment Act 1987*.

Key considerations under both the *Gambling Regulation Act 2003* and the *Planning and Environment Act 1987* are the potential social and economic impacts of the proposal on the community.

While the *Gambling Regulation Act 2003* focuses on the suitability of the venue, the key land use planning considerations under the *Planning and Environment Act 1987* are the suitability of the location and premises.

1 Introduction

EGMs, which are a legal form of entertainment, are recognised as the form of gambling associated with the greatest harms for individual users, their families and the broader community.

This Framework provides Council's approach to managing EGMs and will guide Council in its statutory responsibilities under the *Planning and Environment Act 1987* and the *Gambling Regulation Act 2003*.

These roles relate to assessing applications for planning permits to install or use EGMs and making submissions to the VCGLR in relation to applications to establish new gaming venues or vary existing gaming licences under the *Gambling Regulation Act 2003*.

The Framework also underpins Council's other roles with respect to safeguarding the health and wellbeing of the community.

The evidence base underpinning the Framework is presented in the *City of Melbourne Electronic Gaming Machine Decision-Making Framework and Electronic Gaming Machine Review Background Report, 2017*.

2 Harm minimisation

As the Capital City, the City of Melbourne plays a significant role in providing entertainment for visitors and tourists, and services that satisfy the needs of the community. The 'community' of the City of Melbourne consists of residents, workers, students and visitors.

Although the use of EGMs can be associated with social and economic benefits, they are also associated with social and economic harms.

Current legislation which permits EGMs, generally aims to manage them through regulating the location and operation of gaming premises.

Within this context, Council can adopt a harm minimisation approach that seeks to accommodate the demand for gaming while protecting individuals and groups at an elevated risk of gaming-related harms. The harm minimisation approach seeks to support individuals and groups within the community to adopt healthy lifestyle choices and behaviours, while protecting those most vulnerable to the impacts of gambling-related harms.

The three interventions that underpin the harm minimisation approach are:

- reducing the demand for EGMs
- reducing the supply of EGMs in a community
- supporting those most at risk of harm from gambling.

3 The City of Melbourne context

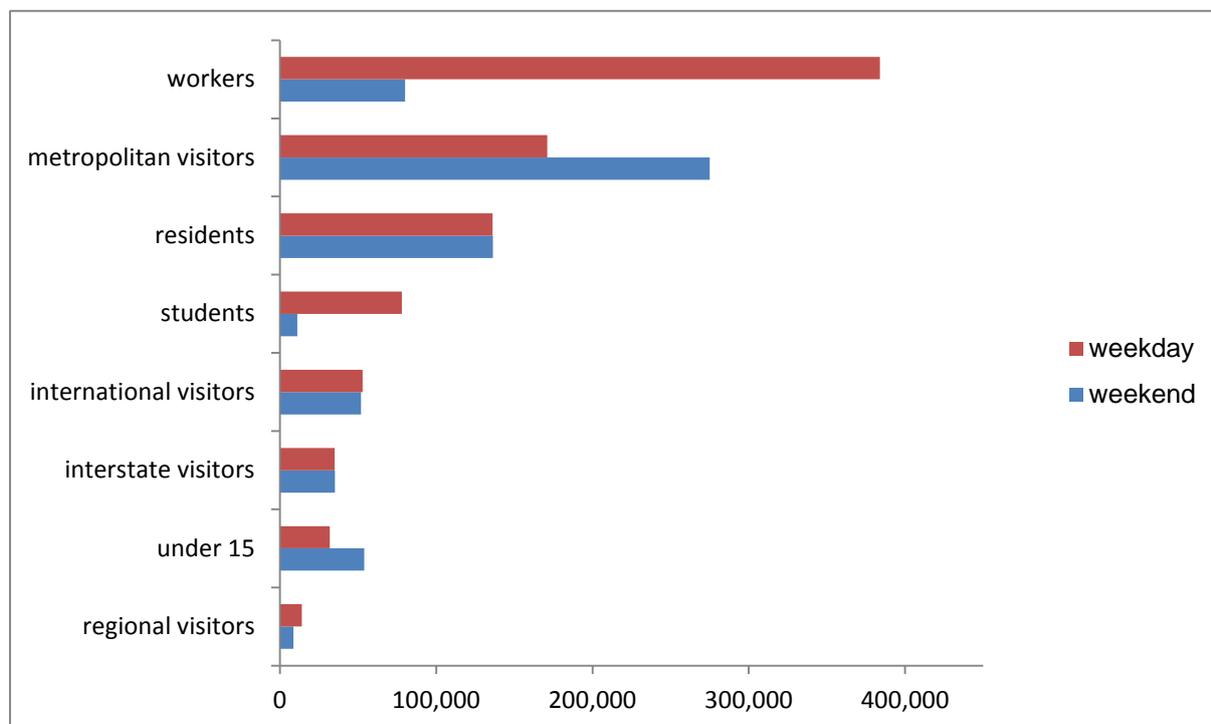
3.1 The role of the city

The Central City operates 24 hours a day, seven days a week, providing the setting for major events and festivals that attract visitors from the metropolitan area, Victoria, interstate and globally.¹ It also acts as a major transport hub, linking the City with greater Melbourne, regional Victoria and beyond.

In 2017, the residential population of the City of Melbourne is estimated to be 137,542. It is projected to increase to 202,000 by the year 2030.² The areas projected to experience the largest residential population increase are located in the western portions of the municipality, in Fishermans Bend, West Melbourne and Docklands.

As Figure 1 below shows, an estimated average of approximately 770,000 people enter the municipality each week day, and 516,000 on each day of the weekend (not including residents)³. Of these daily users, the largest proportion comprises workers, followed by metropolitan visitors, students, international visitors, interstate visitors, children under 15 years of age and regional visitors.

Figure 1: Estimated daily population within the City of Melbourne⁴



3.2 Gaming data

Melbourne currently has 11 operating gaming venues. Of these, nine are located in the Hoddle Grid, one is located in Carlton and one is located in Flemington.

Key statistics associated with EGM use and expenditure in the municipality for the Financial Year 2015–16 are illustrated in Appendix 3. They show that compared with metropolitan Melbourne and Victoria, the City of Melbourne had an above average number of EGM licenses and number of venues. Expenditure was also greater in total, per adult and per EGM compared to the metropolitan and Victorian average and there was a greater density of EGMs per 1000 adults. Average expenditure in the venues located in the Hoddle Grid is more than double the average expenditure in the other two venues in Carlton and Flemington.

