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Prepared for
Leakes CUT Nominees Pty Ltd

Prepared by
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March 2021

**Town Planning
Expert Evidence**
Planning Panels Victoria
Amendment C252

Local Gaming Policy
Wyndham City Council

Expert: evidence

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1.1 Introduction

- 1.1.1 I have been engaged by Leakes CUT Nominees Pty Ltd, to review Amendment C252 to the Wyndham Planning Scheme.
- 1.1.2 Amendment C252 seeks to replace the existing Local Planning Policy for Gaming at Clause 22.03 of the Wyndham Planning Scheme with a revised Schedule to Clause 52.28.
- 1.1.3 Specifically, the Amendment seeks to:
- Delete Clause 22.03 and includes new gaming policy at Clause 52.28.
 - Amend Clause 21.08 by removing sub-clause 21.08-5 Gaming, and references to Clause 22.03, schedules to Clause 52.28 and the Responsible Gambling Strategy (2012-2014)
 - Amends the Liveability provisions of Clause 21.02-3 to include Gaming as a Key Issue and inserts new objectives and strategies. It is also sought to amend 21.02 to include ‘The Wyndham Gambling Harm Minimisation Policy and Action Plan 2018-2022’ as a reference document.
 - Update Clause 52.28 Gaming to guide the appropriate location and operation of electronic gaming machines, as well as new application requirements, decision guidelines and an updated list of shopping complexes where the installation or use of electronic gaming machines (EGMs) is prohibited.
- 1.1.4 Having reviewed the Amendment and its supporting documents, I have prepared this statement of evidence summarising my findings and recommendations.

1.2 Name and Address

- 1.2.1 My name is Colleen Yvonne Peterson. I am Chief Executive Officer at Ratio Consultants Pty. Ltd, which conducts its business at 8 Gwynne Street, Cremorne.

1.3 Qualifications

- 1.3.1 I am a qualified Town Planner and have practiced town planning since 1992. My experience includes 6 years in local government, culminating as Planning Approvals Coordinator at the City of Stonnington in 1998. I have been practicing as a consultant town planner for the past 19 years and was formerly an Associate at SJB Planning and Director of Metropol Planning Solutions. I joined Ratio Consultants as an Associate Director in September 2004 and was made a Director in July 2005. In 2014 I was made Managing Director.
- 1.3.2 I hold a Bachelor of Planning and Design (Hons) from the University of Melbourne.
- 1.3.3 I am a board member of the Victorian Planning and Environmental Law Association (VPELA) and sit on the executive of that Board. I am a member of the Planning Institute of Australia (PIA).

1.4 Relevant Expertise

- 1.4.1 During the past 30 years, I have gained extensive experience in a range of town planning matters, including medium and higher density housing, commercial land use such as regional shopping centres, liquor licencing matters and industrial developments throughout Victoria. I have experience in advising a variety of public sector and private clients on a wide range of planning and development issues, including social and

economic impact analysis in the gaming industry and the preparation of cumulative impact assessments.

- 1.4.2 I sat on the VPELA/PIA joint committee for the organisation of the 2010 State Planning Conference and in 2012 was selected as an Expert Community Panel Member for PIA's Clean Energy Future Project. I regularly present at VPELA/PIA events and in 2014, I was part of the 2014 Victorian State Planning Conference session on the zone reforms in Victoria.
- 1.4.3 I have been a guest lecturer at the University of Melbourne and RMIT in matters pertaining to planning and heritage on numerous occasions.
- 1.4.4 From 2010 to 2014 I was elected to the Architectural Registration Board of Victoria (ARBV), being Deputy Chair of the Board from 2013 to 2014.
- 1.4.5 I speak extensively at a variety of public forums, including the 2018 Green Building Council of Australia Conference, the 2018 PIA National Congress in Perth and the 2018 International Urban Design Conference in Sydney. These topics range from social inclusion, protection of public spaces from overshadowing and the need for 'dangerous' ideas to reform the planning process in Victoria.
- 1.4.6 I was selected to speak at the AIA national conference in 2020 and the APA national conference in Houston in 2020. Both conferences were cancelled due to covid.
- 1.4.7 I have extensive experience before VCAT and the VCGLR regarding gaming matters. Since the creation of the 'net detriment test' in the Gaming Regulation Act in 2003, I have undertaken more than 100 social and economic impact assessments and given evidence before the VCGLR and VCAT dozens of times. These matters range from top ups, new venue applications – both in regional Victoria and metropolitan Melbourne. I have also undertaken work in this space in the Northern Territory.

1.5 Investigations & Research

- 1.5.1 In the course of preparing this report I have (amongst other things) reviewed the following materials:
 - The proposed Local Planning Policy;
 - The existing Local Planning Policy for Gaming (Clause 22.03) and other relevant sections of the PPF and LPPF of the Wyndham Planning Scheme proposed to be amended or deleted.
 - Wyndham Gambling Harm Minimisation Policy and Action Plan 2018-2022;
 - The Background Report prepared by Mr. Rob Milner submission in association with K2 Planners, dated July 2019;
 - Gambling Regulation Act 2003;
 - Planning & Environment Act 1987;
 - Review of other gaming policies that have been incorporated to other metropolitan planning schemes that include growth areas.
 - Planning Panels Victoria Guide to Expert Evidence.
 - the relevant sections of the PPF and LPPF of the Wyndham Planning Scheme and associated documents and policies that currently consider gaming.
- 1.5.2 I have attended all gaming venues (both hotels and clubs) with the Wyndham LGA. I have observed these venues including the range of facilities that each of the club/hotel offer and analysed key criteria, such as NMR and proximity to retailing to better understand the gaming landscape in the municipality.

- 1.5.3 I have also reviewed analysis, undertaken by Mr. Grant Logan that identifies the provision of entertainment offerings within the established activity centres near to Club Officer in Officer and the WestWaters Hotel & Entertainment Complex in Caroline Springs. I have also drawn upon my own experience of the provision of facilities, including entertainment, in growth areas.
- 1.5.4 I have also reviewed the impact on available locations to establish new gaming venues within the Manor Lakes and Tarneit North PSP's (both located in Wyndham) by applying the criteria set out in the proposed local policy under the Schedule to Clause 52.28.
- 1.5.5 I was assisted by Mr. Grant Logan of my office in the preparation of this report.

1.6 Assumptions

- 1.6.1 In forming my opinions about this proposal, I have relied upon the material referred to at 1.5 above.
- 1.6.2 In reviewing this application, I have been mindful of the importance of delineating the differences between the statutory considerations under the Gambling Regulation Act and the Planning and Environment Act.
- 1.6.3 In particular, the 'no net detriment' test under the Gambling Regulation Act is distinct in substance and application from the considerations under Clause 52.28, which are primarily concerned with the locational characteristics of a proposed venue.

1.7 Relationship with Party for Whom the Report has been Prepared

- 1.7.1 I have no relationship with Leakes CUT Nominees Pty Ltd other than a business agreement for the preparation of my independent expert opinion with regard to this matter.
- 1.7.2 I did give evidence on behalf of Werribee Tigers at a recent hearing before the Victorian Commission for Gambling and Liquor Regulation seeking approval for 70 EGMS for land at 115 Wood Road, Truganina. There is a commercial relationship between the Werribee Tigers and Leakes CUT Nominees Pty Ltd.

1.8 Summary & Opinion

- 1.8.1 In summary, it is my opinion that:
- The proposed local policy under Clause 52.28 as exhibited does not address the appropriate requirements or provides acceptable decision criteria for new venues as guided by the Planning and Environment Act or Clause 52.28.
 - That subject to the recommendations set out in this evidence statement that Amendment C252 to the Wyndham Planning Scheme be adopted in a modified form as detailed in my evidence.
- 1.8.2 These conclusions are expanded upon in the following sections of this statement of evidence.

2.1 What is the amendment seeking to do?

- 2.1.1 Amendment C252 seeks to replace the existing Local Planning Policy for Gaming at Clause 22.03 of the Wyndham Planning Scheme with a revised Schedule to Clause 52.28.
- 2.1.2 The Amendment is supported by the reference document Wyndham Gambling Harm Minimisation Policy and Action Plan 2018-2022. This document replaces Council's two previous position statements, the Electronic Gaming Machine Policy adopted in 2010 and Wyndham City's Responsible Gambling Strategy 2012-2014 adopted in 2012.
- 2.1.3 Specifically, the Amendment seeks to:
 - **Delete Clause 22.03** and includes new policy direction for gaming within the Schedule at Clause 52.28.
 - **Amend Clause 21.08** by removing sub-clause 21.08-5 Gaming, and references to Clause 22.03, schedules to Clause 52.28 and the Responsible Gambling Strategy (2012-2014). **This removes any reference/consideration of gaming under the Clause.**
 - **Amend** the Liveability provisions of Clause 21.02-3 to include gaming as a key issue and inserts new objectives and strategies. It is also seeks to include 'The Wyndham Gambling Harm Minimisation Policy and Action Plan 2018-2022' as a reference document to the Clause.
 - **Introduces new local Schedules to Clause 52.28 Gaming** to guide the appropriate location and operation of electronic gaming machines, as well as new application requirements, decision guidelines and an updated list of shopping complexes where the installation or use of electronic gaming machines (EGMs) is prohibited.

Clause 21.02 - Settlement

- Amendment C252 seeks to amend Clause 21.02 to add reference to the objectives of the Wyndham Gambling Harm Minimisation Policy and Action Plan 2018-2022.
- It is proposed to add the following objective to Clause 21.02-3 (Liveability):

Gaming and gambling is a potential source of considerable harm to the wellbeing, health and safety of the Wyndham community. Wyndham offers many established hotels and clubs with electronic gaming machines. Growth areas present further opportunities to increase the number of gaming venues and EGMs. These considerations need to be balanced against the lack of clarity regarding the socio-economic attributes of the new emerging communities; their potential vulnerability to harm from convenient access to gaming; the delays in delivering a full range of activity centres and other community facilities, which collectively will have a bearing upon the identification of appropriate locations for gaming.

- It is also proposed to add a new key issue being:

Ensuring that the impacts of gambling on the health and wellbeing of the community are minimised.

- A new Objective 8 is also proposed to be added under 21.02-3 which seeks to:

To site electronic gaming machines in appropriate locations and venues where the potential gambling related harm to the community will be minimised.

- Objective 8 also includes a table of Strategies as shown below:

8.1	Discourage the establishment of new gaming venues in the growth areas, the subject of Precinct Structure Plans, until the new community has fully established, its demographic characteristics can be surveyed and analysed and the layout, composition and form of land use and development have been delivered.
8.2	Encourage additional EGMs to be consolidated in established venues where it can be demonstrated that they would not be proximate to areas of social and economic disadvantage, transport interchanges or convenience retail and community facilities, used by many people on a regular basis.
8.3	Ensure that a choice of other leisure and recreation pursuits are available proximate to gaming venues and alongside EGMs.

- Strategies 8.1 to 8.3 provide locational and demographic considerations for new gaming venues or increased in EGMs for established venues.
- The Wyndham Gambling Harm Minimisation Policy and Action Plan 2018-2022 is also proposed to be added as a reference document to Clause 21.02.

Clause 21.08 – Economic Development

- 2.1.4 Amendment C252 seeks to amend Clause 21.08 to remove any reference to gaming related directions. There are no additions to the Clause 21.08.
- 2.1.5 C252 seeks to delete:
 - All of Clause 21.08-5 ‘Gaming’
 - Two policy guidelines relating to gaming.
 - The Responsible Gambling Strategy (2012-2014)

Schedule 52.28 - Gaming

- 2.1.6 C252 seeks to make significant changes to the existing Schedule to Clause 52.28.
- 2.1.7 Section 1.0 of the Schedule to 52.28 includes a table of specific locations (shopping complexes) where the installation of use of a gaming machine is prohibited.
- 2.1.8 There is also a blanket prohibition at Section 2.0 in all strip shopping centres within the municipality.
- 2.1.9 C252 seeks to include further strip shopping centres into the Section as follows :

Pacific Werribee Shopping Centre, Hoppers Crossing	Land on the northwest corner of Heaths Road and Derrimut Road, Hoppers Crossing, except land occupied by the tavern containing 80 gaming machines.
Featherbrook Shopping Centre, Point Cook	Land on the southwest corner of Sneydes Road and Boardwalk Boulevard, Point Cook.
Soho Village Mixed-Use Precinct, Point Cook	All land within the Mixed Use Zone on the southeast corner of Sneydes Road and Malibu Boulevard, Point Cook.
Tribeca Village Mixed Use Precinct, Point Cook	All land within the Mixed Use Zone bounded by Saltwater Promenade and Carrick Street, Point Cook.
Williams Landing Shopping Centre, Williams Landing	Land on the southeast corner of Overton Road and Altair Street, Williams Landing. 100 Overton Road Williams Landing and any subsequent parcels created as a result of subdivision.
Allura Village Shopping Centre, Truganina	Land on the northeast corner of Elmhurst Road and Forsyth Road, Truganina. 50 Mainview Boulevard, Truganina and any subsequent parcels created as a result of subdivision.
Elements Shopping Centre, Truganina	185 Woods Road Truganina (Lot A on PS811258) and any subsequent parcels created as a result of subdivision.
Tarneit Central Shopping Centre, Tarneit	Land on the southeast corner of Leakes Road and Derrimut Road, Tarneit.
Riverdale Village Shopping Centre, Tarneit	Land on the northeast corner of Hummingbird Boulevard and Mulholland Drive, Tarneit, and on the southeast corner of Hummingbird Boulevard and Crimp Drive, Tarneit. Nos 177 and 200 Hummingbird Boulevard, Tarneit.
Manor Lakes Central Shopping Centre, Manor Lakes	Land on the northwest corner of Ballan Road and Manor Lakes Boulevard, Manor Lakes. 455 Ballan Road Manor Lakes.
Jubilee Neighbourhood Centre Shopping Centre, Wyndham Vale	Land bounded by Ballan Road, Welcome Parade and Memory Crescent, Wyndham Vale. Nos 1, 1A and 9 Welcome Parade, Wyndham Vale and Nos 772 and 940 Ballan Road, Wyndham Vale and any subsequent parcels created as a result of subdivision.
Wyndham Vale Square Shopping Centre, Wyndham Vale	Land on the southeast corner of Greens Road and Armstrong Road, Wyndham Vale.
Woodville Park Mixed-Use Precinct, Hoppers Crossing	All land within the Mixed Use Zone bounded by Warringa Crescent and Woodville Park Drive, Hoppers Crossing.

2.1.10 A new Section 4.0 sets out discretionary locational guidance for gaming venues and machines and these include. It differentiates where gaming should be located and where it should be discouraged.

2.1.11 It suggests that gaming should be located:

- Where the community has convenient access to a choice of non-gaming entertainment, leisure, social and recreational uses that operate at the same time as the gaming venue in the surrounding area such as hotels, clubs, cinemas, restaurants, bars, theatres, galleries, exhibition centres, sporting venues and indoor recreation facilities.
- Where they would make a positive contribution to the redistribution of gaming machines away from relatively disadvantaged areas, as defined by the latest SEIFA Index of Relative Socio-economic Disadvantage.

