

CITY OF MONASH

GAMBLING POLICY

This policy outlines Monash City Council's position on electronic gaming machines (EGMs) within its municipality. The policy does not address other forms of gambling (eg sports betting) over which Council has no dedicated planning control or avenue to comment other than advocacy.

This policy supersedes the *City of Monash Gaming Policy 2001*.

Council will have regard to this policy when:

- assessing planning permit applications to install or use EGMs under Clause 52.28 of the Monash Planning Scheme (**Scheme**);
- making a submission to the Victorian Commission for Gambling Regulation (**VCGR**) on an application for approval of a premises as suitable for gaming under section 3.3.6 of the Gambling Regulation Act 2003 (**Gambling Act**); and
- making a submission to the VCGR on a request for an amendment of conditions of a venue operator's licence under section 3.4.19 of the Gambling Act.

Planning permit applications, applications for approval of a premises as suitable for gambling and requests for an amendment of conditions of a venue operator's licence will be collectively referred to as 'proposals' in this policy.

Section 3 provides an overview of the relevant sections of the Gambling Act and the Scheme.

1. Policy Basis

Council recognises that gambling is a lawful activity that can provide entertainment, recreation and socialising opportunities. While the majority of people who partake in gambling do so without experiencing adverse effects, a small but significant number of people gamble excessively and experience a variety of personal, family and financial problems (refer Section 5 for information on problem gambling). Council recognises the existence of this tension.

Since the proliferation of EGMs in the early 1990s, Council has become increasingly aware of the community's concern in relation to the detrimental impact that EGMs can have on some members of the community.

Council's overall goal and long-term commitment is to minimise and reduce the negative impacts of gambling on EGMs, both current and potential, on the Monash community.

Council is particularly concerned about the location and density of EGMs to vulnerable and areas of social and economic disadvantage. Refer to Sections 4 & 5 for a summary of the State's Gaming Profile and Monash's Gaming Profile.

Given that the City of Monash continues to have the highest expenditure on EGMs and 1.9 EGMs per 1,000 adult population above the State average, Council aims at working towards a reduction of EGMs to the State average.

2. Policy Objectives & Strategies

Objectives

It is policy to:

1. Encourage the reduction of EGMs within the municipality to the State average number of EGMs per 1,000 adult population.
2. Ensure that the social and economic impacts of EGMs are properly considered when assessing proposals.
3. Ensure that the location and design of gambling premises minimises the incidence of problem gambling.
4. Protect the character and amenity of Council owned or managed land (including reserves and sporting venues) from further commercialisation in relation to gambling.
5. Ensure that proposals achieve a net community benefit.
6. Recognise the importance of independent research and education into problem gambling.
7. Promote better support services for problem gamblers.
8. Ensure the proposal is compatible with adjoining and nearby land uses.
9. Ensure that the site has sufficient capability to accommodate the proposal.
10. Ensure that the gambling premises provides a full range of hotel facilities or services to patrons or a full range of facilities or service to members and patrons.

Strategies

Strategies to achieve these objectives are:

1. Council will oppose any proposal that does not include the following information:

- 1.1 details about the existing and proposed distribution of EGMs in the municipality.
- 1.2 a robust assessment of the social and economic benefits and risks of the proposed EGMs.
- 1.3 details of the nature and extent of community benefits expected from the proposal and how the benefits are to be secured and distributed to the local community.
- 1.4 evidence of the need for EGMs in the municipality broadly and the local area more specifically.
- 1.5 details of existing gambling expenditure at the venue (over a 3 year period prior to the application) and a forecast of the anticipated expenditure at the venue if the proposal was to be approved.
- 1.6 details of existing and proposed gambling and non-gambling related entertainment and recreation facilities within the local area and, if it is being contended that those facilities are not satisfying the current or future needs of the community, provide details of why those needs are not being, or will not be, satisfied.
- 1.7 if EGMs are to be relocated from other venues, the likely social and economic impact of the proposal on those venues and the local area within which those venues are located.
- 1.8 If the Applicant contends that gambling expenditure is likely to be transferred from other venues, the Applicant is to provide:
 - particulars as to how the level of transfer has been calculated (including, but not limited to, comparison per machine expenditure at the venue prior to and then after the additional machines, current usage levels of machines at the venue, projected usage level of machines at the venue after the additional machines);
 - the amount of transfer expenditure anticipated;
 - the resulting impact on revenue of the venue from where the expenditure is transferred; and
 - the resulting impact on the venue from where the expenditure is transferred (such as loss of employment, loss of complementary expenditures, loss of customers, impact on ability to provide services etc).
- 1.9 If it is proposed to move EGMs from one part of the municipality to another, details of the relative social and economic differences between the two parts