These statistics exclude Crown Casino. Crown Casino is the only casino in Victoria and is the 11th largest casino in the world. Its revenue is more than double that of the largest casino in Las Vegas. It is located in Southbank and is integrated into the Crown Casino Entertainment Complex which includes hotels, shops, cafes and restaurants, cinemas and live entertainment.

This Complex forms part of a wider entertainment precinct comprised of the Melbourne Exhibition Centre, Melbourne Convention Centre and Melbourne Aquarium. This precinct, together with the Southbank Arts Precinct, Docklands Stadium and sports precinct comprised of the Melbourne Cricket Ground, Melbourne Park and AAMI Park, are key destinations for metropolitan, regional, state, national and international visitors. At present, Crown Casino is licensed to operate 2628 EGMs.

The EGM expenditure and density figures for the City of Melbourne produced by the VCGLR do not incorporate the EGM expenditure and number of EGMs in Crown Casino. As a result, total EGM expenditure and density of EGMs in the City of Melbourne is much higher than described in the VCGLR data.

3.3 City of Melbourne gaming venues

There are a number of both similarities and differences between the gaming venues in the City of Melbourne and gaming venues in suburban and regional municipalities in Victoria.

Similarities include:

- The requirement for the venues to have a liquor licence: the operating hours for the gaming venue may not exceed those permitted under the liquor licence.
- The promotion and advertising of gaming is prohibited under the *Gambling Regulation Act 2003*. A number of venues in the municipality, as with suburban venues, offer membership rewards program cards which provide rewards on money spent in the venue, including in the gaming lounge. The membership rewards programs permit the promotion, advertising and marketing of all products offered at the venue, including gaming.
- The range of non-gaming entertainment and leisure activities typically includes live entertainment, sports bars, dining and function rooms.
- The venues provide other gambling activities such as TAB and Keno.
- External access to the venue is through a single entrance and internal access to the gaming lounge is generally through the bistro and/or public sports bar areas.

The following features apply only in Melbourne:

- The majority of gaming venues are located in an area that is not subject to either a municipal or regional cap on the number of EGMs. This reduces Council's capacity to manage the concentration and density of EGMs in this part of the municipality.
- There is a very wide range of non-gambling social, leisure, recreational and entertainment uses in the areas surrounding gaming venues.
- The ten gaming venues located in the Hoddle Grid and Carlton function as both convenience and destination gaming venues. These venues are located in close proximity to shopping facilities and major public transport hubs and routes. However, they also function as 'destination' gaming venues as their catchment is large and includes people from metropolitan Melbourne, regional Victoria, Australia and overseas.
- Crown Casino, which is regulated by a separate statutory instrument, is located in the uncapped area of the municipality. The scale of this gambling venue significantly increases access to EGMs and all forms of gambling to the City's users.
- The gaming lounges in venues are typically more visible from both the street and from within the venue itself.
- Venues do not typically provide car parking, children's play areas or recreational activities such as bowls, tennis or golf.
- Venues are located on smaller parcels of land which limits their capacity to provide non-gambling activities.
- They may apply to operate for 24 hours per day.
- The patron profile and membership base is more diverse, transient and comes from a wider catchment because they are drawn predominantly from workers and visitors.
- Most of the venues are busier during the weekdays compared with the weekends, even though weekend patronage is stimulated by sporting and cultural events.
- Utilisation rates are more variable within the municipality, with venues located more centrally being busier during the working week, while venues located close to the train stations and the major sports and arts precincts being busier over the weekend.

The goals, objectives, and actions, in this Framework recognise, and take into account the impact of these key features.

4 Impacts of gaming, gambling related harms and prevalence of gaming

This Section describes the social and economic benefits and harms resulting from gaming. It includes a definition and statistics regarding the prevalence of gambling-related harms in Victoria, and the key physical socio-economic and health determinants of these harms.

The evidence base underpinning this Section is presented in the *City of Melbourne Electronic Gaming Decision-Making Framework and Gaming Policy Review Background Report, 2017*.

4.1 Impacts of EGMs

Research has found that EGM gambling has been identified with several harms.⁵ The social cost of gambling in Australia has been estimated at \$4.7 billion every year.⁶

Social and health and wellbeing related harms include:

- Family breakdown
- Crime
- Emotional distress (relationship break-ups, family violence, suicidal thoughts, attempted suicide)
- Reduced physical and mental health and wellbeing
- Drug and alcohol abuse
- Tobacco smoking
- Stigma, shame and increased social isolation
- Deception.

Economic harms include:

- Change in expenditure in local businesses and other entertainment providers
- Value of profits/taxes from gaming that leaves the municipal district
- Increased demand for community support services
- Effect of gaming on community life
- Job change costs
- Productivity loss outside work
- Bankruptcy
- Financial of cost of divorce and separation
- Indirect costs on the health system and human services sector
- Consumer loss from excessive gambling expenditure
- Costs to venue operators of harm minimisation measures.

While the above harms have a considerable impact on individuals, their networks and the broader community, a number of benefits have been noted.

Social and health and wellbeing benefits include:

- Form of entertainment and leisure
- Provision of venues in which people socialise
- Provision of subsidised meals and entertainment
- Provision of cash and in-kind contributions (such as use of facilities) to community organisations
- Provision of opportunities to volunteer (clubs)

- Value of profits/taxes from gaming that benefits other municipal districts.

Economic benefits include:

- Tax revenue for State government
- Employment
- Investment
- Supply contracts for local businesses as a result of renovations, goods and services
- Tourism.

These social and economic harms are experienced by the individual, their families and the broader community. This Framework will support Council in fulfilling its role in preventing and minimising harm to individuals and communities most at risk.

4.2 Risk of gambling related harms

Gaming can lead to problem gambling, and cause gambling related harm for individuals, families and the broader community. This Framework will support Council in fulfilling its role in preventing and minimising harm to individuals and communities most at risk.

Problem gambling has been defined as:

*Experiencing difficulties in limiting money and/or time spent on gambling which leads to adverse consequences for the gambler, others, or for the community.*⁷

Gambling-related harm has been defined as:

*Any initial or exacerbated adverse consequence due to an engagement with gambling that leads to a detriment to the health or wellbeing of an individual, family unit, community or population.*⁸

The Productivity Commission has estimated that between 1.9 per cent and 3.1 per cent of the population experience moderate or high risks of gambling-related harm.⁹ A study in Victoria found that 0.81 per cent of Victorian adults were classified as problem gamblers, with a further 2.79 per cent being classified as moderate risk gamblers.¹⁰

EGMs pose the greatest risks to existing and potential problem gamblers.¹¹ They account for around 80 per cent of presentations to counselling agencies, and over 90 per cent of problem gamblers report participation with EGMs.¹² In addition, one in six people who use EGMs regularly has a serious addiction¹³ and for each additional EGM introduced into an area, there will be an increase in problem gambling, by an average of 0.8 problem gamblers per EGM.¹⁴

It is estimated that each person with gambling problems has between 5 and 10 people in their lives who are also affected by their gambling, either directly or indirectly.¹⁵ These may include immediate family members, employees and employers, friends and team mates.¹⁶ It has been estimated that for every person with a gaming problem, there are between 5-10 people facing serious emotional or financial consequences as a result.