2.1.12 Gaming should be discouraged from the following locations:

- Areas of socio-economic disadvantage, being areas in or adjoining a Statistical Area Level 1
- (SA1) which, accords to the most recent SEIFA index of relative disadvantage, is in the State's lowest 20% of relative disadvantage.
- Areas of everyday neighbourhood activity with high pedestrian access, where a decision to gamble may be spontaneous rather than predetermined.
- In new growth areas being developed in accordance with an approved Precinct Structure Plan until at least the majority of lots and the layout of activity centres, shopping centres and strip shopping centres have been developed on the ground.

- Gaming venues should not be established ahead of the provision of non-gambling entertainment, recreation activity and social infrastructure.
 - In the rural townships of Wyndham where EGMs do not currently exist.
 - In locations where the predominant surrounding land use is residential.
 - In buildings used for residential purposes.
 - Within 400 metres walking distance or clear line of sight of:
 - An existing or approved gaming venue
 - An existing or approved shopping complex and strip shopping centre
 - A train station
 - Social housing (housing for people of lower incomes that is owned or leased by the Department of Health and Human Services, registered housing association or a not for profit housing organisation)
 - A gambling sensitive service or facility that is used by people experiencing or vulnerable to gambling related harms such as the office of specific problem gambling services, financial counselling services, and material and financial aid services.
- 2.1.13 Further direction is proposed to be included at Section 5.0 including:
- 2.1.14 Gaming machines should be located:
- In venues that offer alternative forms of non-gambling activities, such as social, leisure, entertainment, and recreational activities during gaming hours.
 - In existing venues approved for the operation of gaming machines in preference over new venues.
 - Venues with harm minimisation practices that can be demonstrated to exceed minimum standards.
 - In venues where the gaming area is physically, visually and functionally separated from non-gambling facilities, passers-by, pedestrian and vehicle access and car parking.
 - In venues that have signage that is of high-quality design and does not detract from the visual appearance and amenity of the surrounding area.
- 2.1.15 Gaming machines should not be located:
- In venues that operate 24 hours per day.
 - In venues where the gaming area is more than 25 per cent of the total leasable floor area that is open to the public.
 - Section 6 is proposed to set out a number of Application Requirements.
- 2.1.16 Finally, Section 7.0 sets out a number of decision guidelines for a permit under Clause 52.28, in addition to those specified in Clause 52.28 and elsewhere in the scheme. The decision guidelines include:
- Whether the proposal will increase gambling related harm.
 - Whether the proposal will contribute to the levels of socio-economic disadvantage or have any other adverse impact on vulnerable communities.
 - Whether there is a net community benefit to be derived from this proposal.
 - Whether the location and operation of gaming machines would increase exposure to gaming opportunities as part of day-to-day

activities such that a decision to gamble may be spontaneous rather than predetermined.

- Whether the proposal would create or contribute to an increased concentration of gaming venues or machines in excess of the state average.
 - Whether patrons will have access to non-gaming entertainment and recreation facilities in the surrounding area and in the gaming venue that operate at the same time as the gaming machines.
 - The impact of the proposal on the safety, amenity, character, tourism and cultural assets of the surrounding land area and municipality.
- 2.1.17 I understand that Council is no longer pursuing “Whether there is a net community benefit to be derived from this proposal” as one of the decision guidelines.
- 2.1.18 There has been some debate in the past about whether it is necessary to demonstrate that there will be a net social and economic benefit flowing from the approval of a planning permit application for gaming machines. I am mindful that under the Gaming Regulation Act 2003, the relevant test is that there be no net detriment to the social and economic wellbeing of the community.
- 2.1.19 Previous Tribunal decisions have clarified that it is not relevant as part of a gaming application to demonstrate that a proposal will result in a net community benefit.
- 2.1.20 Whilst Clause 60 of the Planning and Environment Act allows consideration to be given to any significant social and economic effects, this needs to be considered in the context of the specific planning scheme provisions for gaming at Clause 52.28 that focus on the social and economic impacts of the location of the machines, rather than the broader issues of community wellbeing that are separately regulated under the Gambling Regulation Act.
- 2.1.21 The inclusion of net community benefit seeks to impose a higher standard than that required by the Gambling Regulation Act, for which the test is no detriment.
- 2.1.22 I consider there to be sufficient other guidance as part of Clause 21.02 and within the Schedule to Clause 52.28 to ensure the social and economic impacts are appropriately addressed.
- 2.1.23 I therefore support the removal of this decision guideline from the Schedule of Clause 52.28.

Wyndham Gambling Harm Minimisation Policy and Action Plan 2018-2022

- 2.1.24 The *Wyndham Gambling Harm Minimisation Policy and Action Plan 2018-2022* was developed to guide the strategic and planning direction for gaming in the municipality.
- 2.1.25 The strategy was adopted by Council in June 2018 and is proposed to replace the Electronic Gaming Machine Policy adopted in 2010 and Wyndham City’s Responsible Gambling Strategy 2012-2014 adopted in 2012.
- 2.1.26 Broadly, it seeks to reduce the impact of gambling on the Wyndham community, to minimise perceived gambling associated harm and advocate for policy and legislative change. The strategy includes a policy and an action plan which outlines the vision, goals and objectives. It also includes a section for evidence basis to underpin the policy objectives.

- 2.1.27 The short to long term goals were sought to be achieved in 3-4 years with a number of ongoing actions beyond this time period identified to implement the longer-term objectives of the strategy.
- 2.1.28 Whilst the policy sets out an extensive action plan in relation to gambling and in particular electronic gambling, these are generally advocacy and information dissemination activities to support both Council and the local community.
- 2.1.29 There are no specific actions in relation to electronic gaming for applicants to address.
- 2.1.30 Objective 10 of the plan seeks to 'ensure Council's local planning policy and process meets best practice in the assessment of EGM applications'. To achieve this, the plan sets out that Council will review the local planning policy, Electronic Gaming Machine Policy Clause 22.03 of the Wyndham Planning Scheme, to ensure it meets best practice in the assessment of EGM applications.
- 2.1.31 At the time the report was adopted it identified that in Wyndham there were 893 EGMs across 13 venues, 5.5 machines per 1,000 adults. At the time, this was higher than the Victorian and Melbourne metropolitan average of 5.2 machines per 1,000 adults. Wyndham was identified as having the 8th highest expenditure for a LGA in metro Melbourne. As discussed later in this statement of evidence, I consider the reliance on such data as inappropriate given that the density of machines in the LGA is now below average and the level of expenditure is now only marginally above the metropolitan average. Given that Wyndham is the second most populous LGA in Victoria, it follows that it would have high levels of expenditure but that this is not a helpful comparison.

3.1 Introduction

- 3.1.1 Amendment C252 seeks to include the *Wyndham Gambling Harm Minimisation Policy and Action Plan 2018-2022* as a reference document at Clause 21.02 of the Wyndham Planning Scheme.
- 3.1.2 C252 also seeks to remove existing Reference Documents from the Wyndham Planning Scheme that relate to gaming including the Electronic Gaming Machine Policy adopted in 2010 and Wyndham City's Responsible Gambling Strategy 2012-2014 adopted in 2012.
- 3.1.3 The role of a reference document within a planning scheme is identified within *Planning Practice Note 13: Incorporated and Reference Documents*.
- 3.1.4 The decision to incorporate or refer to a document in the planning scheme should be based on the role the document plays in decision-making and the way in which the document will be used or relied upon.
- 3.1.5 Whilst the proposed reference documents should only have a limited role in decision-making, they will be important for decision makers when seeking background information to assist in understanding the context in which the proposed revision to Clause 21.02 and Schedule to 52.28 has been framed and in applying the discretion afforded by the policy.
- 3.1.6 Given the potential for this document to be relied upon by future decision makers, I have been asked to review and critique this document.
- 3.1.7 In my experience, given the specialised nature of electronic gaming as a subset of planning, reference documents are relied upon heavily in guiding the decision-making process, both at the local government level but also at VCAT. Accordingly, it is important that such documents present fair and balanced background information and demonstrate a connection between the policy and the reference document.

3.2 Critique of Wyndham Gambling Harm Minimisation Policy and Action Plan 2018-2022

- 3.2.1 Wyndham City Council adopted their Gambling Harm Minimisation Policy and Action Plan 2018-2022 in June 2018 and currently does not form part of the Wyndham Planning Scheme.
- 3.2.2 The strategy aims to minimize the harm of gambling for individuals and community members while establishing a transparent decision-making framework to guide Council's position on gambling related matters, in particular, electronic gaming machines (EGMs).
- 3.2.3 Key actions of the strategy include:
 - Advocating to State Government for a regional cap on the number of EGMs across all of Wyndham Opposing any new application for EGMs on Council owned or managed land.
 - No gambling activity, promotion or advertising at any council facilities
 - Council will not provide any funding, grants or sponsorship for any activity that promotes gambling.
 - Council staff will not hold events, activities or social outings in venues with EGMs.
 - Work with venues that operate EGMs to reduce their reliance on gaming revenue.
- 3.2.4 From my review of the document, it is one that seeks to give guidance to Council on a whole range of matters pertaining to gaming including

impacts of gambling on health and wellbeing, of which decision making in planning matters is a subset.

3.2.5 A substantial portion of the strategy is aimed at an organisation approach to minimising gambling harm and promoting health and wellbeing. Such approaches, which fall outside the ambit of discretion in planning include:

- Seeking a reduction over time of the total number of EGMs across Wyndham, below the existing cap, mandatory pre-commitment measures and \$1 maximum bets.
- Reduction in the hours of gaming venues
- Taxation reform
- Partnering with community groups to support advocacy efforts to reduce gambling harm
- A focus on Council decision making, such as not supporting activities or groups associated with electronic gambling.

3.2.6 There are a number of matters which are of concern to me about this policy and I set these out as follows:

- The document doesn't acknowledge that gaming is a lawful and legitimate entertainment and recreational activity and that they are benefits that are derived from responsible participation. I consider that this is appropriate given that decision makers must consider the range of issues that influence gaming applications.

- The evidence and data used in the strategy is outdated and doesn't take into account the recent demographic trends in the City of Wyndham, including substantial population growth and the impact this has on the consumption of electronic gambling in Wyndham.

For example, given that the City of Wyndham is in an identified growth region, there will be fluctuations in gaming statistics over time as population increases. Gaming expenditure has historically been well above the metropolitan average per adult. However, as the gaming market has matured in Victoria, so has the level of expenditure in Wyndham adjusted towards the 'average'.

A review of the total EGM expenditure, adult population and expenditure per adult within the Wyndham LGA between 2011 and 2019 shows that whilst total expenditure within the LGA increased by 19.8% and the adult population increased by 49.9%, expenditure per adult decreased by 20.1% over the same time period.

During this period, expenditure per adult from declined continually to the point in 2019/20, where the level of expenditure is just below average at \$372.90 per adult compared with \$377.57. With population growth and gaming expenditure declining in comparison with inflation, the reality is that gaming expenditure is declining in Wyndham in real terms.

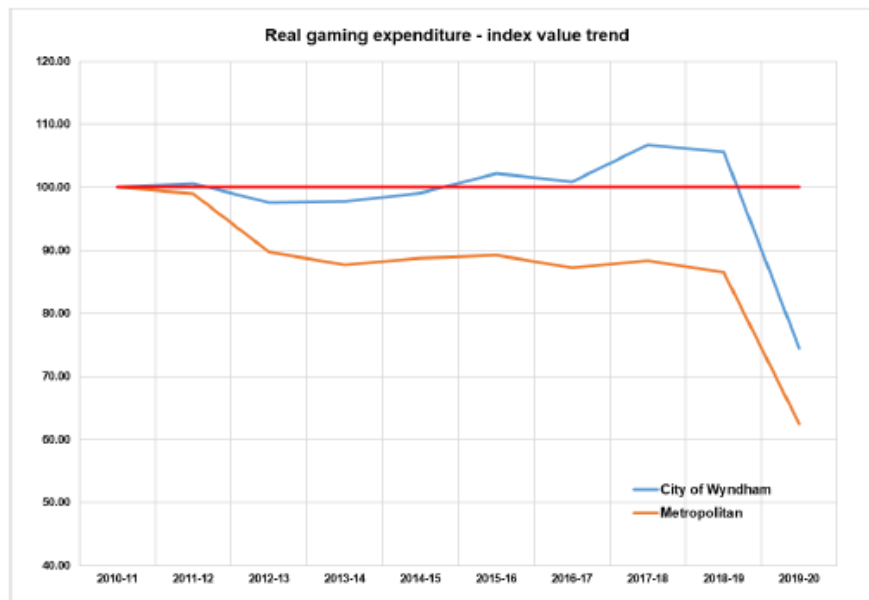
Table 3.1: Historic review of Wyndham expenditure

Financial year	Total expenditure	Adult population	Wyndham expenditure per adult	Metro average exp per adult
2011/12	\$88,533,566.15	129,069	\$685.94	\$601.67
2012/13	\$87,822,812.06	136,625	\$642.80	\$549.50
2013/14	\$90,342,545.32	144,119	\$626.86	\$543.69
2014/15	\$93,116,687.86	149,897	\$621.20	\$553.6
2015/16	\$97,384,531.85	156,745	\$621.29	\$553.13
2016/17	\$97,761,233.60	162,786	\$600.55	\$541.86
2017/18	\$105,458,372.16	182,964	\$576.39	\$533
2018/19	\$106,057,102.18	193,444	\$548.26	\$522.71
2019/20	\$75,755,561.99	203,152	\$372.90	\$377.57

Source: VCGLR

3.2.7 The graph below shows gaming expenditure indexed to inflation for the City of Wyndham and Metropolitan Melbourne since 2010/11 financial year. This graph shows that gaming expenditure in the LGA has decreased by 25.56% over this time with gaming expenditure in Metropolitan Melbourne falling by 37.5% during the same period. Given the level of population growth in Wyndham, this will largely account for the difference between the real decline in gaming expenditure.

Figure 3.1 Real Gaming Expenditure Analysis in Wyndham



Source: Economic and Social Impact Report, VCGLR Feb 2021

— The strategy also identifies other outdated statistics including a density of 5.5 EGMs per 1000 adults, being higher than the metropolitan average. In fact, the rate of EGMs per 1000 adults has

dropped given the increase in population in the Wyndham LGA. EGM expenditure per 1000 adults has dropped to 4.67.

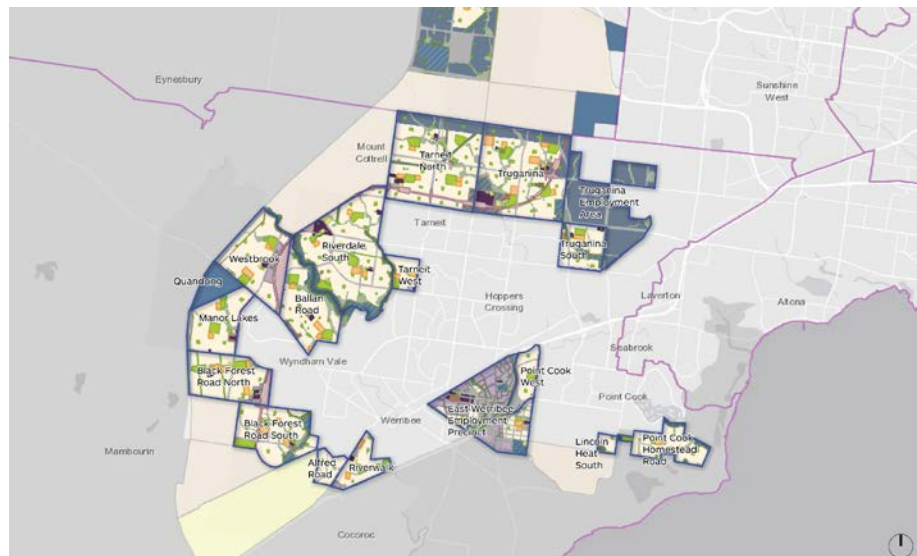
- The strategy identifies Wyndham as having the 7th highest level of gaming expenditure in Wyndham. However, more accurately, Wyndham is ranked 19th out of 31 metropolitan municipalities for gaming expenditure where 1 is the highest.