(by measure of SEIFA indices, ABS data etc). An explanation as to why the EGMs are being transferred is to be provided.

- 1.10 Where relevant, details of the design and layout of the premises including all proposed and existing signage and evidence of compliance with any relevant gambling regulations concerning premises layout, design and operation.
2. Council will not support any proposal for EGMs on Council owned or managed land.
3. Council will not support proposals that fail to provide a reasonable range of entertainment and recreational facilities for patrons/members beyond the placement of EGMs.
4. Council will not support proposals that seek to remove EGMs:
 - where the Commission has, by direction, required the number of EGMs in an area to be reduced by the gaming operators under section 3.2.4 of the *Gambling Regulation Act* 2003, Council will not support removal of machines from that area to other areas within the municipality
 - from one part of the municipality to a part of the municipality displaying greater social and/or economic disadvantage or a higher density of gambling machines per adult population.
5. Council will continue to encourage venue operators to actively participate in the economic and social well being of their local community.
6. Council will continue to encourage the local community to actively participate in alternative social and recreational opportunities, other than those offered by gambling venues.
7. Council will, where appropriate, participate in local research and educational programs related to EGMs and problem gambling.
8. Council will continue to convene the Monash Responsible Gaming Taskforce (refer Section 7) on a minimum quarterly basis, as a means of keeping open dialogue between Council, industry, service providers, welfare agencies and community groups.
9. Council will continue to participate on local, regional and State-wide networks to ensure that Council is informed on legislation changes and emerging trends
10. Council will continue to strongly advocate to State and Commonwealth Governments in relation to any gambling issues that impact on its local community.
11. Council will continue to advocate for a reduction of EGMs across the municipality especially in areas of socio-economic disadvantage.

12. Council will continue to advocate for the provision of adequately funded and readily available support services for people affected directly or indirectly by gambling.
13. Council will continue to strongly advocate to venue operators to provide a range of entertainment options within venues.
14. Council will continue to advocate that venue operators provide a safe environment for gaming activities and that useful information, such as Gamblers Help brochures, are readily available and displayed in appropriate locations.
15. Council will continue to encourage venue operators to provide funding grants to local not for profit community organisations.

3. Overview of Gaming Legislation in Victoria

Gambling Regulation Act

Before EGMs can be installed in premises, the premises must be approved by the VCGR as suitable for gaming (refer Part 3 of the Gambling Act).

The VCGR is a public authority established under the Gambling Act. Its functions include granting approvals of premises as suitable for gambling and making amendments to venue operators' licences.

Council may make submissions to the VCGR in respect of applications for approvals or requests for amendments. In its submission, Council can:

- address the economic and social impact of the proposal on the well-being of the community of the municipal district in which the premises are located; and
- take into account the impact of the proposal on surrounding municipal districts.

The VCGR may conduct public inquiries to take submissions and hear evidence to determine proposals.

Planning and Environment Act

Before EGMs can be installed, a permit may also be required under the *Planning and Environment Act 1987*.

The Scheme contains the detailed controls, which regulate land use, development and subdivision in the municipality.

In particular, Clause 52.28 of the Scheme contains controls relating to 'Gambling'. The purpose of the clause is:

- To ensure that gambling machines are situated in appropriate locations and premises.