Studies have found that it is not only problem gamblers who experienced compromised health and wellbeing with low and moderate-risk gamblers accounting for the majority of aggregate years of health life lost in Victoria.¹⁷

There is evidence demonstrating that postcodes with no EGMs were associated with fewer family incidents and domestic violence assaults compared with postcodes that have EGMs.¹⁸

4.3 Factors increasing the potential for gambling related harms

The following physical, socio-economic, and health factors are recognised as increasing the potential for an individual or community to experience gambling-related harms (refer to Table 1)¹⁹

Table 1 – Factors increasing the potential for gambling-related harms²⁰

<p>Socio-economic</p> <ul style="list-style-type: none"> • low educational attainment • personal income in the medium highest and medium lowest income quartiles • relative socio-economic disadvantage • unemployment • residents of social housing • employed as labourers, sales workers and machinery operators and drivers.
<p>Socio-demographic</p> <ul style="list-style-type: none"> • aged 18-24 years • older people aged 55-64 years particularly those experiencing social isolation • not speaking English at home or non-Caucasians • Aboriginal and Torres Strait Islander (4.1% higher than non-Indigenous Australians). • migrants and people from culturally and linguistically diverse (CALD) communities, particularly Asian groups including Vietnamese, Chinese and Korean • living in group households • communities experiencing low social capital, evidenced by volunteering rate.
<p>Health and wellbeing status</p> <ul style="list-style-type: none"> • people experiencing psychological distress or compromised mental health and wellbeing • people who smoke, consume alcohol and become intoxicated while gambling • people seeking treatment for substance abuse disorders.
<p>Life experiences</p> <ul style="list-style-type: none"> • taking on a mortgage, loan or making a repayment • people with higher number of negative life experiences affecting themselves and their families for instance divorce, legal difficulties and financial issues • people experiencing trauma, social isolation, boredom and loneliness, particularly among older people and women • people experiencing changes in their personal circumstances such as death of someone close to them, divorce, legal issues, relationship issues • people gambling for reasons other than social reasons, to win money or general entertainment.

4.4 Vulnerability in the City of Melbourne

The populations of the central, southern and northern areas of the municipality, including Melbourne, Southbank, Carlton, North Melbourne and Parkville display the most indicators of gambling related harms. These areas contain ten of the 11 EGM venues as well as Crown Casino.

The populations of the western areas including Docklands and Fishermans Bend display the least determinants of gambling-related harms. There are no EGM gambling venues in these areas.

With the exception of Fishermans Bend, all other areas have a significantly higher proportion of students compared with the municipality. In addition, Melbourne, Carlton, North Melbourne, West Melbourne and Parkville have relatively high proportions of young people aged 15–24 years.

The North-West Metro region, which includes parts of the City of Melbourne and adjoining municipalities of Maribyrnong, Moonee Valley and Hobsons Bay to the north and west, has been included in the high EGM expenditure band (where average EGM expenditure for adults was higher than the Victorian average) indicating that the risk of gambling-related harm is therefore also higher ²¹.

5 The regulatory context

This Section outlines the key features of the City's regulatory context that underpins the Framework.

The use and/or installation of EGMs in a venue requires two separate approvals: a licence from the VCGLR under the *Gambling Regulation Act 2003* and planning approval under the *Planning and Environment Act 1987*. As stated above Council has a role in both making submissions to the VCGLR and in determining outcomes of planning permit applications.

The State Government of Victoria has jurisdiction over these Acts. They are also responsible for setting caps that apply to EGMs within Victoria, which limit the number of machines permitted overall in a particular area or municipality.

5.1 Gambling Regulation Act 2003

Under the *Gambling Regulation Act 2003* the VCGLR is the decision-maker for approving premises as suitable for gaming. In determining an application the Commission must be satisfied that the net economic and social impact of an approval will not be detrimental to the wellbeing of the community.

Section 3.3.7 (1) of the *Gambling Regulation 2003* stipulates that the VCGLR must not grant an application for approval of a premises, unless satisfied that the premises are (or will be) suitable for the management and operation of gaming machines, and that the net economic and social impact of the approval will not be detrimental to the wellbeing of the community within the municipality. The VCGLR must also consider whether the size, layout and facilities of the premises are (or will be) suitable.

The *Gambling Regulation Act 2003* requires that the Commission notify relevant responsible authorities of an application to establish a gaming venue or amend a venue operator's licence.

Council is able to make a submission concerning the economic and social impact of the proposal on the wellbeing of the community of the municipal district within which the premises are located. This assessment may also take account of the impact of the proposal on surrounding municipal districts.

Individuals are able to make a submission independently of Council, and the Commission is required to take all submissions into account.

Council and the applicant for gaming approval may apply to the Tribunal for review of the Commission's decision on the application.

5.2 Municipal and regional caps within the City of Melbourne

The Minister for Gaming is responsible for setting caps that apply to particular areas within Victoria.

The total number of gaming machines allowed in Victoria is 30,000. Of these 2628 are allocated to Crown Casino and the remaining 27,372 are allocated to clubs and hotels throughout the State.

On 7 July 2017, the Minister for Consumer Affairs, Gaming and Liquor Regulation announced that the number of EGMs operating in hotels and clubs in Victoria will remain

capped at 27,372. As of June 2017, 26,365 EGMs were operating in Victoria. This is 1007 EGMs below the cap and means that the number of EGMs in Victoria may be permitted to increase.

