

Fact Sheet

ASSESSING GAMING APPLICATIONS

This fact sheet outlines the role of Council and local communities in the assessment of applications for new or expanded gaming venues. It is an action of the Wyndham Gambling Harm Minimisation Policy and Action Plan 2018-2022. Participating in gaming application processes can assist local government and communities to prevent and reduce harm from gambling.

Application process

To establish a new gaming venue, an applicant must obtain a **Planning Permit** from Council and a **Venue Operator Licence** from the Victorian Commission for Gambling and Liquor Regulation (VCGLR). To increase the number of machines within a venue, an applicant may need to amend an existing Planning Permit and/or Venue Operator Licence if either do not permit the number of machines sought. Applications may be made separately or at the same time. Decisions on all applications may be reviewed by the Victorian Civil and Administrative Tribunal. The key elements of Planning Permit and Venue Operator Licence applications are summarised in Table 1.



Table 1: Key elements of gaming applications

Application	Primary considerations	Legislation	Decision maker
Planning Permit	<ul style="list-style-type: none"> • Location of the venue • Venue design and operations • Significant social and economic impacts 	<i>Planning and Environment Act 1987</i>	Wyndham City Council
Venue Operator Licence	<ul style="list-style-type: none"> • 'Fit and proper person' test • Responsible gambling practices • Overall social and economic impact on community wellbeing 	<i>Gambling Regulation Act 2003</i>	Victorian Commission for Gambling and Liquor Regulation

Social and economic impacts

The social and economic impacts associated with an application are considered by decision makers. Impacts may be positive ('benefits') or negative ('disbenefits') and are generally given different weights (e.g. low, moderate, high) to estimate the overall impact of the proposal. Social and economic impacts are generally more significant for Venue Operator Licence applications (where they underpin a 'no net detriment' test¹), compared to Planning Permit applications (where they are one of several factors for consideration). It is important to note that the relative importance of social and economic impacts within each assessment process is determined by state government legislation, not by Council.

Social impacts include enhanced entertainment options (benefit), and increased incidence of problem gambling (disbenefit).

Economic impacts include additional employment opportunities (benefit), and increased expenditure associated with problem gambling (disbenefit).



¹ Under Section 3.3.7 of the *Gambling Regulation Act 2003*, the Victorian Commission for Gambling and Liquor Regulation cannot approve a Venue Operator Licence application unless it is satisfied that 'the net economic and social impact of the proposal will not be detrimental to the wellbeing of the community of the municipal district'.

Council's role

Council has distinct roles within each gaming application process.

Planning permit

Under the *Planning and Environment Act 1987*, Council is the 'responsible authority' for the administration and enforcement of the Wyndham Planning Scheme. As such, it assesses and makes decisions on applications against the requirements of the scheme. Gaming-related Planning Permit applications are assessed against Clauses 22.03 (local policy) and 52.28 (state policy) of the scheme, which focus primarily on location, venue design and operations, and significant social and economic impacts. Council also has the capacity to introduce new planning considerations and controls through a planning scheme amendment process.



Venue Operator Licence

Under the *Gambling Regulation Act 2003*, the VCGLR is responsible for determining applications for a Venue Operator Licence at a public hearing. The Act also allows Council to make a submission in respect to a Venue Operator Licence application and to appear at the public hearing to present evidence in support of its submission. An independent social and economic impact assessment report may be commissioned by Council to inform its submission, and ultimately its decision to oppose or support a proposal. Council also plays an important role in raising community awareness of Venue Operator Licence applications and, where appropriate, supporting community organisations and residents to participate in the assessment process.

Community's role

The community can play a role in Planning Permit and Venue Operator Licence applications by making submissions to the relevant decision maker. For example, Planning Permit applications usually have a period of public notice, when submissions specific to the proposal will be considered by Council in reaching a decision. Planning scheme amendments are subject to a similar 'public exhibition' period.

Residents and community groups may also participate in assessment of Venue Operator Licence applications by making a submission on the impact of the specific proposal to either Council or the VCGLR. Local communities may also hold events to raise awareness about an application, and representatives may appear at



public hearings to provide verbal evidence. Notably, 'community attitude' has been assessed as a disbenefit by the VCGLR in several recent cases, contributing to increasing incidences of Venue Operator Licence applications being refused.

Support and further information

To learn more about Council's activities to reduce gambling harm, please visit www.wyndham.vic.gov.au/gamblingharm or contact us on 9742 0777 or at communitywellbeing&inclusion@wyndham.vic.gov.au

The [Victorian Local Governance Association](#) also provides direct support for residents and community organisations to participate in gaming application processes.

Please also visit the following links for further information:

- [Wyndham Planning Application Process](#) (Wyndham City)
- [Gaming machine applications](#) (VCGLR)
- [Guide to gaming applications](#) (prepared by Hayden Brown, City of Greater Dandenong)
- [Alliance for Gambling Reform](#)