3.2.8 Ultimately, my primary concern with the Gambling Harm Minimisation Policy and Action Plan is that it does not accurately portray the legitimacy of gaming as a legal recreational activity and it does not accurately reflect the 'state of play' for gaming in the municipality. That is not to diminish the potentially significant impacts of problem gambling. However, I consider it appropriate to more accurately reflect the level of expenditure and role of gambling in the community.

3.2.9 Fundamentally, I consider that the document is not useful in providing direction for new planning permit applications involving EGM's given the focus of the strategy is around public health and community harm. It does not provide practical parameters that guide a decision maker in the assessment of a planning application and the suitability for the site for the location of gaming machines.

4.1 The City of Wyndham

- 4.1.1 The City of Wyndham is located at the western edge of Metropolitan Melbourne and stretches to the City of Greater Geelong. It covers an area of 542 square kilometres.
- 4.1.2 The municipality shares its borders with the Cities of Melton and Brimbank (to the north), the City of Hobsons Bay (to the east), Port Phillip Bay (to the south) and the City of Greater Geelong and the Shire of Moorabool (to the west).
- 4.1.3 In 2016, the City of Wyndham had a population of 217,122 people¹, with the main areas of population concentrated in the suburbs of Werribee, Hoppers Crossing, Point Cook, Laverton, Laverton North, Williams Landing, Truganina, Tarneit and Wyndham Vale, all of which are located within the Urban Growth Boundary. The City of Wyndham is a designated growth area and forms the southern portion of the West Growth Corridor.
- 4.1.4 The population of the LGA is expected to increase to 298,150 by 2021 and to 354,540 by 2026². Most of this growth is expected to occur in the West Growth Corridor, which is effectively the land between Truganina and Wyndham Vale. The rate of population growth in the next 5 years (2021-2026) sits at 3.5% (Victoria in Future 2019), well above the metropolitan average of 1.3%.
- 4.1.5 The majority of the population in Wyndham as identified in Section 4.1, will be accommodated in growth areas as shown in the map below:



Source: Victorian Planning Authority (edited by Ratio Consultants)

4.2 Wyndham Demographic Review

- 4.2.1 The City of Wyndham is a culturally and socially diverse community. Like many local government areas, this also translates into broad variances in the social and economic status of its people. Ranging from the relatively affluent areas of Point Cook and Sanctuary Lakes in the west to the more disadvantaged areas in Werribee to the east.
- 4.2.2 It is appropriate that this diversity is acknowledged, recognising that decision makers will understandably take such matters into account in

¹ ABS Census 2016

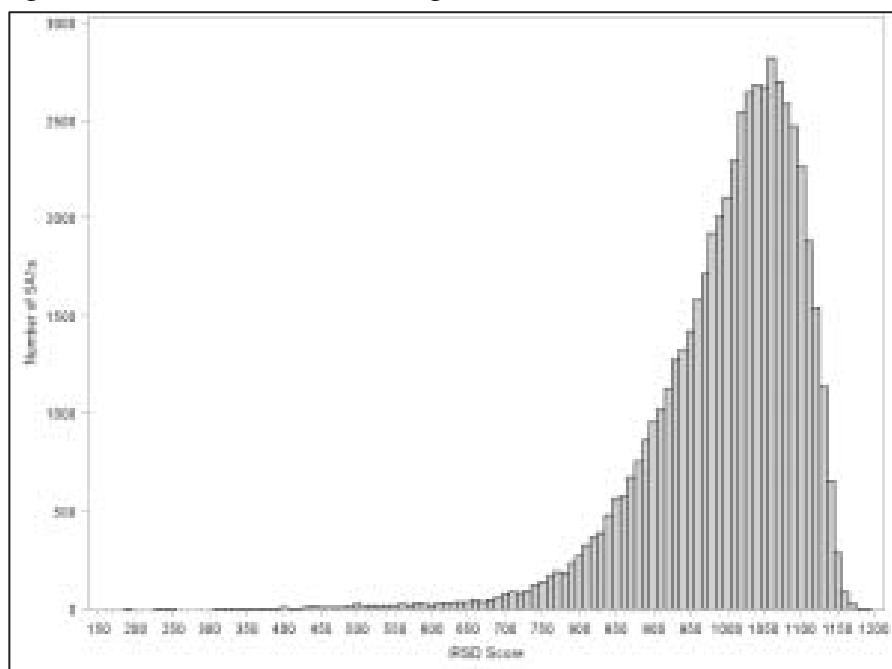
² DELWP, VIF 2019 noting that the 2016 population for forecasting was 227,010, approximately 4.5% higher than the Census figure.

determining the social and economic effects of the location of gaming machines.

SEIFA Index of Disadvantage

- 4.2.3 The SEIFA Index of Disadvantage is a commonly accepted tool for measuring disadvantage in Australia.
- 4.2.4 The SEIFA Index of Disadvantage contains a spread of scores that range from 188 at the most disadvantaged end to around 1200 at the least disadvantaged end. The median score for SA1s in Australia is 1000. Accordingly, the lower the score, the greater the level of disadvantage.
- 4.2.5 The mathematical distribution of scores has a long left tail, meaning that the scores for disadvantage are more spread out than the scores of less disadvantaged areas. This is a consequence of the Index containing only disadvantage indicators, so there is more scope to distinguish between disadvantaged areas and advantaged areas.

Figure 4.1: Index of Relative Disadvantage Score Distribution



Source: ABS SEIFA Technical Paper 2016

- 4.2.6 There is significant variation of SEIFA scores for individual suburbs within the municipality. The median score for suburbs in Victoria is 1020³.
- 4.2.7 Some of the more established growth suburbs such as Sanctuary Lakes and Point Cook are within the top 13 percentile in the State. Truganina and Tarneit are both in the top 40% percentile. Both suburbs also sit close to the SEIFA ranking for Metro Melbourne and have remained strong with scores above 1020 in 2016.

Table 4.1: Wyndham SEIFA scores by suburb

Suburb	2016
Tarneit	1021
Truganina	1022

³ SEIFA Index scores cannot be compared across different geographical boundaries.

Williams Landing/Laverton North	1070
Point Cook	1071
Werribee South/Cocoroc	988
Werribee	949
Hoppers Crossing	977
Wyndham Vale/Manor Lakes	987
Little River	1046
Wyndham LGA	1009
Metro Melbourne	1021

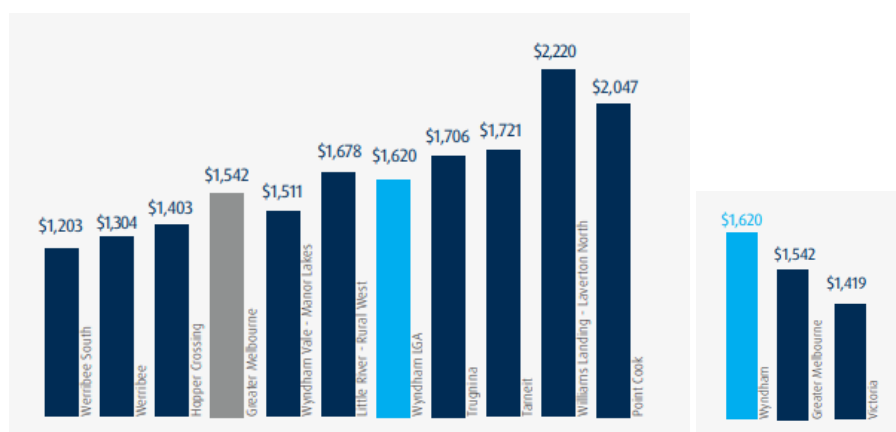
Source: ABS Census 2016

Income

4.2.8 In 2016, the overall median weekly household income in a number of the growth area suburbs was higher than the overall LGA average (\$1,620), metro average (\$1,542) and state average (\$1,419). Examples of these suburbs included:

- Williams Landing - \$2200
- Point Cook - \$2047
- Truganina - \$1706
- Tarneit - \$1,721

Figure 4.2 Income in Wyndham – LGA-Metro-State



Source: City of Wyndham Health and Wellbeing Profiles

4.2.9 This compares with some of the more established suburbs such as Hoppers Crossing and Werribee where the median weekly income for households is below the state average at \$1403 and \$1304 respectively.

Unemployment

4.2.10 The unemployment rate in Wyndham for 2016 sits as a rate of 8.2%. This sits above the average for Metro Melbourne at 6.8%.

4.2.11 However, there are variations across suburbs in Wyndham as shown in the table below. Generally, unemployment remains lower than the overall

LGA in a number of the growth suburbs including Point Cook, Truganina and Tarneit compared to some of the more established suburbs such as Werribee, Hoppers Crossing and Laverton North.

Table 4.2: Unemployment in Wyndham by suburb

Suburb	2016
Tarneit	8.3%
Truganina	8.3%
Williams Landing	8.6%
Laverton North	9.4%
Point Cook	7.3%
Werribee South/Cocoroc	7.2%
Werribee	8.8%
Hoppers Crossing	8.7%
Wyndham Vale/Manor Lakes	8.5%
Little River	5.1%
Wyndham LGA	8.2%
Metro Melbourne	6.8%

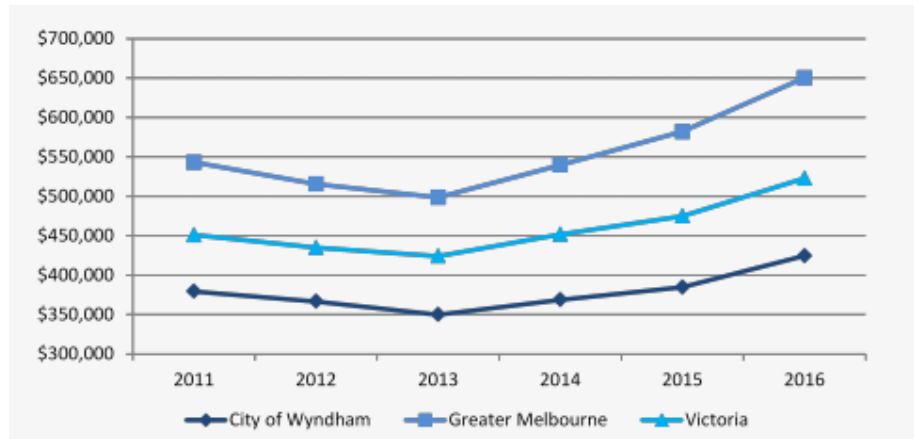
Source: ABS Census 2016⁴

Housing Prices

- 4.2.12 There has been a steady increase in housing prices throughout the Wyndham LGA, consistent with the state and metro averages.
- 4.2.13 For individual suburbs in the Wyndham LGA, housing price increase has been reasonably consistent with the overall prices of the municipality and across metro Melbourne.
- 4.2.14 The suburbs of Werribee South, Williams Landing and Point Cook have average prices above the metro average.

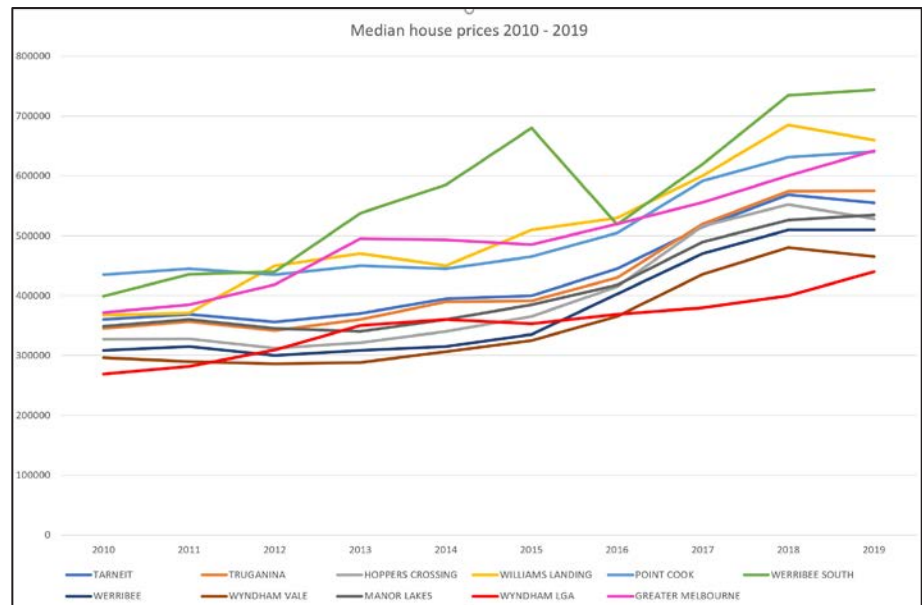
⁴ I would typically use more up to date unemployment data. However, given the impact of Covid on the reliability of this data, I have opted to use the ABS data, which still appropriately demonstrates the variation in unemployment across the municipality

Figure 4.3 Median Property Prices – LGA-Metro-State



Source: City of Wyndham Health and Wellbeing Profiles

Figure 4.4 Median Property Prices – Wyndham



Source: ABS Census 2016

Social Housing

- 4.2.15 In 2016, 1.1% of housing was provided as social housing in the Wyndham LGA. This compares to 2.6% in Greater Melbourne.
- 4.2.16 Suburbs of Wyndham have a similarly low representation of social housing, particularly its growth suburbs as show in the table below. Werribee is the only suburb that has social housing at a rate above the metro average:

Table 3.3- Social Housing in Wyndham

Suburb	Percentage of Social Housing
Tarneit	0.2%
Truganina	0.4%
Williams Landing/Laverton North	0%
Point Cook	0%
Werribee South/Cocoroc	0%
Werribee	3.0%
Hoppers Crossing	0.9%
Wyndham Vale/Manor Lakes	0.5%
Little River	0.0%
Wyndham LGA	1.1%
Metro Melbourne	2.6%

Source: ABS Census 2016

Housing Stress

- 4.2.17 In 2016, 9.1% of households in Wyndham had mortgage payments greater than or equal to 30% of household income resulting in housing stress. This is above the state average of 7.5%. This is a common statistic in municipalities that have a higher proportion of growth areas.
- 4.2.18 More specifically, there are variations to percentage of households affected by housing stress throughout the different suburbs in the Wyndham LGA including:
- Tarneit – 15.2%
 - Truganina – 17.4%
 - Williams Landing – 14.6%
 - Werribee – 6.8%
 - Hoppers Crossing – 8.4%
- 4.2.19 Higher rates of housing stress in the growth area suburbs of Wyndham is not surprising. Generally, households in the older suburbs are more likely to have progressed further with their mortgage repayments than households in growth areas.