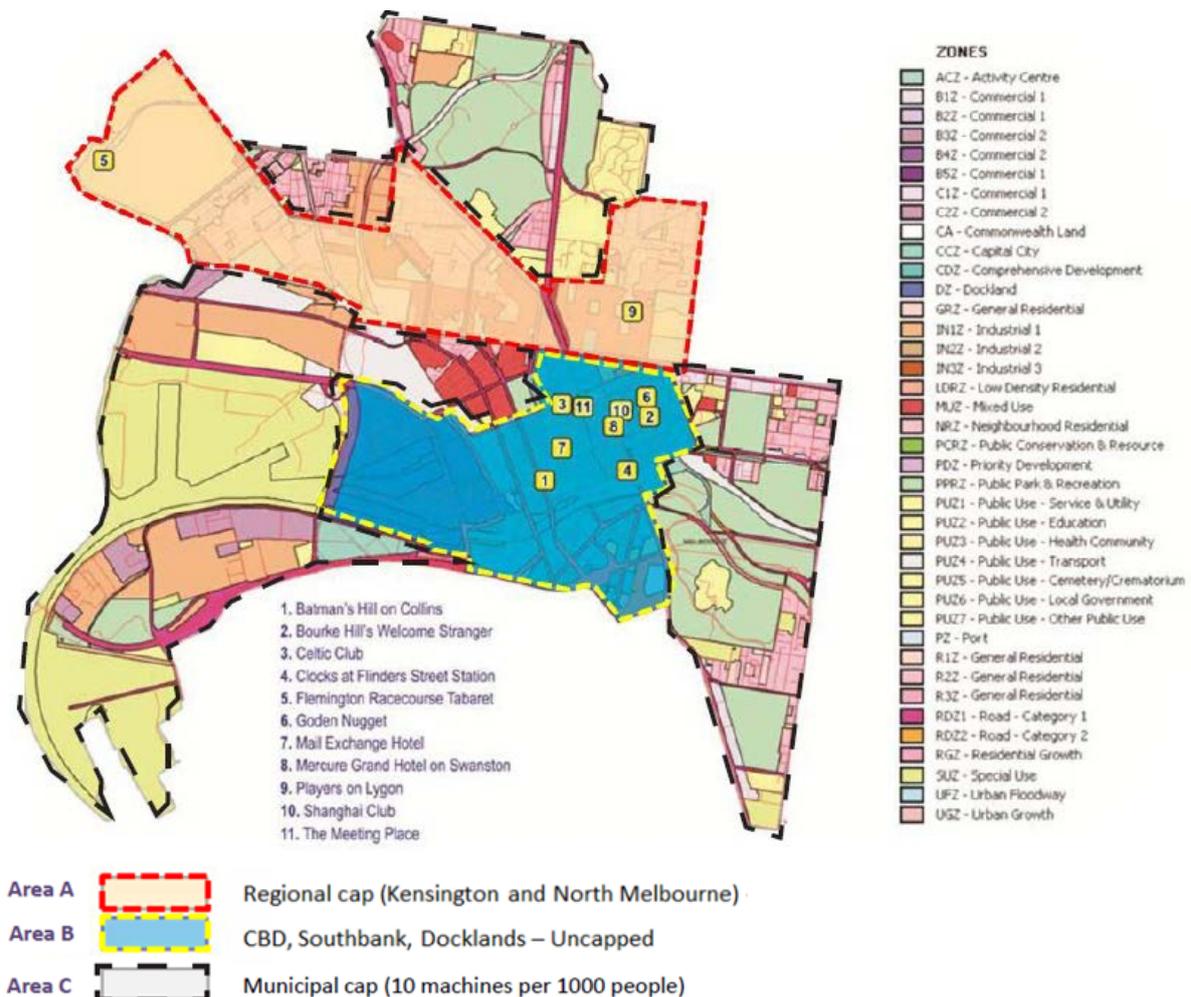
There are both capped and uncapped areas in the City of Melbourne (see Figure 2 below).

The City of Melbourne is unique in that no cap applies to the Hoddle Grid, Docklands and Southbank. This means that in these areas, there is no mandated limit on the number of EGMs permitted.

There are areas within Victoria where regional caps apply. These caps set by the Minister for Gaming are introduced to prevent further concentration of EGMs in areas of the State identified as being particularly vulnerable to the harm caused by problem gambling. A regional cap applies to parts of North Melbourne, Carlton, Kensington and Flemington. In this capped region, the maximum number of EGM entitlements is 149 machines. This has reduced recently from 177 machines as a result of changes from the State Government announced in September 2017. Two of the existing venues are located in the area covered by the regional cap. At present, these two venues are collectively operating at the maximum capacity of the cap (149 machines). Therefore no further EGMs will be permitted in this region.

Areas outside the uncapped and regional capped areas are covered by a municipal cap on the number of EGMs. This cap is determined by the number of gaming machines per thousand adults, with the maximum number set at 10 machines per 1000 adults. In the City of Melbourne, the maximum number of EGMs permitted in the area covered by the municipal cap is 143 EGMs.

Figure 1: The City of Melbourne showing capped and uncapped areas overlaid on land use zones



5.3 Planning and Environment Act 1987

Under the *Planning and Environment Act 1987* Council is the responsible authority for determining the outcome of applications for planning permits, except for the following circumstances where the Minister for Planning is the Responsible Authority:

- all developments with a gross floor area exceeding 25,000 square metres
- under the Schedule to Clause 61.10 significant entertainment, transport, sporting, arts and housing precincts in the municipality including the Melbourne Casino Area, Flemington Racecourse, Southern Cross Station, the sports and entertainment precinct surrounding AAMI Park and Melbourne Park, the Arts Precinct, the Melbourne Convention Centre in Southbank, the Games Village precinct in Parkville, the Carlton Housing Precincts.

Under these circumstances, Council has the opportunity to comment on an application for a planning permit or make a submission in relation to a proposed planning scheme amendment.

Under the Melbourne Planning Scheme key provisions relating to the assessment of gaming venues are:

State Planning Policy Framework	<ul style="list-style-type: none"> • Seeks to achieve appropriate land use and development and net community benefit • Encourages the concentration of major entertainment and cultural developments into activity centres. • Discourages large scale entertainment facilities in out-of-centre locations • Seeks to maintain and develop Metropolitan Melbourne as a desirable tourist destination • Encourages initiatives that revitalise the retail core of the Central City, develop city precincts, maintain city safety and provide leisure services.
Municipal strategic statement	<ul style="list-style-type: none"> • Recognises the role the City plays in providing cultural, leisure and entertainment activities • Discourages the concentration of gaming venues in the Central City. • Identifies strip shopping centres.
Existing local planning policy for gaming	<ul style="list-style-type: none"> • Discourages gaming premises in residential areas. • Gives preference to top ups over new gaming premises.

A planning permit is required for the use/installation of EGMs under Clause 52.28 of the Planning Scheme. When assessing an application, Council can consider the location of the venue or machines, the social and economic impacts of the venue or machines and the appropriateness of the layout of the venue.

Clause 52.28 prohibits the location of EGMs in identified shopping complexes and in strip shopping centres outside the Capital City Zone.

5.4 Council's roles and responsibilities

In addition to determining the outcome of planning permit applications and making submissions to the Commission on applications for gaming approvals, Council fulfils several other statutory roles defined by the *Local Government Act 1989* and the *Public Health and Wellbeing Act 2008*.

The roles Council plays in relation to managing gambling activities in the municipality are summarised below (refer to Figure 3).

The City of Melbourne is a member of the Alliance for Gambling Reform, and plays an important role in leading and shaping the advocacy agenda to reduce harms associated with gambling.

This includes advocating to the Federal and Victorian State Governments for the reconfiguration of EGMs so that their addictive features are removed, increasing restrictions on gambling advertising, and increasing regulation on online gambling platforms and sports betting. It also includes advocating to the Victorian State Government for amendments to the local government submission form and submission period to reduce Council's resources involved in making a submission for applications for gaming approval.

The City of Melbourne can build capacity within the community to reduce their vulnerability to gambling-related harms through the delivery of services, information dissemination, and continuing its strong collaborative relationships with stakeholders and agencies responsible for enhancing and safeguarding the health and wellbeing of the community.

Figure 2 – Council’s roles and responsibilities



6 Decision-making framework

This Decision Making Framework, once adopted by Council will underpin decisions Council makes in fulfilling all its roles as outlined in Figure 2 above, in preventing and minimising harms associated with gaming.

6.1 Principles

The following principles have emerged from decisions made by Planning Panels Victoria, the Tribunal and the VCGLR under the *Gaming Regulation Act 2003* and the *Planning and Environment Act 1987*.

Position on gaming

Gaming is a legitimate form of recreation and there can be benefits to the community.²²

Council's role

Councils have important functions relating to health and wellbeing under the *Local Government Act 1989* and the *Public Health and Wellbeing Act 2008*. These functions give Councils the foundation on which to make informed decisions about the economic and social impact of EGMs on the wellbeing of local communities.²³

Caps on EGM numbers

The imposition of municipal and regional caps on the maximum number of EGMs permissible in a local government area is the State Government's response to a concentration of gaming venues²⁴.

Community

Typically the community is considered to be the population of the municipality for a gaming application. However, adjoining municipalities may also be considered²⁵ if the venue is in close proximity to the municipal boundary and if the local Council or community has made submissions in relation to the application.²⁶

Factors associated with net community benefit

The following factors can contribute to the potential for an application to achieve net community benefit:

- transfer of EGMs from areas of high to low disadvantage²⁷
- renovations and provision of additional or different non-gambling facilities and activities²⁸
- reduction in trading hours²⁹
- non-statutory community contribution allocated to problem gambling services³⁰
- screening between gaming and non-gaming floor areas³¹.

6.2 Relevant considerations under the two Applicable Acts

Specific considerations are provided for by the *Gambling Regulation Act 2003* and *Planning and Environment Act 1987*.

The Tribunal has recognised that although the application regimes under the *Planning and Environment Act 1987* and the *Gambling Regulation Act 2003* are separate, they are also linked and overlap (refer to Table 2).³²

Table 2 lists the factors that are relevant in considering applications under the two Acts, and then shows how they apply under each Act.

**Table 2 –Planning and gaming considerations under the relevant legislation:
similarities and differences**

Factor	Gaming approvals	Planning permits
Legislative instrument	<i>Gambling Regulation Act 2003</i>	<i>Planning and Environment Act 1987</i>
Social and economic impacts	Key decision-making factor	Only required to consider
Community benefit	Achievement of neutral or positive community benefit a statutory requirement	Net community benefit a material consideration but not a statutory requirement
Community	Considered at a municipal scale	Surrounding uses and communities typically within 400m and patrons within 2.5km
Assessment factors	Suitability of venue, for instance focus on design, operations and harm minimisation	Suitability of location and premises for instance focus on land use
Decision-making authority	Gaming Commission	Responsible authority – either Council or the Minister for Planning
Appeals against decision	Victorian Civil and Administrative Tribunal	Victorian Civil and Administrative Tribunal
Convenience gaming	Not a material consideration	Except in the Capital City Zone, EGMs prohibited in shopping complexes and strip shopping centres Preference for EGMs to be located outside core of activity centres
Suitability of premises for operation and management	Size, layout and facilities Guidelines set out in VCGLR Venue Manual Ministerial guideline outlining preferred location of children's play areas Physical and functional separation of gaming and non-gaming activities and facilities	Gaming area required to be 25per cent or less than total area available to the public Provision of a full range of facilities and services to hotel patrons and club members and patrons are a decision-guideline under Clause 52.28 Physical and functional separation of gaming and non-gaming activities and facilities required
Impacts on amenity of surrounding area	Not relevant	Impact on noise, traffic, car parking, land use mix, streetscape
Venue management considerations	Availability of non-gambling social, leisure, entertainment and recreation facilities	Availability of non-gambling social, leisure, entertainment and recreation facilities
Community views	Objections and submissions taken into account	Number of objections must be considered

6.3 Strategic action framework

6.3.1 Purpose

This strategic action framework describes how Council will fulfil its responsibilities in preventing and minimising gambling-related harms in the community. It is an overarching whole of Council action framework that incorporates actions that will guide Council during the preparation of submissions on applications for gaming approval under the *Gambling Regulation Act, 2003* and assessing planning permit applications under the *Planning and Environment Act, 1987*. It also supports functions of Council as specified in the *Local Government Act, 1989* such as advocating and promoting proposals which are in the best interest of the local community, planning for and providing services and facilities for the community, undertaking strategic and land use planning and making and enforcing laws.

6.3.2 Scope

The actions within the strategic action framework cover all Council's roles in relation to preventing and minimising gambling-related harms. The social and economic impact assessment tool (Appendix 2) will assist Council in assessing and considering the potential impacts of both a gaming and planning permit application on the community.

Clause 52.28 and the local planning policy for gaming included as Clause 22.12 of the Melbourne Planning Scheme provide the statutory guidance for Council's decision making in relation to planning permit applications for the use/installation of EGMs. These statutory instruments provide Council with legal tools to implement Council's actions relating to planning applications.

The objectives and actions relating to submissions to the VCGLR, and other objectives and actions relating to strategic partnerships, collaboration and leadership in the prevention of gambling-related harms articulate Council's position, but do not carry the same statutory weight as Clause 22.12 and Clause 52.28 of the Melbourne Planning Scheme. Nevertheless, in assessing an application for gaming approval, the Commission is likely to give weight to the extent to which the proposal aligns with these objectives and actions as Council has the statutory authority to represent the community's interests.