5 Perceived Disadvantage in Growth Areas:

- 5.1.1 A consistent theme that has emerged through my review of the proposed policies/strategies related to Amendment C252 is an assumption that people that live in growth areas are inherently disadvantaged or will become increasingly disadvantaged.
- 5.1.2 I do not agree with this concept. Whilst I recognise that there can be disadvantage in growth areas, it cannot reasonably be said that all growth areas are disadvantaged or are vulnerable to problem gambling. I do not consider that such a generalisation enables a proper consideration of the potential impact of a planning application.
- 5.1.3 To better explore this issue, I have undertaken the following analysis:
- Reviewed the SEIFA Index of Disadvantage, for the last 3 census years, 2006-2016 for every growth corridor in Melbourne. The criteria chosen enables an understanding of the socio-economic status of these communities, relative to the Metropolitan average. This information is provided at Appendix C.
 - Mapped the SEIFA Index of Disadvantage from 2006 to 2016 against the location of land within the City of Wyndham that has been developed as a result of the Precinct Structure Plan (PSP) process. This information is provided at Appendix D.
- 5.1.4 In relation to the key socio-economic criteria, the data indicates that:
- Of the 22 suburbs reviewed, 15 had SEIFA percentile rankings higher than 40 and 11 of these were over 60 (at the time of the 2016 Census).
 - 7 of these suburbs can reasonably be described as disadvantaged using the SEIFA index.
 - For Cranbourne North, whilst its SEIFA percentile remained under 40, the SEIFA ranking improved from 29 to 34 between 2006 and 2016. Seven suburbs saw their SEIFA percentile ranking improve over the 3 census periods.
 - Two suburbs saw their SEIFA ranking remain similar (within a few points), being Berwick and Pakenham.
 - In 10 suburbs the SEIFA ranking did decline more substantially, including Wyndham Vale, Truganina and Tarneit. However, only two growth suburbs fell in the significantly disadvantaged category, whilst other suburbs, such as Greenvale, Caroline Springs and Point Cook remain well above average.
 - The greatest falls in SEIFA percentile ranking tend to occur during a period of greatest population influx and that once a reasonable population base has been established, the variation is less marked.
- 5.1.5 In reviewing this data and drawing upon my 30 years of experience as a town planner, there appears to be a connection between declining socio-economic status and the manner in which these greenfield areas have been developed. This is in part borne out by a view of the SEIFA map of disadvantage for Wyndham, although this also holds true for other growth areas I have worked in, where the areas of disadvantage, particularly significant disadvantage, are concentrated in the oldest parts of these growth areas, which were typically developed prior to the 2000's.
- 5.1.6 Historically, land was developed at Melbourne's fringe in a piecemeal manner, driven by the individual property owner/developer, there was little overall government oversight into the manner in which these new suburbs were evolving. The result was often poor planning, under investment in infrastructure, poor timing of the provision of services and, often, larger lots that encouraged a car dependent community that also reduced the diversity of households occupying new housing estates.

- 5.1.7 As immigration began to rapidly increase in the mid to late 1990s, it became apparent that a more co-ordinated approach to the development of Melbourne's outer suburbs was required. Over the next 15 years a series of initiatives were undertaken, by both the public and private sectors. These included:
- The widespread introduction of development contribution plans and the Growth Area Infrastructure Contribution (GAIC) to fund infrastructure in growth areas.
 - Development Plan Overlays, which steered the development of the first 'high end' residential estates, such as Sanctuary Lakes, Point Cook and Caroline Springs.
 - Increased presence in the land development market by 'big players', such as Mirvac, Stockland, PEET, Frasers and the like. These larger companies will typically buy much larger parcels and develop them as comprehensive precincts, with much greater investment in infrastructure, including the integration of wetlands and waterways into public open spaces that improved the urban design of new suburbs.
 - The creation of the Victorian Planning Authority and its predecessor and the requirement for PSPs to be created for all growth areas to guide development and the delivery of infrastructure and services etc.
- 5.1.8 As a consequence of these types of changes in the greenfield development space, the overall quality of housing and suburban precincts in the outer suburbs has improved significantly in the past 10 years, with PSP emerging as the primary development tool for growth areas in the 2010s. This is evidenced by the timelier provision of schools, public transport, activity centres, high quality public spaces, including biking and walking trails. That is not to say that new communities do not have their challenges, such as commuting to work and other factors, but on the whole, I consider that the overall urban design and integration of housing into communities is superior in 2021 than it was 30 years ago when I first started practising planning in the Shire of Cranbourne.
- 5.1.9 I have mapped the location of land developed in Wyndham under the new PSP approach to planning and the SEIFA Index of Disadvantage (in deciles at a SA1 level) from 2006 to 2016 as well as aerial photographs showing the extent of residential development from 2011 to 2021.
- 5.1.10 Given that so much of the growth corridor has been developed prior to the introduction of PSPs, I have reviewed Melways to determine the approximate decade when each of these areas was substantially constructed.
- 5.1.11 I have also included a review of the Cardinia growth corridor, which is more advanced in its development, and which has been subject to PSP development in areas such as Officer with older areas established in Pakenham (without the benefit of PSP).
- 5.1.12 These maps shows that the majority of Wyndham's growth areas were developed without the benefit of PSPs. Areas such as Werribee and Hoppers Crossing were developed in the 70s and 80s and experience higher levels of disadvantage whilst other areas, such as Point Cook, developed in the 2000's and 2010's, and did benefit from such oversight and structure, unsurprisingly have some of the least disadvantage in the LGA. Other areas, which were developed in the late 90's and early 2000's, such as the area south of Sayers Road, benefit from other improvements in the planning system and have mid-range SEIFA scores.

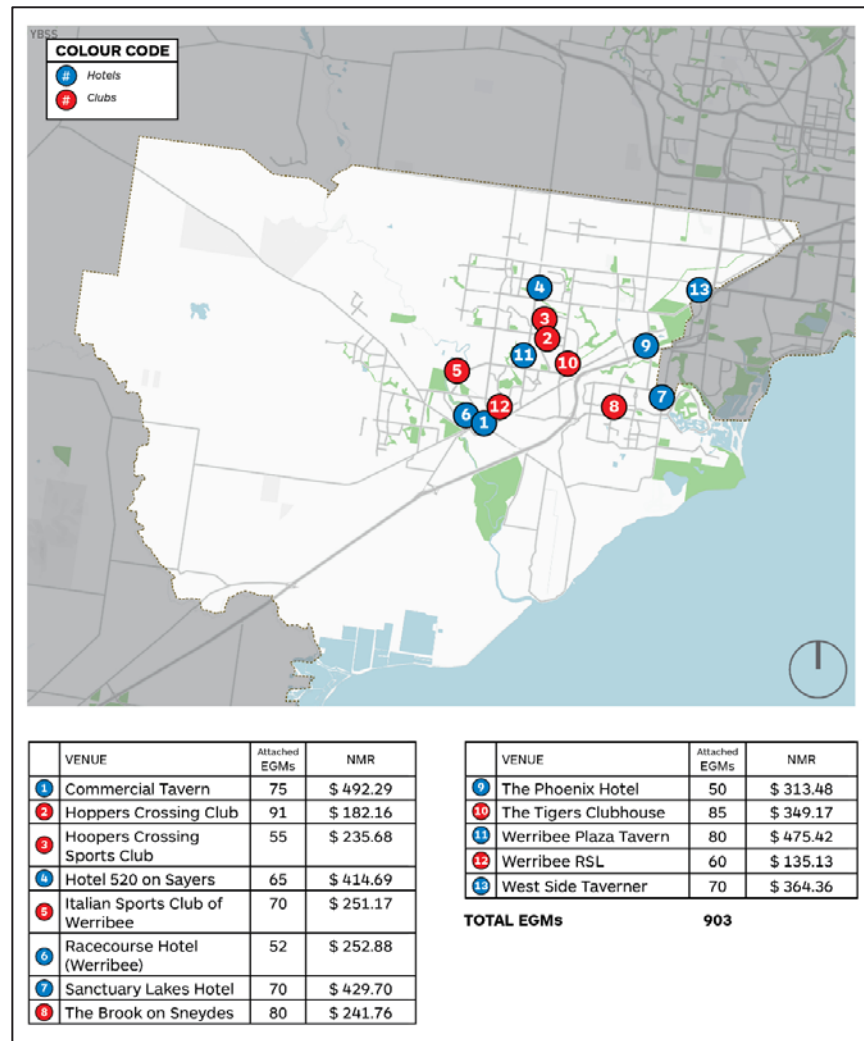
- 5.1.13 In Cardinia, the older parts of Pakenham (between the railway line and Princes Highway and then north of the highway) were developed in the 80s and 90s and experiences the highest levels of disadvantage. Whilst the newer parts of Pakenham further to the west and the suburb of Officer were not subject to PSPs at the time of their development in the 2000s and 2010s, did have the benefit of these previously mentioned improvements in the planning system.
- 5.1.14 The maps show that generally speaking, the areas of disadvantage (coloured red and orange) are more likely to be located in the older suburbs and areas which predated contemporary approaches to greenfield development.
- 5.1.15 This analysis gives me some degree of comfort that:
- Disadvantage in growth areas should not be presumed and that a review of the current socio-economic analysis of a community, particularly when it is already substantially established, does give a reasonable indicator of future socio-economic profile.
 - Given the higher urban design standards in contemporary green field subdivisions and subsequent prerequisite requirements for home ownership in Melbourne, there is a reduced risk of such areas being disadvantaged and certainly not being significantly disadvantaged.

6 The State of Play for Gaming in Wyndham:

6.1 Gaming in Wyndham

- 6.1.1 As at 23 February 2021, there were 13 gaming venues operating within the City of Wyndham. One of the 13 venues, the Brook on Sneydes recently closed. I have taken the latest full statistics from the VCGLR website (2018-2019 financial year given limited information from 2019/2020 financial year due to COVID-19) indicate that:
- Wyndham has a gaming machine density of 4.67 EGMs per 1000 adults which is lower than both the Metro and State averages of 4.81 and 5.12 respectively.
 - Gaming expenditure (per adult) is \$548 which is marginally higher than both the Metro and State averages of \$536 (\$12 higher) and \$523 (\$25 higher) respectively.
 - Wyndham has a higher number of adults per venue (14,880) than both the Metro average (12,687) and State-wide average (10,494).
- 6.1.2 More recently released data for the Covid affect 2019-20 year confirms that gaming expenditure now sits just below the metropolitan average, sitting at \$372.90 compared with a metropolitan average of \$377.57.

Figure 4.1: Map of gaming venues in the City of Wyndham



Source: Ratio Consultants

- 6.1.3 The total amount of gaming machine expenditure in the City of Wyndham for the 2018-2019 financial year was \$106,057,102.18, a 0.57% increase on

the previous year. This increase in gaming expenditure is relatively minor given the growth in the adult population sits at 5.7% for the same period.

- 6.1.4 The Net Machine Revenue (NMR) for the City of Wyndham is \$321.78 (July 2018 – Jun 2019). This compares with an average NMR for metro hotels being approximately \$380.
- 6.1.5 As identified at Section 3.2.6 the City of Wyndham is a growth region. Accordingly, there are fluctuations in gaming statistics over time as population increases and the supply of gaming machines and venues ebbs and flows against this growth and the approval of new venues.
- 6.1.6 Over the past 9 years, expenditure per adult in Wyndham has declined so that gaming expenditure is now slightly below average.

Table 6.1: Historic review of Wyndham expenditure

Financial year	Total expenditure	Adult population	Wyndham expenditure per adult	Metro average exp per adult
2011/12	\$88,533,566.15	129,069	\$685.94	\$601.67
2012/13	\$87,822,812.06	136,625	\$642.80	\$549.50
2013/14	\$90,342,545.32	144,119	\$626.86	\$543.69
2014/15	\$93,116,687.86	149,897	\$621.20	\$553.6
2015/16	\$97,384,531.85	156,745	\$621.29	\$553.13
2016/17	\$97,761,233.60	162,786	\$600.55	\$541.86
2017/18	\$105,458,372.16	182,964	\$576.39	\$533
2018/19	\$106,057,102.18	193,444	\$548.26	\$522.71
2019/20	\$75,755,561.99	203,152	\$372.90	\$377.57

Source: VCGLR

- 6.1.7 Gaming expenditure in Wyndham has also been declining during this decade. Gaming expenditure in the LGA has decreased by 25.56% over this time with gaming expenditure in Metropolitan Melbourne falling by 37.5% during the same period.

6.2 Regional Caps and Municipal Limits

- 6.2.1 On 10 September 2012, the VCGLR re-determined the maximum permissible number of gaming machine entitlements available for gaming in each capped region. These caps were further revised by the Minister for Consumer Affairs, Gaming and Liquor Regulation on 20 September 2017, with the changes coming into effect from 3 November 2017. There are now 25 capped regions in Victoria.
- 6.2.2 The City of Wyndham is partially capped with the remainder of the municipality subject to the municipal limits. Those areas of Wyndham that are capped include the following localities: Hoppers Crossing, Laverton, Laverton North, Manor Lakes, Werribee, Williams Landing and Wyndham Vale. The number of EGMs permitted within this region has been capped at 638. Outside of the capped region, a maximum of 552 EGMs are permitted according to the municipal limits set in September 2017.

6.3 Gaming Venues in Wyndham

- 6.3.1 In order to understand the gaming landscape in Wyndham, I have undertaken an inspection of all gaming venues in the City. A summary of this analysis is attached at Appendix E. In essence, this analysis shows that:
- Many of the gaming venues in Wyndham have below average gaming spend.
 - The majority of venues are located in relatively isolated locations and can be considered destination venues.
 - The venues with above average expenditure tend to be:
 - o In areas of greater accessibility, either in activity centres (Commercial Hotel, Werribee Plaza Tavern) or within easy walking distance of a supermarket (Sanctuary Lakes Hotel, Tigers Club House, Brook on Sneydes):
 - o Had hours of trade past 2am (Commercial Hotel, Tigers Club House, Werribee Plaza Tavern)
 - o Have a higher quality offer (Hotel 520 on Sayers, Sanctuary Lakes Hotel, Werribee Plaza Tavern, Brook on Sneydes)
 - o Had easy access to the gaming room from the street/car park (Commercial Hotel, Werribee Plaza Tavern)
- 6.3.2 The venues with the highest level of gaming expenditure tended to have most of these characteristics.
- 6.3.3 There are a couple of exceptions to this, namely Hoppers Crossing Sports Club (NMR \$236 c.f. club average of \$211) and the Italian Sports Club (\$251). However, these venues are likely to have other social and cultural factors that will likely cause stronger attendance due to sport and cultural associations in the local community.
- 6.3.4 I consider that an assessment of these characteristics is useful in determining how a new planning policy/update for Clause 52.28 can effectively seeking to reduce the negative social and economic effects associated with the location of a venue.

7 Is the Amendment based on appropriate foundations:

7.1 Introduction

- 7.1.1 Having reviewed the existing Electronic Gaming Policy located at Clause 22.03, and having used it in practice, I am generally satisfied that the existing policy does a reasonable job of guiding decision makers as to the appropriate locations for the use of gaming machines.
- 7.1.2 That said, I consider it reasonable that the Council would seek to review this policy in light of the evolving landscape that impacts the electronic gaming industry in Victoria.
- 7.1.3 I consider that there are several incorrect assumptions or misconceptions that the review of the gaming policy is based upon. I consider that it would be of value to the Panel to explore these and they provide what I consider to be an incorrect foundation upon which the Amendment has been formulated.