6.3.3 Goals

This strategic action framework is underpinned by the following goals:

- To fulfil Council's statutory role in addressing the harms associated with gaming, enhancing health and wellbeing, and achieving an overall benefit for our community.
- To reduce the prominence of gaming as a form of entertainment.

6.3.4 Objectives and actions

The following objectives and actions will guide Council in fulfilling all its roles, including making submissions on applications for gaming approval and assessing planning permit applications for the use and/or installation of gaming machines.

In the Table below:

- Objectives 1 and 2 focus on Council's statutory role in promoting healthy, safe and supportive environments
- Objective 3 focuses on Council's leadership role and gives rise to the preparation of the Local Planning Policy for Gaming
- Objectives 4, 5, 6 and 7 provide the framework for the scope of the Local Planning Policy for Gaming.

Table 3 – Strategic Action Framework

1. To promote and facilitate access to non-gambling social, leisure, entertainment and recreation opportunities in the municipality
1.1 Discourage proposals that do not both increase and diversify the range of social, leisure, entertainment and recreation activities and facilities in the municipality.
1.2 Discourage proposals where the gambling activities operate when other non-gambling social, leisure, entertainment and recreation facilities and activities are closed.
1.3 Assess the potential of Council's grants recipients to increase access to non-gambling social, leisure, entertainment and recreation facilities and activities.
1.4 Support programs, activities and facilities that increase the community's access to non-gambling social, leisure, entertainment and recreation facilities.
2. To strengthen harm minimisation through advocacy and collaboration
2.1 Advocate for: <ul style="list-style-type: none"> • inclusion of the uncapped areas under the municipal cap • no increase to the existing maximum number of EGMs currently permitted under the municipal cap (143 EGMs) • no increase to the regional cap limit in Region 14 (149 EGMs) • improvements to the mechanism through which Council makes submissions to the VCGLR • an increase in funding for services that support individuals directly and indirectly affected by gambling-related harms • a statutory requirement for all venue operators to allocate resources to addressing gambling-related harms • changes to the legislative and regulatory framework to limit the advertising of gambling through all media.
2.2 Collaborate with peak bodies, stakeholders, service providers and community groups in sharing information and advocating for improved harm minimisation measures.
3. To demonstrate leadership in the prevention of gambling-related harms
3.1 Review the Local Planning Policy for Gaming and Clause 52.28 of the Melbourne Planning Scheme in order to effectively manage the location and operation of gaming venues and EGMs in the municipality.
3.2 Utilise the Decision-Making Framework when preparing submissions to the VCGLR, undertaking strategic planning activities, and fulfilling all advocacy and consultation, roles, and activities.
3.3 Liaise with adjoining municipalities and stakeholders when responding to applications for gaming approval in the City of Melbourne in order to gain an understanding of the potential impact of a proposal on the wellbeing of the community across municipal boundaries.
3.4 Make submissions to the VCGLR on applications for gaming approvals in the City of Melbourne and in adjoining municipalities if the proposal is likely to introduce harms in the municipality.
3.5 Adopt an integrated approach to the prevention of gambling related harms by incorporating strategies to address the harms associated with gambling in relevant Council strategies, plans and policies.
3.6 Develop a strong evidence base that can support Council's roles in the prevention of gambling-related harms.
3.7 Prohibit all forms of gambling on Council-owned or managed land, the use of gaming venues for Council activities and events and access to opportunities to gamble online in all Council supported public internet access points.
3.8 Review leasing arrangements to ensure that community groups and sporting clubs are not permitted to advertise or promote gambling-related activity at local venues or via online gambling agencies.
3.9 Review Council community events, activities, programs and social outings to ensure that they do not include venues that operate as gaming venues.
3.10 Collaborate with community groups and clubs to assess their sources of external funding and consider not taking funding from local gaming venues due to their significant revenue from EGM gambling losses.

3.11 Raise awareness in the community of the potential harms associated with gambling and the availability of services to address gambling-related harms.

3.12 Facilitate the inclusion of community views and sentiments on applications for gaming approvals and planning permits applications.

3.13 Facilitate collaboration between Council, stakeholders and venue operators to identify opportunities to collectively address existing and emerging gambling-harm in the community.

4. Protect individuals and communities at an elevated risk of harms

4.1 Require applications for planning permits to be accompanied by a rigorous and transparent independent assessment of the potential social and economic impacts of the proposal on the community within which it is located.

4.2 Discourage proposals that redistribute the density of EGMs per 1,000 adults and EGM expenditure towards areas of high disadvantage.

4.3 Discourage gaming venues and EGMs that result in exposure of gambling activities to individuals and communities at an elevated risk of gambling-related harms.

5. To ensure that gaming venues are appropriately located

5.2 Discourage proposals that would:

- Contribute to the disproportionate density of EGMs per 1,000 adults and EGM expenditure within the CBD
- Increase the prominence of gaming in existing communities or establish gaming as the prominent form of entertainment in emerging communities
- result in impulse gambling and increased exposure to gambling activities
- have a negative impact on the amenity and safety of the community.

6. To achieve best practice in the regulation and management of gaming venues and use of electronic gaming machines

6.1 Discourage proposals where the gaming venue operates beyond 2am and for more than 18 hours per day.

6.2 Encourage venue operators to prepare, adhere to and review venue management plans that transparently describe the venue's harm minimisation practices.

6.3 Encourage venue operators to regularly identify and analyse their patron profile of the venue and gaming lounge.

6.4 Ensure that appropriate conditions are included in planning approvals and that planning permit conditions are adhered to.

6.5 Notify the VCGLR if there is evidence to indicate that the venue operator is not complying with conditions in the gaming approval.

6.6 Encourage venue operators to undertake appropriate consultation activities prior to applying for gaming approval and planning permits to establish a gaming venue or increase the number of EGMs.

7. To maximise the benefits associated with gambling

7.1 Collaborate with venue operators to:

- seek opportunities to increase the value of non-statutory community contributions that benefit the City of Melbourne
- identify opportunities to allocate non-statutory community contributions to services and agencies that directly address social disadvantage and gambling-related harms in the City of Melbourne.

7.2 Discourage proposals that do not diversify the range of non-gambling social, leisure, recreational and entertainment facilities; generate jobs within the community affected by the proposal; stimulate tourism; or generate supply contracts and complementary expenditures within the City of Melbourne.