7.2 Gaming Machines Policy Review

- 7.2.1 The preparation of Amendment C252 was informed by a Gaming Machines Policy Review background report dated July 2019. It was prepared by 10 Consulting Group in association with K2 Planning but is not proposed to become a reference document in the planning scheme.
- 7.2.2 I consider this an appropriate exclusion to the Amendment.
- 7.2.3 Rather, the purpose of the report was to review the strategic justification, relevance, and application of the local electronic gaming policy (Clause 22.03) and associated planning provisions in the Wyndham Planning Scheme.
- 7.2.4 I have found a review of this document informative as it enables a clearer understanding for Council's rationale in its preparation of the amendment documents.

7.3 What are the assumptions/misconceptions?

- 7.3.1 There are several assertions made in this policy review that I consider need greater discussion. They are:
 - Communities in growth areas are inherently vulnerable and therefore are more inclined to become problem gamblers.
 - The extent of gambling in Wyndham is excessive.
 - There is little social or economic benefit from responsible participation in electronic gambling.
 - The location of electronic gaming in growth areas before other entertainment uses will result in problem gambling.
- 7.3.2 I consider that a clearer and more balanced understanding of each of these issues is necessary in order to determine what aspects of the proposed controls and policies are appropriate.

7.4 Vulnerability in Growth Areas

- 7.4.1 The demographic and socioeconomic figures I presented in Section 4.2 of my report demonstrate that a 'one size fits all' approach cannot be applied to the City of Wyndham, as has occurred in both exhibited supportive documents. While, Wyndham includes a number of established areas, its significant population growth over the last 20 years is clearly attributed to the large number of growth suburbs that have been delivered or are planned to be delivered across the 21 PSPs in the municipality.

- 7.4.2 There are significant variations across the municipality in the SEIFA scores across a range of suburbs. While I acknowledge there are several disadvantaged areas in Wyndham such as Laverton and Hoppers Crossing, the data also suggests that growth area suburbs including Point Cook, Truganina and Tarneit are not, particularly as they are afforded a SEIFA ranking that sits above the state average of 1020.
- 7.4.3 The data also suggests that average incomes in the municipality have gradually risen, with a larger increase in Wyndham's growth area suburbs. Also, unemployment rates vary significantly throughout the municipality, with growth areas performing well compared to the LGA, metro and state average.
- 7.4.4 From this information, it is reasonable to suggest that, on the whole, people in growth areas in Wyndham are not inherently disadvantaged. In fact, some of the data suggests that there are areas of the municipality including Point Cook that display relative affluence compared to other postal areas within this part of Metropolitan Melbourne and throughout the wider state.
- 7.4.5 Generally, growth areas consist of largely middle-class residents that comprise of individuals and families that are at the some of the lowest risk of problem gaming. This includes 'couples with children' which was identified as a risk group in the Background Report.
- 7.4.6 I am mindful that the contention that Growth Areas are vulnerable to problem gambling is consistently put before the VCGLR and VCAT. Whilst not seeking to dismiss that there can be and are pockets of disadvantage in these communities, the evidence is rather that these communities, whilst facing challenges specific to their geographical location, are not inherently disadvantaged.
- 7.4.7 This is particularly the case in Wyndham where Wyndham Vale is the only community with the SEIFA index of disadvantage percentile score lower than 50.
- 7.4.8 That is not to say that growth communities have their own challenges, such as building social connection, increased travel times⁵ and cultural cohesion. However, I do not consider it appropriate to automatically assume that such challenges lead to disadvantage and issues of problem gambling. Given the decline in real gambling expenditure, the lowering of average spend per adult to be just below the metro average, I cannot agree that such a position is reasonable.
- 7.4.9 I observe that the Policy Review often uses raw figures, rather than percentages, to emphasis levels of disadvantage in the community, such as low incomes, disability, new arrivals etc. However, given that Wyndham is the second most populous LGA in Victoria, the use of such data is not meaningful. It is more appropriate to use percentages and benchmark the outcomes to the metropolitan average.
- 7.4.10 I consider that on the whole, the manner in which the demographic analysis has been presented seeks to emphasise disadvantage, rather than provide an independent analysis.
- 7.4.11 For example, the Report correctly notes that the incidence of family violence in Wyndham is ranked 5th on the north west metro region. However, it fails to also include that the LGA is actually ranked 43rd out of

⁵ Although with greater working from home flexibility an inevitable consequence of the COVID 19 pandemic, the impact of travel times will be lessened.

79 Victorian LGAs. This also applies to the use of data around gaming expenditure, which I have detailed previously.

7.5 Is the level of electronic gambling in Wyndham excessive?

- 7.5.1 I am mindful that for some, any expenditure on electronic gambling, would be considered to be harmful.
- 7.5.2 However, the regulatory framework does establish electronic gambling as a lawful activity in Victoria and that, for those who participate within their financial and social means, is a legitimate form of entertainment.
- 7.5.3 As detailed elsewhere in this evidence statement, I consider that the extent of gaming in Wyndham, sits comfortably within the average levels of expenditure across the state.
- 7.5.4 Understandably historically the level of expenditure and access to gaming machines has sat above the average. However, it is evident that a number of factors, including maturation of the market, population growth, improvements to the manner in which gaming is provided in the state, results in a genuine decrease in gaming expenditure in real terms: some 25% in the past 10 years.
- 7.5.5 Accordingly, I do not consider that decision makers need to approach the preparation of policy for Wyndham on the assumption that its people require a higher level of protection on the basis that their consumption of EGMs use is inappropriate.

7.6 Is there any benefit from electronic gambling?

- 7.6.1 The Policy Review does not seek to acknowledge the social and economic benefits that can accrue from the location of gaming machines. These can include:
- The social benefits that arise from the construction of a new venue. This can be particularly significant given that there hasn't been the construction of a new hotel or club style venue in a growth area in Victoria in the past 10-15 years without gaming.
 - The social benefits for recreational gamblers
 - Community Contributions
 - Employment
 - Increase in complementary expenditure and supply contacts as well as the economic contribution of the venue construction.
 - Increase in state taxes.
- 7.6.2 The review also devalues the benefits that come from accessibility to gaming, acknowledging that the recommended changes would make it challenging for a new venue to be constructed in a growth area and accepting that it is appropriate for patrons to travel to existing venues instead. Given that the distances involved and the outdated provision of gaming in a number of these venues, where approval would be unlikely to be granted in the modern context, I think such an approach is misguided.

7.7 The timing of the location of gaming machines in Growth Areas

- 7.7.1 A key assertion of this Policy Review is that placing gaming machines into areas before other entertainment uses will result in problem gambling.

- 7.7.2 The recommendation that gaming should not be located in growth areas ahead of other entertainment options, is due to the assumption that the absence of non-gambling related entertainment options will result in an increased risk of problem gambling.
- 7.7.3 I have several reservations about this assumption. Namely:
- In Melbourne’s Growth Corridors, and in particularly in Wyndham’s Growth Corridors, the car centre nature of these communities means that a broad range of non-gaming related entertainment options are within an easy 5-10 minute drive. Given that all but a few patrons will drive to a gaming venue, I do not consider that the location of these entertainment options are a barrier to participation.
 - There is no evidence to suggest that locating gaming machines into venues in areas ahead of other entertainment uses has resulted in problem gaming.
 - This assumption appears to be based on an incorrect understanding of research undertaken in 2010 by Professor Nerilee Hing and Dr John Haw of the Centre for Gambling Education and Research titled ‘The Influence of Venue Characteristics on a Player’s Decision to Attend a Gambling Venue’ (Appendix F). It identified the only potential protective factor for problem gambling was the prioritisation of a wide range of non-gambling activities **in a hotel, club or casino** when choosing where to gamble. It was considered that the provision that this range of activities would potentially contribute to a safer gambling environment, by providing diversionary activities apart from gambling. However, there is no research that I am aware of to suggest that this protective factor applies to entertainment options outside the venue, which is inferred by the Policy Review.
- 7.7.4 One of the consequences of delaying the location of gaming venues/machines into growth areas until the area is substantially developed is that this will likely result in the absence of hotel or club type venues altogether. These types of venues, with their informal approach to dining, capacity to host large numbers, diversity of offer and opening hours are not found in many venues outside the hotel/club offer, particularly in growth corridors.
- 7.7.5 Accordingly, the risk is that these emerging areas will not have this type of entertainment venue at all. In the last 10-15 years, the rising costs associated with the provision of a food and beverage offer means that it is highly unlikely such venues are constructed without the additional revenue that gaming affords. There is substantial social and economic disbenefits associated with the absence of such venues in communities as they play a pivotal role in social connection, entertainment and interaction.
- 7.7.6 I have reviewed the entertainment opportunities associated within two growth areas in Melbourne to better understand how entertainment is provided in these growth areas.
- 7.7.7 I have selected Caroline Springs, as an example of a successful Major Activity Centre with similarities to what is eventually envisaged in some of the growth areas in Wyndham, such as Tarneit North. I have also included Officer as an example of a newer Growth area where smaller, Neighbourhood Activity Centres, are the main access to retailing and convenience services.
- 7.7.8 This analysis is included at Appendix G.
- 7.7.9 The maps demonstrate in both instances that the activity centres in question do not provide for entertainment opportunities that would typically be associated with a modern-day hotel and gaming club.

- 7.7.10 Most of the food and drink offerings are take away outlets or small cafes or restaurants that do not provide the same opportunities for social connection and interaction with families and groups in the community.
- 7.7.11 In the case of the Cardinia Road (Lakeside) Activity Centre, the only non-food and drink premises offering where residents of the surrounding community could meet is the Toomah Community Centre. While meeting rooms and functional spaces are provided, they are targeted more towards formal setting of established community groups rather than offering casual environments where families or other groups can meet and socialise.
- 7.7.12 In the event that new venues are only to establish near the completion of PSP, I consider that it would deny the community of an important and valued social venue throughout the early years of its development where a large proportion of the population will have established.

7.8 Other comments

- 7.8.1 Other comments I have regarding the Background Report which I consider would be of interest to the Panel include:
- I do not agree that community attitudes have become increasingly negative toward gaming machines. A 2017 study is quoted in the review that suggests 80 per cent of respondents think the number of gaming machines should be reduced, and 82 per cent want more regulation. I consider that attitudes to gaming have remained relatively consistent over the past 20 years. For example, the 2003 Victorian Longitudinal Community Attitudes Survey found that 85.1 per cent of Victorians considered that gambling was a serious social problem in Victoria.
 - I do not consider that any of the criteria at paragraph 143 and 144 are indicative of being susceptible to problem gambling or being vulnerable. There is nothing to suggest that, for example, 'couples with children' households are more susceptible to problem gambling than other family configurations.
 - The threshold test suggested at paragraph 160 and 161 that permit applications for the early establishment of well-considered and appointed hotels and clubs in new growth areas be made 'no earlier than 80% of the land is developed and the housing occupied' or within 10 years is an arbitrary figure that, again, lacks an evidenced based approach in the report.
- 7.8.2 I consider that the review is fundamentally flawed as it proceeds on the basis of a number of incorrect assumptions that unduly influence the recommended changes to the Planning Scheme. I will detail this in the next section of my report.

8.1 Introduction

- 8.1.1 Gaming has significant social and economic implications for the State of Victoria, both by virtue of the revenue the State Government receives through taxes as well as the recreational enjoyment of gaming by responsible gamblers as a legitimate form of entertainment.
- 8.1.2 I also recognise the significant social and economic costs that arise from those impacted by problem gambling.
- 8.1.3 There are two regulatory frameworks that guide the approval of gaming in Victoria, and in my opinion, it is important that planning policy does not transgress into considerations under the Gaming Regulation Act as, ultimately, these considerations are not relevant under the Planning and Environment Act.
- 8.1.4 The inclusion of irrelevant considerations under the statutory framework, such as net benefit, incorrectly communicates to the community the decision-making framework, and promotes discontent about and confusion in the decision-making process.
- 8.1.5 With the Gambling Regulation Act 2003 required to focus on the 'no net detriment test' and look at the broader issues of responsible gaming, and the impact of the machines on the local community, being the Local Government Area (LGA), it is appropriate that planning policy should focus on its statutory considerations.
- 8.1.6 The objectives of the Planning and Environment Act are further guided by the decision guidelines and objectives set out in Clause 52.28 as well as the considerations of significant social and economic effects.
- 8.1.7 The considerations under Clause 52.28 are narrower and focus on the appropriateness of the location, the social and economic impacts of the location of the machines and the appropriateness of the venue to accommodate the machines. Given that planning, as a social science, is about the spatial issues associated with the use and development of land, such a focus is appropriate.
- 8.1.8 Based on the above, it is appropriate that the Schedule to the Clause should guide the decision makers to the decision guidelines and objectives of Clause 52.28.
- 8.1.9 I consider that the primary failing of the changes sought under Amendment C252 is its focus on discouraging gaming in its entirety, which is a function of the incorrect assumptions as detailed in Section 7 of this evidence statement .
- 8.1.10 My review of the policy changes shows a focus on areas where gaming should not be located with limited helpful guidance given to locations where gaming can be considered. This approach then filters into various other aspects of the policy.
- 8.1.11 For the assistance of the Panel, I have considered the proposed policy in each of its sections and how it relates back to the regulatory framework set out above.

8.2 Clause 21.02-3

- 8.2.1 I have some concern regarding certain assumptions and some negative approaches in the formulation of strategies and objectives proposed for Clause 21.02-3.
- 8.2.2 Broadly, the proposed new clause introduces a new objective and three related strategies related to electronic gaming machines. The blanket

discouragement of gaming machines in growth areas is concerning as these areas are generally where high-quality entertainment and recreation facilities are required to service growing populations.

8.2.3 I am not aware of any examples of gaming venues, located in growth corridors, resulting in significant social or economic disbenefit. Instead, the result is the provision of high quality, expansive entertainment venues that serve new and emerging populations, noting that such venues benefit from best practice venue design and practices to reduce, as much as practicable, the negative effects of gambling.

8.2.4 Whilst the identified PSP areas within the City of Wyndham are largely greenfield locations, they often adjoin existing, well established urban development. Profiling adjoining suburbs or suburbs that are comparable to the proposed patron catchment has been an accepted methodology at the VCGLR when assessing the impact of new venues within growth areas. This should reasonably alleviate concerns regarding the capacity to appropriately profile a community within which a proposed venue is located.

8.2.5 I consider it appropriate that any proposal for new gaming machines within a PSP area should be assessed on its merits weighing both the positive and negative aspects of an application and reviewing the existing and proposed community profile.

8.2.6 I also have concern that the wording around encouraging new machines to be located in existing venues has no regard to the lack of best practice for many of these venues, including venue design and hours of operation. This part of the policy has the potential to encourage machines into venues which would not be considered appropriate otherwise.

8.2.7 With regard to the proposed content of Clause 21.02-3, I make the following comments.

- Recognition should be made of the legitimate nature of electronic gaming play and the benefits that can occur. My proposed alternative wording is as follows:

Gaming and gambling is a legitimate form of entertainment and recreation but is a potential source of considerable harm to the wellbeing, health and safety of the Wyndham community as well as benefits for those who participate in a responsible manner.

- I support the statement that growth areas present further opportunities to increase the number of gaming venues and EGMs but do not agree that it can be assumed that growth areas will be disadvantaged into the future. My proposed alternative wording is:

Growth areas present further opportunities to increase the number of gaming venues and EGMs. These considerations need to be balanced against the ~~lack of clarity regarding likely future~~ socio-economic attributes of ~~the~~ new emerging communities.