6.4 Social and economic impact assessment tool

A social and economic impact assessment tool has been provided at Appendix 2. It will assist with the preparation of submissions to the VCGLR and the assessment of planning permit applications to install and use EGMs. It integrates all relevant assessment criteria which are derived from the primary physical, social and economic determinants gambling-related harms. As noted in Clause 22.12 of the Melbourne Planning Scheme, any application for the use/installation of EGMs will need to submit a social and economic impact assessment prepared by a suitably qualified consultant. The tool in Appendix 2 may also assist the relevant consultant in this task.

6.5 Monitoring and review

The effectiveness of the objectives and actions in the City of Melbourne Electronic Gaming Decision-Making Framework may be monitored in terms of the following indicators:

- Reduction in density of EGMs per 1000 adults, total EGM expenditure and EGM expenditure per adult in areas and communities considered at an elevated risk of gambling-related harms
- Increase number and diversity of non-gambling activities in municipality.
- Reduction in demand for gambling support services
- A reduction in resources associated with the preparation of submissions to the Commission and planning permit applications
- Increase in cash and in-kind community contributions allocated to services and agencies that address vulnerability to gambling-related harms in the City of Melbourne.

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Appendix 2 – Social and Economic Impact Assessment Tool

The *City of Melbourne Gaming Social and Economic Impact Assessment Tool* will assist officers gather information for applications for planning permits to use and install electronic gaming machines under the Melbourne Planning Scheme and the *Planning and Environment Act 1987* and for applications for gaming approval considered under the *Gambling Regulation Act 2003*. Unless otherwise indicated, the Tool is relevant to both assessment processes.

The evidence base underpinning this Tool is provided in Section 8 of the *City of Melbourne Electronic Gaming Machine Review Background Report 2017*. Where appropriate, the Tool describes where the information may be found. The Tool consists of three main sections including the application details, an analysis of specific risk and protective factors that may increase or reduce the potential for the proposal to result in gambling-related harms, and the assessment of the potential benefits and harms associated with the proposal.

Application details

This section describes the physical land use context of the proposal site, the proposed changes to the design and layout (in the case of an existing venue) and the proposed changes to key gaming indicators.

Information	Existing	Proposed
Venue address*		
Venue type (hotel or club*)		
Number EGMs*		
Total expenditure on EGMs in the venue*		
Venue net machine revenue*		
Operating hours*		
Total employment EFT*		
Employment in gaming lounge*		
Harm minimisation measures*		
Non-gambling social, leisure, entertainment and recreation facilities and activities (number and size in m ²)*		
Location of gaming lounge in relation to non-gaming activities and facilities*		
Liquor licence type and details**		
Statutory community contributions*		
Non-statutory community contributions*		
Land use zone of site*		
Adjoining zoning*		
Surrounding zoning*		
Density of EGMs per 1000 adults (municipal)**		
EGM expenditure per adult (municipal)**		
Adults per venue (municipal)**		

Source of data: *Application documentation (app docs) **VCGLR

Risk and protective factors

This section describes specific risk and protective factors that may be associated with the proposal. The risk factors increase the potential for the proposal to contribute to gambling-related harms while the protective factors reduce the potential for the proposal to contribute to gambling-related harms.

Columns highlighted in red represent potential risk factors and harms while columns highlighted in green represent potential protective factors and benefits.

Venue features, design and operations

The indicators included in this section relate to the changes to key gaming indicators associated with the proposal.

Number of EGMs	Data Source	Yes	No	Comment
Results in net increase in the number of EGMs in the municipality	App docs			
Density	Data Source	Yes	No	Comment
Results in a net increase in density of EGMs per 1,000 adults	App docs			
Results in a density of EGMs per 1,000 adults that is greater than the metropolitan average	VCGLR			
Venue	Data Source	Yes	No	Comment
Results in increase in number of venues in municipality	App docs			
Located in area covered by Regional Cap	VCGLR			
Expenditure	Data Source	Yes	No	Comment
Has an expenditure per attached EGM entitlement above the average for the City of Melbourne	VCGLR			
Results in an increase in expenditure per adult	VCGLR			
Results in an expenditure per adult that is above the average for metro Councils	VCGLR			
Employment	Data Source	Yes	No	Comment
Increases number of people employed in the gaming room	App docs			
Operating hours	Data Source	Yes	No	Comment
Operates after 2am	App docs			
Operates 24 hours per day	App docs			

Venue features, design and operations continued

Venue design	Data Source	Yes	No	Comment
Gaming room visible from front entrance	Site visit and/or app docs	Yes	No	
Gaming room visible from non-gaming activities	Site visit and/or app docs	Yes	No	
Gaming room visible and audible from children's play area	Site visit and/or app docs	Yes	No	
Gaming room accessed without having to pass through non-gambling activities.	Site visit and/or app docs	Yes	No	
EGMs visible from footpath and street	Site visit and/or app docs	Yes	No	
Smoking area attached to gaming lounge.	Site visit and/or app docs	Yes	No	
Serving of alcohol	Data Source	Yes	No	Comment
Alcohol served in gaming room after other areas of venue closed.	App docs	Yes	No	
Venue operations and management	Data Source	Yes	No	Comment
Venue operates a rewards system.	Site visit and/or app docs	Yes	No	
Only proposes statutory harm minimisation measures.	App docs	Yes	No	
Only proposes statutory community contributions	App docs	Yes	No	
Incorporates other gambling	Site visit and/or app docs	Yes	No	

activities				
Has gambling as the main form of entertainment	Site visit and/or app docs			

Potential to contribute to convenience gambling

The indicators in this section relate specifically to the land use aspects of the proposal that determine the extent to which the proposal could result in convenience gambling. These indicators are more relevant to an application for a planning permit considered under the Melbourne Planning Scheme and the *Planning and Environment Act 1987*.

Land uses adjoining proposal site	Data Source	Yes	No	N/A	Comment
EGM gambling venue	Site visit				
Shopping complex	Site visit				
Strip shopping centre	Site visit				
Welfare and support agency	Site visit				
Train station	Site visit				
Bus stop	Site visit				
Tram stop	Site visit				
Social housing	Site visit				
Student accommodation	Site visit				
Tertiary education facility	Site visit				
Land uses visible from proposal site	Data Source				
EGM gambling venue	Site visit				
Shopping complex	Site visit				
Strip shopping centre	Site visit				
Welfare and support agency	Site visit				
Train station	Site visit				
Bus stop	Site visit				
Tram stop	Site visit				
Social housing	Site visit				
Student accommodation	Site visit				
Tertiary education facility	Site visit				
Land uses within 400m of proposal site	Data Source	Yes	No	N/A	Comment
EGM gambling venue	Site visit				
Shopping complex	Site visit				
Strip shopping centre	Site visit				
Welfare and support agency	Site visit				
Train station	Site visit				
Bus stop	Site visit				
Tram stop	Site visit				
Social housing	Site visit				
Student accommodation	Site visit				
Tertiary education facility	Site visit				
Social, leisure, entertainment and recreation uses closed when gaming room is open	Site visit				

Municipal socio-economic and health profile

This section lists the socio-economic and health factors that are associated with gambling-related harms at a municipal level. Where the proportion of each indicator is above that of Victoria, it represents a risk factor. Conversely, where the indicator is below that of Victoria, it represents a protective factor.