- I have also stated my opinion on the implications of delaying new venues into growth areas until most of the PSP is developed, particularly on the assumption that other entertainment, recreational or community facilities will develop organically in and around activity centres. Accordingly, I recommend the following wording as being more appropriate as it enables a broader view of access to facilities within a community:

~~their potential vulnerability to harm from convenient access to gaming; the delays in delivering a full range of activity centres and other~~

~~community facilities, which collectively will have a bearing upon the identification of appropriate locations for gaming. the need to ensure locations for gaming venues are not convenient and that the provision of gaming is considered in the context of access to a range of entertainment and other community facilities.~~

- Key issues – should add the word negative before impacts

*Ensuring that the **negative** impacts of gambling on the health and wellbeing of the community are minimised.*

- Delete Objective 8. Assuming the Panel agrees with my earlier recommendations, this Objective is redundant and the objectives around the appropriate locations is dealt with earlier in the clause.

8.2.8 I do not consider that the exhibited Wyndham Harm Minimisation Policy provides any real benefit to a decision maker as a reference document given its focus on advocacy and little real reference to planning related matters. Accordingly, I would recommend that it is not included as a reference document.

8.3 Revised Schedule 52.28

Objectives

8.3.1 The revised Schedule to Clause 52.28 proposes to include the following objectives:

- *To minimise gambling-related harm to individuals and the community and ensure that gaming machines are situated in appropriate locations and premises to minimise convenience gambling.*
- *To discourage new gaming venues from establishing in a growth area covered by approved precinct structure plan until the new community and land use patterns have substantially established.*
- *To manage the concentration of gaming machines and gaming venues away from areas or communities vulnerable to gambling related harm.*
- *To ensure that where gaming machines operate, they do so as part of an overall range of social, leisure, entertainment and recreational activities and facilities.*
- *To discourage the proliferation of gaming premises in locations where the predominant use is residential.*

8.3.2 I have concerns with the second objective and consider that it should be amended but am comfortable with the remainder of the objectives.

8.3.3 I consider, consistent with my opinions previously stated, that this objective should read as follows:

To ensure new gaming venues located in growth areas give due consideration to the accessibility of that community to a range of non-gaming related entertainment and recreational opportunities.

Locations for gaming machines

8.3.4 Section 4.0 includes locational criteria for gaming machines with a strong focus on where gaming shouldn't be located.

8.3.5 I consider that this Schedule would be strengthened if it provided more direction for the location of new venues and machines. This wording could include:

- Where the community has convenient access to a choice of non-gaming entertainment, leisure, social and recreational uses that operate at the same time as the gaming venue in the *surrounding* area such as hotels, clubs, cinemas, restaurants, bars, theatres, galleries, exhibition centres, sporting venues and indoor recreation facilities.
- Where the facility is removed from day-to-day convenience activities and is not easily accessible
- At the periphery of activity centres and removed from land zoned for retail purposes
- ~~— Where they would make a positive contribution to the redistribution of gaming machines away from relatively disadvantaged areas, as defined by the latest SEIFA Index of Relative Socio-economic Disadvantage~~

8.3.6 I consider that the second criteria should be deleted given that gaming applications rarely, if ever, have the potential to relocate machines away from an existing venue within the municipality. This concept is based on an outdated regulatory model where Tattersalls and Tabcorp effectively owned all Hotel and Club gaming machines in Victoria and the relocation of machines between venues was commonplace.

8.3.7 Section 4.0 includes locations where gaming should be discouraged. I have a several concerns regarding the extent of these and the resulting impact on possible locations within new PSP areas where gaming can occur.

8.3.8 The proposed list of criteria include:

- Areas of socio-economic disadvantage, being areas in or adjoining a Statistical Area Level 1 (SA1) which, accords to the most recent SEIFA index of relative disadvantage, is in the State's lowest 20% of relative disadvantage.
- Areas of everyday neighbourhood activity with high pedestrian access, where a decision to gamble may be spontaneous rather than predetermined.
- In new growth areas being developed in accordance with an approved Precinct Structure Plan until at least the majority of lots and the layout of activity centres, shopping centres and strip shopping centres have been developed on the ground.
- Gaming venues should not be established ahead of the provision of non-gambling entertainment, recreation activity and social infrastructure.
- In the rural townships of Wyndham where EGMs do not currently exist.
- In locations where the predominant surrounding land use is residential.
- In buildings used for residential purposes.
- Within 400 metres walking distance or clear line of sight of:
 - o An existing or approved gaming venue
 - o An existing or approved shopping complex and strip shopping centre
 - o A train station
 - o Social housing (housing for people of lower incomes that is owned or leased by the Department of Health and Human Services, registered housing association or a not-for-profit housing organisation)
 - o A gambling sensitive service or facility that is used by people experiencing or vulnerable to gambling related harms such as the

office of specific problem gambling services, financial counselling services, and material and financial aid services.

8.3.9 I have reviewed maps that have been prepared by Mr. Logan which apply the discouraged locations in a spatial form for the Truganina, Tarneit North and the Manor Lakes PSPs (Appendix H).

8.3.10 These demonstrate that, for each of these PSPs, once the locational criteria are applied there are limited locations that remain for the establishment of new gaming venues. Given the very limited number of locations permissible, which must then be considered in the context of sites that would actually be suitable commercially for a gaming venue, I am mindful that should such venues not be permissible until the PSP is substantially completed, there is a real risk that no opportunities for these venues will remain.

8.3.11 Nevertheless, for the locations where gaming is discouraged, I provide the following response:

- I do not agree with Criterion 3 for the reasons I have already discussed. It should be amended with

In new growth areas where the community does not have access to a range of retail, non-gaming related entertainment and recreational opportunities.

- I also do not agree with 'gaming venues should not be established ahead of the provision of non-gambling entertainment, recreation activity and social infrastructure.' As discussed, there is a viability nexus between providing gaming and new venues being able to establish. New venues by their very nature provide for a range of non-gambling entertainment, recreation activity and social infrastructure and by providing these early in the development of PSPs will result in benefits to the community through new facilities. Accordingly I consider that this criteria should be deleted and is appropriately dealt with by my proposed wording for criteria 3.
- I support Criteria 5, 6 and 7
- Criteria 8 is extensive and as shown in the maps at Appendix H, place significant limitations on the location of new venues. In reality, the location of new gaming venues should be limited given the relatively narrow range of locations when they can be considered suitable. I do however, have concerns with the 400 metres as an arbitrary figure in which to discourage venues. I do consider some flexibility is required here and it does not reflect a contextual approach that takes into account topographical and or psychological barriers to access such as major roads, waterways and train lines. As such I do not consider it necessary to include such a criterion regarding 400 metre access but prefer wording around line of sight and synergy. Accordingly, my proposed wording would be:

Within a clear line of sight or where there are synergies between:

- There are also some practical challenges around the second last sub dot point, pertaining to the location of social housing. Given privacy issues around being able to identify the location of smaller pockets of social or community housing, I also consider it appropriate to delete these as locational considerations as they further erode certainty around the location of new venues in the municipality and there is little evidence that people living in public or social housing are overtly susceptible to problem gambling. I consider that a better option would be to recognise this as a decision guideline and review

disadvantage more generally. Accordingly, I would recommend that this criteria be deleted.

8.3.12 Section 5.0 provides more specific guidance for where gaming machines should be located. I am supportive of the following criteria:

- In venues that offer alternative forms of non-gambling activities, such as social, leisure, entertainment and recreational activities during gaming hours.
- Venues with harm minimisation practices that can be demonstrated to exceed minimum standards.
- In venues where the gaming area is physically, visually and functionally separated from non-gambling facilities, passers-by, pedestrian and vehicle access and car parking.
- I also agree that gaming machines should not be located in venues that operate 24 hours per day or where the gaming area is more than 25 per cent of the total leasable floor area that is open to the public. This proposition is accepted statewide. I consider that gaming machines should not be located in venues that operate after 2am, given that there is strong evidence that problem gamblers are over represented during the early hours of the morning. Accordingly, I consider that more appropriate wording is as follows:

In venues that operate ~~24 hours per day~~ after 2am

8.3.13 I do not see the relevance of whether signage is of high quality to protect the amenity of the area. This matter is dealt with under a separate provision (Clause 52.05).

8.3.14 For the reasons already explained, I do not agree that new machines should be located in existing venues in established areas in preference to being located into new venues (both existing and proposed). Accordingly, I consider that this second dot point should be deleted.

8.3.15 I also consider that the following criteria should also be included:

In venues where there is no direct access to the gaming room from the carpark

In venues where access to the gaming room is obtained accessing or being able to easily see other non-gaming entertainment.

8.4 Application requirements

8.4.1 I am generally comfortable with the application requirements set out in the Schedule to Clause 52.28 as they provide a suitable level of information required for the responsible authority to make an informed decision.

8.4.2 However, I believe there are some variations that are required as set out below.

8.4.3 Due to the nature of the industry and the changes that were introduced in 2012, there are very few instances where gaming machines are being transferred between venues. Additionally, in cases where machines are being transferred within an LGA, at the time of application, this level of information is not typically known. For this reason, the words 'if applicable' should be added to the third dot point under 'Proposal Details'.

8.4.4 I also consider that the locational assessment should require an analysis of other non-gaming entertainment and recreational opportunities within a 2.5-5 km radius.

- 8.4.5 Accordingly, I consider the other requirements of the SEIA will appropriately assess these considerations if applicable and I therefore recommend that this point be deleted.
- 8.4.6 It is not a requirement that a planning application needs to create a net benefit nor does the Gambling Regulation Act. In this context, the inclusion of this as a decision guideline is inappropriate.
- 8.4.7 I understand that Council do not seek to pursue 'net community benefit' as a decision guideline and I support the removal of this guideline.
- 8.4.8 I am comfortable with the other decision guidelines proposed at Clause 52.28.

8.5 Reference documents

- 8.5.1 Amendment C252 proposes to include the *Wyndham Gambling Harm Minimisation Policy and Action Plan 2018-2022* as a reference document under the revised Clause 21.02.
- 8.5.2 I consider that there is insufficient connection between the strategy and the proposed changes to Clause 21.02 and the Schedule to Clause 52.28 for it be a useful background document. On this basis I do not consider that it should be a reference document.

9 Summary and Recommendations:

9.1 Summary

- 9.1.1 Following a review of the revised LPPF, the proposed reference document and the relevant strategic documentation it is my opinion that:
- The proposed variation to Clause 21.02 and the Schedule of Clause 52.28 requires changes to ensure that it is consistent with the relevant test under the Planning and Environment Act and the objectives and decision guidelines of Clause 52.28. These changes are detailed in Section 8 of this report
 - I do not consider the Wyndham Gambling Harm Minimisation Policy and Action Plan 2018-2022 should be included as a Reference Document in the Scheme.

9.2 Recommendations

- 9.2.1 I recommend that Amendment C252 be supported subject to the recommendations provided at Appendix I.

9.3 Declaration

- 9.3.1 I have made all the inquiries that I believe are desirable and appropriate and no matters of significance which I regard as relevant have to my knowledge been withheld from the Panel.

Appendix A Legislative Context:

Introduction

There are two key pieces of legislation that control the use and operation of gaming machines in Victoria.

One of the challenges within the planning system, and the preparation of any planning policy pertaining to gaming, is to ensure that the different legislative considerations under each are recognised and that the ambit of consideration under the *Planning and Environment Act 1987* does not stray from this statutory framework into the wider considerations under the *Gambling Regulation Act 2003*.

State Legislation

GAMBLING REGULATION ACT 2003

The operation of gaming machines in Victoria is controlled by the *Gambling Regulation Act 2003* and is administered by the Victorian Commission for Gambling and Liquor Regulation (VCGLR).

The main objectives of the Gaming Regulation Act are:

- to foster responsible gambling in order to:
 1. minimise harm caused by problem gambling; and
 2. accommodate those who gamble without harming themselves or others;
- to ensure that gaming on gaming machines is conducted honestly;
- to ensure that:
 - i. community and charitable gaming benefits the community or charitable organization concerned;
 - ii. practices that could undermine public confidence in community and charitable gaming are eliminated; and
- to promote tourism, employment and economic development generally in the State.

In determining whether a premises is suitable (either as a new premises with EGMs or an application for additional EGMs in an existing gaming premises), the VCGLR must, amongst other matters, be satisfied that the net economic and social impact of the approval will not be detrimental to the well-being of the community of the municipal district in which the premises are located.

The “no net detriment” test must be satisfied in response to the likely economic and social impacts of the introduction of machines. The test will be satisfied if, after weighing the likely positive and negative impacts of an application on the well-being of the community, the net outcome is either neutral or positive.

These considerations are different to the tests under the Planning and Environment Act, although there is some overlap.

Planning and Environment Act 1987

Section 60(1)(f) of the Planning and Environment Act 1987 (the Act) requires Council, as the responsible authority when determining an application (amongst other factors) to consider:

- *‘any significant social effects and economic effects which the responsible authority considers the use or development may have.’*

The Planning and Environment Act 1987 allows for the consideration of significant social and economic effects but does not require a consideration of net detriment.

For planning applications, these social and economic effects need to be considered in the context of the specific gaming provision at Clause 52.28 that is confined to considerations relating to the social and economic impacts of the location of the machines, rather than the particular issues of community well-being that are separately regulated under the *Gambling Regulation Act*.

Victorian Planning Provisions

Clause 52.28 of the Victorian Planning Provisions (VPP) 'Gaming' requires a permit to install or use a gaming machine.

Clause 52.28 outlines the decision-making guidelines that Council must consider, as appropriate when determining whether to grant a planning permit for the use or installation of a gaming machine.

The purpose of Clause 52.28 is to:

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

The decision guidelines focus on locational criteria and include consideration of:

- 'The Municipal Planning Strategy and the Planning Policy Framework.
- The compatibility of the proposal with adjoining and nearby land uses.
- The capability of the site to accommodate the proposal.
- Whether the gaming premises provides a full range of hotel facilities or services to patrons or a full range of club facilities or services to members and patrons.
- Any other matters specified in the schedule to this clause.'

Clause 52.28 is directly worded to ensure that any permit required under the particular provision considers the social and economic impacts of the location of the machines and other impacts arising from the location of the machines.

Clause 52.28 does not provide discretion for the consideration of potential social harm or health issues as a result of gaming machines unless such effects would fall into significant social effects as referred to in Clause 4 of the Planning and Environment Act 1987. I discuss this further below.

What is the difference in the two legislative frameworks?

There has historically been confusion between the considerations in the Planning and Environment Act 1987 (and the Planning Scheme) and the Gambling Regulation Act 2003. The Tribunal has on many occasions identified and affirmed the substantive differences between these legislative regimes.

For the assistance of the Panel, I seek to clarify the differences as follows and will explore in further detail specific aspects later in this statement of evidence:

- The Gaming Regulation Act requires consideration of the net impact of gaming machines on the social and economic well being of the

community (net benefit test). However, the Planning and Environment Act requires consideration of significant social and economic effects. These are quite different tests and, as previously established by VCAT such as in the New Bay Hotel or Club Edgewater matter, it is not necessary to establish no net detriment under the planning framework.

- The Gaming Regulation Act requires the consideration of net impact on the community. This is defined as the whole of the municipality in which the relevant venue is located. In practice, this assessment looks firstly at the primary catchment in which the machines are proposed to be located, such as a 2.5km radius, and then secondly the entire LGA. Clause 52.28 requires the consideration of the social and economic impacts of the location of the machines. This requires a consideration of the land uses and interfaces proximate to the venue. This is similar to a proposal to develop land for an apartment building and the consideration of effects on the properties closest to the site from overshadowing, visual bulk and the like.

The requirement to consider the social and economic effects of the location of the machines is the greatest 'grey' area in the assessment of gaming machines under Clause 52.28.

A reading of Clause 52.28, as a whole, indicates the relatively confined assessment required under the provision. On this basis and having regard to the numerous VCAT authorities relating to the confined scope of the assessment under clause 52.28, only areas proximate to and directly impacted by the machines are relevant as evidenced in the Exchange Hotel matter where social housing immediately adjacent to the proposed venue was not compatible with gaming.

Ministerial Direction 11

Ministerial Direction 11 seeks to ensure that a comprehensive strategic evaluation is undertaken for planning scheme amendments.

It requires a planning authority to, amongst other matters, prepare an explanatory report as to why the planning scheme amendment is required, its consistency with various specified aspects of the PPF and the Planning and Environment Act and other authorities.

I consider that the amendment has generally been prepared in accordance with these guidelines with the exception of comments I make in this evidence statement regarding modifications necessary to better reflect the statutory framework of Clause 52.28.

Appendix B Planning Context:

What is the current planning context for gaming in Wyndham?

The Wyndham Planning Scheme includes a range of strategies, policies and reference documents that are relevant to the consideration of planning permit applications for new or existing gaming venues.

PLANNING POLICY FRAMEWORK (PPF)

I consider the following PPF provisions provide overarching direction on the appropriate location of new gaming venues within the municipality.

Clause 11.02-3S (Sequencing of development) seeks to manage the sequence of development in growth areas so that services are available from early in the life of new communities.

Clause 11.03-1S (Activity centres) has the objective to build up activity centres as a focus for high-quality development, activity and living for the whole community by developing a network of activity centres.

Clause 17.02-1S (Business) has the objective *‘to encourage development that meets the community’s needs for retail, entertainment, office and other commercial services and provides net community benefit in relation to their viability, accessibility, efficient infrastructure use and the aggregation and sustainability of commercial facilities’*. Clause 17.01-1 includes the following strategy:

‘Locate commercial facilities in existing or planned activity centres’.

Clause 17.02-2S (Out of Centre Development) seeks to manage out of centre development, and discourage proposals for single use retail, commercial and recreational facilities outside activity centres and instead encourages their location in or on the border of activity centres.

The consideration of out of centre proposals are only considered where the proposed use or development is of net benefit to the community in the region served by the proposal. I consider this unlikely to be a relevant consideration for gaming related matters.

Clause 71.02-3 (Integrated decision making) seeks to integrate the range of policies relevant to the issues to be determined and balancing conflicting objectives in favour of net community benefit and sustainable development for the benefit of present and future generations.

Local Planning Policy Framework (LPPF)

There are two clauses of the Local Planning Policy Framework within the Wyndham Planning Scheme that provide guidance for gaming matters. They include:

- Clause 21.08 (Economic Development)
- Clause 22.03 (Electronic Gaming Policy)

Clause 21.08-5 (Economic Development) provides specific direction for gaming at Clause 21.08-5 including ensuring the impacts of gambling on the health and wellbeing of the community are minimised. Its key objective was to identify locations where electronic gaming machines are encouraged or discouraged.

The *Responsible Gambling Strategy (2012-2014)* is also listed as a reference document under 21.08.

Clause 22.03 (Electronic Gaming Policy) was gazetted into the Wyndham Planning Scheme in 2014.

The policy applies to all applications to use or install an electronic gaming machine (EGM) or establish a new gaming venue under clause 52.28. It

was informed by the Wyndham City Council's Strategic Planning Policy Framework – Electronic Gaming (2012).

The objective of this policy is to guide decision making in the location, design and operation of EGMs and gaming venues and identify locations where EGM venues are prohibited.

The policy also priorities that, amongst other things, discourage the use and installation of EGMs in areas of socio-economic disadvantage or result in the clustering of EGM venues.

An action of the Wyndham Gambling Harm Minimisation Policy and Action Plan 2018-2022 (discussed below) was to review Clause 22.03 in light of the outcomes of the Policy and Action Plan process.

Other Policies

There are numerous documents, strategies and research papers that address gambling and problem gambling. Where relevant these have been referenced in the body of this evidence statement.

Wyndham City, Strategic Planning Policy Framework – Electronic Gaming (2012)

The Wyndham City, Strategic Planning Policy Framework – Electronic Gaming (2012) is a current reference document under the Clause 22.03.

The Framework fulfils the Strategic Focus Area 2 of the Wyndham Responsible Gambling Strategy 2012-2014 which sets out Wyndham City's broad ranging response to the local impacts of gaming.

It establishes a strategic background by analysing the context of gaming in Wyndham, legislation relating to gaming in Victoria, and research into the impacts of gaming. It assesses existing venues in Wyndham, including the physical, social and economic contexts associated with local venue locations. The Framework then provides a Local Planning Policy to assist the assessment of future applications for EGMs in Wyndham.

It is proposed to delete Clause 22.03 and this reference document as part of Amendment C252.

Responsible Gambling Strategy 2012-2014

The City of Wyndham adopted its Responsible Gambling Strategy in 2012 and is a current reference document in Clause 21.08 (Economic Development). As discussed above, it is proposed to delete this strategy and insert the *Wyndham Gambling Harm Minimisation Policy and Action Plan 2018-2022* as a reference document under the new local planning policy under the Schedule of Clause 52.28.

The strategy seeks to minimise the impact of gambling on the community and facilitate transparent and consistent responses to applications before the relevant statutory authorities.

It includes four strategic focus areas, and the Action Plan provides a platform to deliver the desired outcomes.

This Reference Document is proposed to be deleted from Clause 21.08.

Appendix C SEIFA Analysis 2006 to 2016

	2006	2011	2016	2006	2011	2016	2006	2011	2016	2006	2011	2016	2006	2011	2016	2006	2011	2016	2006	2011	2016
CASEY/CARDINIA	BEACONSFIELD			BERWICK			CRANBOURNE NORTH			LYNBROOK			LYNDHURST			OFFICER			PAKENHAM		
POPULATION	3850	6412	6714	36419	44779	47674	9709	14570	20110	4489	6772	8519	408	4896	6725	1417	1761	7133	19644	33999	46421
SEIFA PERCENTILE	84	86	89	84	82	81	29	36	34	72	50	43	86	90	88	84	86	86	32	35	30

	2006	2011	2016	2006	2011	2016	2006	2011	2016
HUME	CRAIGIEBURN			GREENVALE			ROXBURGH PARK		
POPULATION	20784	32757	50347	10401	11969	15466	16907	19235	21817
SEIFA PERCENTILE	33	30	22	88	78	80	23	9	4

	2006	2011	2016	2006	2011	2016	2006	2011	2016	2006	2011	2016
MELTON	BROOKFIELD			CAROLINE SPRINGS			MELTON WEST			TAYLORS HILL		
POPULATION	3168	6104	9216	10879	20366	24205	10381	14171	17589	6542	11785	14921
SEIFA PERCENTILE	64	40	23	80	72	63	43	28	18	66	72	70

	2006	2011	2016	2006	2011	2016	2006	2011	2016	2006	2011	2016
WHITTLESEA	DOREEN			MERNDA			SOUTH MORANG			WOLLERT		
POPULATION	3451	11276	21298	831	6508	16458	12323	20873	24060	348	509	9060
SEIFA PERCENTILE	99	96	82	43	77	62	70	68	70	44	55	52

	2006	2011	2016	2006	2011	2016	2006	2011	2016	2006	2011	2016
WYNDHAM	POINT COOK			TARNEIT			TRUGANINA			WYNDHAM VALE		
POPULATION	14163	32413	49929	6669	21690	34562	2081	9138	20687	10356	17304	23273
SEIFA PERCENTILE	97	95	87	79	56	50	71	38	51	45	35	28

SEIFA percentile ranking 51 or higher
SEIFA percentile ranking between 21 - 50
SEIFA percentile ranking below 20 (significant disadvantage)



Appendix I - Proposed wording of amendment

21.02 SETTLEMENT

28/05/2015C192

This clause provides local content to support Clause 11 (Settlement) of the State Planning Policy Framework.

Specific references to individual suburbs and towns are also included in Clause 21.11 (Local Areas).

21.02-1
28/05/2015
C192

Urban growth

Growth Corridor Plans and Plan Melbourne have been developed at the metropolitan level which sets the strategic direction for the future urban development of land within Melbourne’s Urban Growth Boundary. The Growth Corridor Plan provides guidance for the way in which Precinct Structure Plans (PSPs) are to be developed for areas within the corridor addressing:

- The location of town centres and local community facilities;
- Estimated housing yields and the proposed location of higher density housing;
- Smaller scale local employment areas within and near residential precincts;
- The detailed alignment of arterial roads and connector roads;
- Local bus routes and their connections with Principal Public Transport Network (PPTN) and arterial road network;
- Best integrating land uses with the transport network;
- Open space networks, recreation facilities and shared paths;
- Defining edges between urban development and areas of high biodiversity and cultural heritage significance, landscape or drainage significance; and
- Major sites or easements required for public utilities.

Precinct Structure Plans (PSPs) are now being developed for all of the growth areas within the West Growth Corridor being Wyndham West (urban area west of the Werribee River); East Werribee Employment Precinct; and Wyndham North.

Key issues

- Managing significant population growth.
- Developing infrastructure in partnership with state and federal governments.
- Protecting industrial and residential activities from encroaching on each other.
- Providing jobs closer to where people live especially in the new employment corridor.

Objective 1

To identify areas suitable for urban growth and development.

Strategies

- 1.1 Concentrate most higher density residential and mixed use development and higher density employment areas and services within 400-800 metres of existing and planned rail stations.
- 1.2 Maintain a non-urban separation between Werribee and Geelong to the west of the existing quarry sites.
- 1.3 Ensure that interfaces between residential and employment areas; between urban and rural areas; and between urban and industrial areas are planned to minimise land use conflicts.
- 1.4 Identify areas of constrained land that are not expected to be able to be developed over the life of the corridor plan.

Objective 2

To achieve cost effective and orderly management of urban growth.

Strategies

- 2.1 Ensure that residential growth aligns with the delivery of key infrastructure items and the delivery of economic and employment growth.
- 2.2 Provide for growth on a scale and form consistent with maintaining the containment, compactness, accessibility and affordability of key growth areas.
- 2.3 Provide for new development to occur in areas that are not isolated from the core urban area and which integrate well with existing communities and infrastructure.
- 2.4 Support new development in areas where sufficient infrastructure can be provided.

21.02-2

28/05/2015

c192

Open space

Open space in Wyndham ranges from major sports reserves to linear parks along waterways and small parks in residential areas. Open spaces play a variety of roles including supporting healthy lifestyles. There is a need to consolidate and improve the quality of existing public open spaces and their connectivity to surrounding areas. There is also a need to ensure that urban development is designed to connect people with open spaces that capitalise on links such as road, drainage reserves and waterway corridors.

Key issues

- Developing an integrated and accessible open space network that will provide for the recreation needs of communities while preserving natural features, sustaining biodiversity and healthy waterways.
- Providing appropriate levels and types of open space to meet the needs of the community.
- Providing major sports areas as well as smaller, localised open spaces.

Objective 3

To ensure adequate provision of open space in residential, commercial and industrial areas.

Strategies

- 3.1 In residential growth areas, provide a network of quality, well-distributed, multi-functional and cost effective open space catering for a broad range of users.
- 3.2 In residential infill areas, provide relatively more public open space in areas of higher density development where private open space is reduced.
- 3.3 In activity centres;
 - Require that space is set aside for malls, pedestrian plazas, urban parks or rest areas; and
 - Require provision of open space for residential use within activity centres at the same rate for any other residential uses.
- 3.4 In industrial areas, require appropriate areas of open space based on the net developable area.
- 3.5 Require the physical provision of open space, wherever practical, in greenfield and brownfield locations; and a cash contribution in infill residential areas if physical provision is impractical.
- 3.6 Require any open space requirement not provided as land on a subject site to be provided in cash, or as land on another site (in addition to the open space requirement of that other site).

Objective 4

To achieve access to a range of appropriately maintained leisure, open space and recreational opportunities (active and passive).

Strategies

- 4.1 Provide active and passive open space areas in new and existing communities.
- 4.2 Ensure that active open space contribution is unencumbered by flooding or easements, as appropriate.
- 4.3 Ensure that any encumbrances on proposed passive open space do not restrict the suitability of the open space for its identified open space functions including maintenance.

- 4.4 Maximise passive open space opportunities along waterways and coastal areas.
- 4.5 Provide passive recreation and pedestrian and bicycle access along waterway and other linear corridors, providing that it does not compromise environmental values.
- 4.6 Maximise opportunities for multi-use open space.
- 4.7 Locate appropriate community and cultural facilities near open space.

Objective 5

To integrate landscape and environmental features into the regional open space system.

Strategies

- 5.1 Expand open space opportunities by use of shared trails linking the coast with waterway corridors and recreation reserves.
- 5.2 Encourage active frontages and community surveillance of open space areas.
- 5.3 Ensure that streets adjoin (and the fronts of housing face) open space reserves.
- 5.4 Create a network focussing on open space and watercourses for recreational cycling and walking routes.
- 5.5 Ensure the integration and connectivity of open space to surrounding land uses.
- 5.6 Encourage connectivity of open space to natural environment and landscape features.
- 5.7 Ensure open space assists in mitigating urban heat island effects by retaining natural features and vegetation.

21.02-3

28/05/2015 - / - / - -

C192 Proposed C252 Wynd

Liveability

Wyndham's future liveability will be centred on making it a connected, people friendly place where there are employment, recreation and appropriate living options. A priority for *Wyndham City's Plan for Community Health, Wellbeing and Safety* (2010-2013) is to recognise the risks and build on the strengths that its exceptional growth will bring.

Wyndham has a particularly high birth rate which has significant implications in terms of planning for the needs of children, young people and their families. While posing challenges, major growth provides significant opportunities to build a strong community that creates a platform for the good health, wellbeing and safety of residents.

Gaming and gambling **is a legitimate form of entertainment and recreation but** is a potential source of considerable harm to the wellbeing, health and safety of the Wyndham community **as well as benefits for those who participate in a responsible manner**. Wyndham offers many established hotels and clubs with electronic gaming machines. Growth areas present further opportunities to increase the number of gaming venues and EGMs. These considerations need to be balanced against the ~~lack of clarity regarding likely future~~ the socio-economic attributes of the new emerging communities; ~~their potential vulnerability to harm from convenient access to gaming; the delays in delivering a full range of activity centres and other community facilities, which collectively will have a bearing upon the identification of appropriate locations for gaming~~ **the need to ensure locations for gaming venues are not convenient and that the provision of gaming is considered in the context of access to a range of entertainment and other community facilities.**

Key Issues

- Planning for liveable, connected and healthy communities.
- Creating an employment corridor with jobs close to where people live.
- Providing a variety of housing typologies.
- Ensuring that the **negative** impacts of gambling on the health and wellbeing of the community are minimised.

Objective 6

To encourage safety, health, mobility, accessibility and a sense of place in design and development.