Health profile	Data Source	Yes	No	Comment
Domestic violence	Crime Statistics Agency			
People experiencing drug and alcohol harms	DHHS			
Smokers	DHHS			
Gambling-related harms	DHHS			
Mental health issues	DHHS			

Socio-economic profile of catchment

This section lists the socio-economic and health factors that are associated with gambling-related harms within the catchment to be served by the venue. This assessment is conducted at the Statistical Area 1 (SA1) or state suburb (SSC) where the SA1 data are not available. Where the proportion of each indicator is above the City of Melbourne, it represents a risk factor. Conversely, where the indicator is below that the City of Melbourne, it represents a protective factor.

Socio-economic profile	Data source	Yes	No	Comment
Socio-economic disadvantage	ABS			
Aboriginal and Torres Strait Islanders	ABS			
People who had lower levels of educational attainment (Year 10 or lower)	ABS			
Machinery operators or drivers	ABS			
Sales workers	ABS			
Labourers	ABS			
People with a personal annual income between \$31,200 and \$51,999	ABS			
People living in households with a median annual household income \$62,400 - \$103,999	ABS			
People living in group households	ABS			
Young people aged 18–24	ABS			
People not speaking English at home or non-Caucasians	ABS			
People who are unemployed or not in the workforce	ABS			
Migrants and people from CALD communities, particularly Asian groups including Vietnamese, Chinese and Korean	ABS			

Socio-economic profile of patron profile

This section lists the socio-economic and health factors that are associated with gambling-related harms within the patron profile be served by the gaming lounge in the gaming venue. This assessment is conducted for each of the suburbs included in the venue patron profile. Where the proportion of each indicator is above the City of Melbourne or the municipality where the suburbs are located if they are outside the City of Melbourne, it represents a risk factor. Conversely, where the indicator is below that the City of Melbourne or the relevant municipality, it represents a protective factor.

Socio-economic profile of patrons	Data Source	Yes	No	Comment
Socio-economic disadvantage.	App docs and ABS			
Aboriginal and Torres Strait Islanders	App docs and ABS			
People who had lower levels of educational attainment (Year 10 or lower)	App docs and ABS			
Community or personal services workers	App docs and ABS			
Machinery operators or drivers	App docs and ABS			
Sales workers	App docs and ABS			
Labourers	App docs and ABS			
People with a personal annual income between \$31,200 and \$51,999	App docs and ABS			
People living in households with a median annual household income \$62,400 - \$103,999	App docs and ABS			
People living in group households	App docs and ABS			
Young people aged 18–24	App docs and ABS			
People not speaking English at home or non-Caucasians	App docs and ABS			
People who are unemployed or not in the workforce	App docs and ABS			
Migrants and people from CALD communities, particularly Asian groups including Vietnamese, Chinese and Korean	App docs and ABS			

Impact assessment

The information in this section guides the assessment of the potential social and economic benefits and harms associated with the proposal. It incorporates factors physical land use factors, impacts on communities and individuals at an elevated risk of gambling-related harms and potential contributions to the community.

Potential benefits

Social	Data source	No	Yes	N/A	Comment
Restoration of historic building	App docs				
Provision of new social, leisure, entertainment and recreation facilities that are available to all sectors of the community	App docs				
Upgrading of existing social, leisure, entertainment and recreation facilities that are available to all sectors of the community	App docs				
Cash and in kind contributions (over and above statutory requirements) in the City of Melbourne	App docs				
Potential for RSL clubs to deliver support and welfare services	App docs				
Economic	Data Source	No	Yes	N/A	Comment
Economic stimulus through supply contracts, investment sourced from within City of Melbourne	App docs				
Complementary expenditure increased in the City of Melbourne	App docs				
Potential for the proposal to stimulate competition ¹	App docs				
Potential to stimulate tourism	App docs				
Creation of additional employment sourced from the City of Melbourne	App docs				
Government revenue through taxes	App docs				
Retention of expenditure within City of Melbourne	App docs				

¹ *Mount Alexander SC v Victorian Commission for Gambling and Liquor Regulation & Ors [2013] Para 25, 164 and 165*

Potential harms

Social	Data source	Yes	No	N/A	Comment
Results in transfer of expenditure to areas displaying high levels of socio-economic disadvantage	App docs				
Results in transfer of EGMs to areas displaying high levels of socio-economic disadvantage	App docs				
Potential to increase gambling related crime and disturbance	Stakeholder engagement				
Exposure of gaming employees to gaming	App docs				
Community concern with proposal	Community survey, objections and submissions				
Potential to increase demand for health, welfare and support services	Stakeholder engagement				
Economic	Data source	Yes	No	N/A	Comment
Potential diversion of trade from existing businesses	Stakeholder engagement				

Appendix 3 Key EGM data 2015–16

Indicator	City of Melbourne	Average metropolitan Melbourne	Victoria
SEIFA score of relative socio-economic disadvantage	1050.7	1020.3	1009.6
Number of attached EGM entitlements (operating EGMs)	746	N/A	N/A
Number of EGM licences	799	622	462
Number of venues	11	10	9
Total EGM expenditure/player Loss	\$ 79,770,052.63	\$67,121,836.29	\$45,907,078.87
Average number of attached EGMs per venue	68	59	50
Average EGM expenditure per venue	\$ 7,251,822.97	\$6,227,313.61	\$4,587,454.53
Average expenditure per attached EGM entitlement	\$106,930.37	\$104,767.04	\$87,776.28
Adults per venue	11,102	11,359	9,461
Density EGMs per 1,000 adults	6.1	5.3	5.7
EGM expenditure per adult	\$653.19	\$575.20	\$553.13

Source: VCGLR

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 - ²⁰ The evidence base for these determinants of gambling-related harms is presented in the *Melbourne City Council Gambling Policy and Decision-Making Framework Background 2017*
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