Strategies

- 6.1 Ensure new residential development is integrated with public transport and is connected to walking and cycling links.
- 6.2 Improve connectivity and access around the city for all members of the community.
- 6.3 Create opportunities for people to connect through the creation of urban parks, pedestrian plazas and urban links.

Objective 7

To ensure that Wyndham is a city in which people feel confident to move freely and safely.

Strategies

7.1	Ensure that issues of community safety and crime prevention are adequately considered.
7.2	Ensure that the integration of safety and security concerns are considered throughout the development assessment process.
7.3	Ensure that the design of infrastructure and neighbourhoods takes into account safety design principles.

~~Objective 8~~

~~To site electronic gaming machines in appropriate locations and venues where the potential gambling related harm to the community will be minimised.~~

~~Strategies~~

8.1	Discourage the establishment of new gaming venues in the growth areas, the subject of Precinct Structure Plans, until the new community has fully established, its demographic characteristics can be surveyed and analysed and the layout, composition and form of land use and development have been delivered.
8.2	Encourage additional EGMs to be consolidated in established venues where it can be demonstrated that they would not be proximate to areas of social and economic disadvantage, transport interchanges or convenience retail and community facilities, used by many people on a regular basis.
8.3	Ensure that a choice of other leisure and recreation pursuits are available proximate to gaming venues and alongside EGMs.

21.02-4

Implementation

~~28/05/2015~~
C492 Proposed C252wynd

Application of zones and overlays

The objectives, strategies and policy guidelines in the Planning Scheme are implemented through the application of appropriate zones and overlays as follows:

- Outside PSP areas, apply Environmental Significance Overlay with design guidelines along Werribee River, Skeleton Creek, Lollypop Creek and Little River.
- Apply Design and Development Overlays to areas requiring specific design solutions.
- Apply Development Contributions Plan Overlays to properly plan for infrastructure provision.

Policy Guidelines

The objectives, strategies and policy guidelines in the Planning Scheme will be implemented through the application of the following local planning policy.

WYNDHAM PLANNING SCHEME

- Clause 22.01 (Non-Residential Uses in Residential Zones Policy) seeks to provide direction on a range of discretionary use and development options in residential zones.

Further strategic work

- Prepare and implement 'Healthy by Design' guidelines to facilitate the development of liveable local communities.
- Prepare an Open Space Maintenance Strategy to maintain and improve standards of presentation in the municipality.

Reference documents

Wyndham Open Space Strategy (2004).

[The Wyndham Gambling Harm Minimisation Policy and Action Plan 2018-2022](#)

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Proposed C252wynd

SCHEDULE TO CLAUSE 52.28 GAMING

1.0

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Proposed C252wynd

Objectives

- To minimise gambling-related harm to individuals and the community and ensure that gaming machines are situated in appropriate locations and premises to minimise convenience gambling.
- ~~To discourage new gaming venues from establishing in a growth area covered by approved precinct structure plan until the new community and land use patterns have substantially established.~~
- **To ensure new gaming venues located in growth areas gives due consideration to the accessibility of that community to a range of non-gaming related entertainment and recreational opportunities.**
- To manage the concentration of gaming machines and gaming venues away from areas or communities vulnerable to gambling related harm.
- To ensure that where gaming machines operate they do so as part of an overall range of social, leisure, entertainment and recreational activities and facilities.
- To discourage the proliferation of gaming premises in locations where the predominant use is residential.

2.0

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Proposed C252wynd

Prohibition of a gaming machine in a shopping complex

Installation or use of a gaming machine as specified in Clause 52.28-4 is prohibited on land described in Table 1 below.

Table 1

Name of shopping complex and locality	Land description
Werribee Village Shopping Centre, Werribee	Land on the northwest corner of Shaws Road and Tarneit Road, Werribee.
Hoppers Crossing Shopping Centre, Hoppers Crossing	Land bounded by Old Geelong Road to the north, and Melbourne to Geelong railway line to the south, Hoppers Crossing. Nos 20-50A (even numbers) Old Geelong Road, Hoppers Crossing (Lot 1 on PS335092, and Lot on CP154553).
Pacific Werribee Shopping Centre, Hoppers Crossing	Land on the northwest corner of Heaths Road and Derrimut Road, Hoppers Crossing, except land occupied by the tavern containing 80 gaming machines.
Honour Avenue Shopping Area, Wyndham Vale	Land on the northwest corner of Honour Avenue and Ribblesdale Avenue, Wyndham Vale.
McGrath Road Commercial Area, Wyndham Vale	Land on the southeast corner of McGrath Road and Ballan Road, Wyndham Vale.
Tarneit West Village Shopping Centre, Tarneit	Land on the northwest corner of Tarneit Road and Hogans Road, Tarneit. 540 Tarneit Road, Tarneit.
Hogans Corner Shopping Centre, Hoppers Crossing	Land on the northeast corner of Hogans Road and Derrimut Road, Hoppers Crossing.
Hogans Road Shopping Area, Hoppers Crossing	Land on the northeast corner of Hogans Road and Deloraine Drive, Hoppers Crossing. 2-14 (even numbers) Deloraine Drive, Hoppers Crossing.
Tarneit Gardens Shopping Centre, Tarneit	53 Wickford Road, Tarneit (Lot A on PS708625) and any subsequent parcels created as a result of subdivision.
Wyndham Village Shopping Centre, Tarneit	Land on the northwest corner of Morris Road and Sayers Road, Tarneit. 380 Sayers Road, Tarneit.
Point Cook Shopping Centre, Point Cook	All land within the Commercial 1 Zone and Mixed Use Zone on the northeast corner of Dunnings Road and Boardwalk Boulevard, Point Cook.
Sanctuary Lakes Shopping Centre, Point Cook	Land on the northwest corner of Point Cook Road and Jamieson Way, Point Cook. 300 Point Cook Road, Point Cook.

WYNDHAM PLANNING SCHEME

Name of shopping complex and locality	Land description
Tom Roberts Parade Mixed Use Precinct, Point Cook	All land within the Mixed Use Zone on the northwest corner, northeast corner and southwest corner of Tom Roberts Parade and Boardwalk Boulevard, Point Cook.
Featherbrook Shopping Centre, Point Cook	Land on the southwest corner of Sneydes Road and Boardwalk Boulevard, Point Cook.
Soho Village Mixed-Use Precinct, Point Cook	All land within the Mixed Use Zone on the southeast corner of Sneydes Road and Malibu Boulevard, Point Cook.
Tribeca Village Mixed Use Precinct, Point Cook	All land within the Mixed Use Zone bounded by Saltwater Promenade and Carrick Street, Point Cook.
Williams Landing Shopping Centre, Williams Landing	Land on the southeast corner of Overton Road and Altair Street, Williams Landing. 100 Overton Road Williams Landing and any subsequent parcels created as a result of subdivision.
Allura Village Shopping Centre, Truganina	Land on the northeast corner of Elmhurst Road and Forsyth Road, Truganina. 50 Mainview Boulevard, Truganina and any subsequent parcels created as a result of subdivision.
Elements Shopping Centre, Truganina	185 Woods Road Truganina (Lot A on PS811258) and any subsequent parcels created as a result of subdivision.
Tarneit Central Shopping Centre, Tarneit	Land on the southeast corner of Leakes Road and Derrimut Road, Tarneit.
Riverdale Village Shopping Centre, Tarneit	Land on the northeast corner of Hummingbird Boulevard and Mulholland Drive, Tarneit, and on the southeast corner of Hummingbird Boulevard and Crimp Drive, Tarneit. Nos 177 and 200 Hummingbird Boulevard, Tarneit.
Manor Lakes Central Shopping Centre, Manor Lakes	Land on the northwest corner of Ballan Road and Manor Lakes Boulevard, Manor Lakes. 455 Ballan Road Manor Lakes.
Jubilee Neighbourhood Centre Shopping Centre, Wyndham Vale	Land bounded by Ballan Road, Welcome Parade and Memory Crescent, Wyndham Vale. Nos 1, 1A and 9 Welcome Parade, Wyndham Vale and Nos 772 and 940 Ballan Road, Wyndham Vale and any subsequent parcels created as a result of subdivision.
Wyndham Vale Square Shopping Centre, Wyndham Vale	Land on the southeast corner of Greens Road and Armstrong Road, Wyndham Vale.
Woodville Park Mixed-Use Precinct, Hoppers Crossing	All land within the Mixed Use Zone bounded by Warringa Crescent and Woodville Park Drive, Hoppers Crossing.

3.0

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Proposed C252wynd

Prohibition of a gaming machine in a strip shopping centre

A gaming machine as specified in Clause 52.28-5 is prohibited in all strip shopping centres on land covered by this planning scheme.

4.0

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Proposed C252wynd

Locations for gaming machines

Gaming venues and machines should be located:

- Where the community has convenient access to a choice of non-gaming entertainment, leisure, social and recreational uses that operate at the same time as the gaming venue in the [surrounding](#) area such as hotels, clubs, cinemas, restaurants, bars, theatres, galleries, exhibition centres, sporting venues and indoor recreation facilities.
- **Where the facility is removed from day-to-day convenience activities and is not easily accessible**
- **At the periphery of activity centres and removed from land zoned for retail purposes**
- ~~Where they would make a positive contribution to the redistribution of gaming machines away from relatively disadvantaged areas, as defined by the latest SEIFA Index of Relative Socio-economic Disadvantage.~~

Gaming venues and the installation of gaming machines are discouraged in the following locations:

WYNDHAM PLANNING SCHEME

- Areas of socio-economic disadvantage, being areas in or adjoining a Statistical Area Level 1 (SA1) which, accords to the most recent SEIFA index of relative disadvantage, is in the State's lowest 20% of relative disadvantage.
- Areas of everyday neighbourhood activity with high pedestrian access, where a decision to gamble may be spontaneous rather than predetermined.
- ~~In new growth areas being developed in accordance with an approved Precinct Structure Plan until at least the majority of lots and the layout of activity centres, shopping centres and strip shopping centres have been developed on the ground.~~
- **In new growth areas where the community does not have access to a range of retail, non-gaming related entertainment and recreational opportunities.**
- ~~Gaming venues should not be established ahead of the provision of non-gambling entertainment, recreation activity and social infrastructure.~~
- In the rural townships of Wyndham where EGMs do not currently exist.
- In locations where the predominant surrounding land use is residential.
- In buildings used for residential purposes.
- ~~Within 400 metres walking distance or clear line of sight of:~~
- **Within a clear line of sight or where there are synergies between:**
 - o An existing or approved gaming venue
 - o An existing or approved shopping complex and strip shopping centre
 - o A train station
 - o ~~Social housing (housing for people of lower incomes that is owned or leased by the Department of Health and Human Services, registered housing association or a not for profit housing organisation)~~
 - o A gambling sensitive service or facility that is used by people experiencing or vulnerable to gambling related harms such as the office of specific problem gambling services, financial counselling services, and material and financial aid services.

5.0

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Proposed C252wynd

Venues for gaming machines

Gaming machines should be located:

- In venues that offer alternative forms of non-gambling activities, such as social, leisure, entertainment and recreational activities during gaming hours.
- ~~In existing venues approved for the operation of gaming machines in preference over new venues.~~
- Venues with harm minimisation practices that can be demonstrated to exceed minimum standards.
- In venues where the gaming area is physically, visually and functionally separated from non-gambling facilities, passers by, pedestrian and vehicle access and car parking.
- In venues that have signage that is of high quality design and does not detract from the visual appearance and amenity of the surrounding area.

Gaming machines should not be located:

- In venues that operate ~~24 hours per day~~ **after 2am.**
- In venues where the gaming area is more than 25 per cent of the total leasable floor area that is open to the public.
- **In venues where there is no direct access to the gaming room from the carpark**
- **In venues where access to the gaming room is obtained accessing or being able to easily see other non-gaming entertainment**

6.0

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Proposed C252wynd

Application requirements

The following application requirements apply to an application for a permit under Clause 52.28, in addition to those specified elsewhere in the scheme and must accompany an application, as appropriate, to the satisfaction of the responsible authority:

Proposal details

A description of the proposal including the following;

- How the application is consistent with the Planning Policy Framework.
- The existing and proposed number of gaming machines at a venue and within the municipality.
- **If applicable, Details** regarding the transfer of gaming machines, including number of gaming machine to be relocated, potential changes to the density of gaming machines per 1,000 adults in the municipality and local areas, and potential changes to the number of venues in the municipality.
- Details regarding changes to gaming machine expenditure (at a municipal and venue level, per gaming machine and per adult).
- Existing and proposed number of people employed as a direct result of the proposal.
- A map indicating potential pedestrian paths of travel to and from the venue and within a 400 metre walking distance, including identification of public transport opportunities.
- Range and operating hours of the gaming facilities and activities within the venue.
- Range and operating hours of non-gaming facilities and activities within the venue, including areas licensed to serve and consume alcohol.
- Extent of the community contributions and benefits.

Locational assessment

A description of the location of the venue, including the following:

- **An analysis of other non-gaming entertainment and recreational opportunities within a 2.5-5 km radius**
- ~~Demographic profile of the area generally within 400 metres walking distance of the venue.~~
- ~~Land use within 400 metres walking distance of the proposed venue and line of sight, including facilities associated with day to day activities, such as shops, major community facilities, and public transport networks that would contribute to convenience gambling.~~
- ~~Locations of social support services within 400m walking distance and line of sight of the proposed venue including problem gambling services, financial counselling services and financial aid services.~~
- ~~Location of, distance to and operating hours of gaming venues within 400 metres walking distance and line of sight of the proposed site.~~
- ~~Location and operating hours of alternative non-gaming social, leisure, entertainment and recreation uses, both within the gaming venue and within 400 metres walking distance and line of sight of the venue.~~

Venue design and operation

- Detailed plans of the design and layout of the venue, including the location of all existing and proposed gaming machines, location of existing and proposed gambling and non-gambling facilities, entrances and exits to the gaming lounge, screening, facades treatment, external signage, external lighting, pedestrian and vehicle access and car parking.
- Details of the venue's non-statutory harm minimisation and responsible gaming practices.

Social and economic benefits

A social and economic impact assessment, prepared by a suitably qualified and experienced person, that details the following:

- SEIFA INDEX of Relative Socio-economic Disadvantage of the SA1 within which the venue is located and adjoining SA1s.
- The impact of the proposal on groups vulnerable to gambling-related harms as a result of their socio-economic and health profile within 400m walking distance of the proposed site.
- The impact of the proposal on venues from which gaming machines are to be relocated.

- The potential of the proposal to contribute to the local economy.
- The overall social and economic effects of the proposal.

7.0

Decision guidelines

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Proposed C252wynd

The following decision guidelines apply to an application for a permit under Clause 52.28, in addition to those specified in Clause 52.28 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:

- Whether the proposal will increase gambling related harm.
- Whether the proposal will contribute to the levels of socio-economic disadvantage or have any other adverse impact on vulnerable communities.
- ~~Whether there is a net community benefit to be derived from this proposal.~~
- Whether the location and operation of gaming machines would increase exposure to gaming opportunities as part of day to day activities such that a decision to gamble may be spontaneous rather than predetermined.
- Whether the proposal would create or contribute to an increased concentration of gaming venues or machines in excess of the state average.
- Whether patrons will have access to non-gaming entertainment and recreation facilities in the surrounding area and in the gaming venue that operate at the same time as the gaming machines.
- The impact of the proposal on the safety, amenity, character, tourism and cultural assets of the surrounding land area and municipality.