- To ensure the social and economic impacts of the location of gambling machines are considered.
- To prohibit gambling machines in specified shopping complexes and strip shopping centres.

Clause 52.28-2 provides that a permit is required to install or use a gambling machine. The requirement for a permit does not apply where a gambling machine is proposed to be installed and used in an approved venue under the Gambling Act on 18 October 2006 and the maximum number of gambling machines for the approved venue on 18 October 2006 is not exceeded.

Clause 52.28-3 provides that the installation and use of a gambling machine is prohibited in a shopping complex specified in the schedule to the clause. These shopping centres are The Glen, Oakleigh Central Plaza, Brandon Park Shopping Centre, Wheelers Hill Shopping Centre and Waverley Gardens Shopping Centre. Clause 52.28-4 provides that the installation or use of a gambling machine is also prohibited in all strip shopping centres on land covered by Council's Scheme or nominated strip shopping centres.

Neither of the prohibitions apply where the gambling machines were installed or used in an approved venue under the Gambling Act on 18 October 2006 and the maximum number of gambling machines for the approved venue on 18 October 2006 was not exceeded.

Where a permit is required, an application is made to Council. Council may grant a permit or refuse to grant a permit. The Victorian Civil and Administrative Tribunal may also review any decisions of Council.

4. Gaming Machine Distribution in Victoria

State Ministerial Directions issued on 19 September 2002, set the following restriction on EGMs for all approved venues (other than the Melbourne Casino) in Victoria:

- The maximum number of EGMs permitted in all approved venues is 27,500.
- The maximum number of EGMs permitted in any one venue is 105.
- At least 20% of EGMs must be located outside the Melbourne Statistical Division.
- There must be a 50:50 split in the distribution of the 27,500 EGMs in hotel and club venues.

The Melbourne Casino is permitted a maximum of 2,500 EGMs, bringing the EGM ceiling in Victoria to 30,000.

In 2001, the Regional Caps Initiative was introduced in response to community concern regarding the high concentration of gambling machines in some local areas. The caps

initiative limited the number of EGMs in areas that were identified as vulnerable to the negative impacts of gambling.

The introduction of the first round of EGM caps in Victoria under section 12AA of the *Gaming Machine Control Act* (1991) selected only five areas. These areas could host no more than 11 machines per 1,000 adult populations and included only 2.5% of the state's machines. The suburb of Mulgrave, located within the City of Monash was included in the 'Dandenong Plus' capping region.

In August 2005, the State Government reviewed its Regional Caps Initiative. The review concluded that the scale and scope of the regional caps policy implemented in the first round was not of a degree that would lead to a shift in the way that EGMs are distributed and therefore, unlikely to reduce accessibility to gambling opportunities.

In November 2006, the State Government announced that the Regional Caps Initiative would be extended to include 19 regions; Ballarat, Banyule, Bass Coast, Brimbank, Casey, Greater Dandenong, Darebin, Greater Geelong, Hobsons Bay, Hume, Latrobe, Maribyrnong, Melbourne, Monash, Moonee Valley, Moreland, Greater Shepparton, Warrnambool and Whittlesea. Under the new Regional Caps Policy, these regions will be capped at either ten EGMs per 1000 adult population or the existing density of the region - whichever is lower. There will be a total of 543 EGMs removed from six of the 19 regions.

The areas and postcodes of Monash that are affected by the 2005 Caps Review are Ashwood 3147, Chadstone 3148, Oakleigh, Hughesdale & Huntingdale 3166, Oakleigh South 3167, Clayton & Notting Hill 3168 and Mulgrave 3170.

At a similar time to the new regional caps policy being announced, the State Government stipulated a maximum density on the number of EGMs in all Local Government Areas not subject to a regional cap (exceptions include the central business district, Southbank and Docklands in the City of Melbourne). By 2010, the number of gambling machines in these LGAs must not exceed 10 EGMs per 1,000 adult population¹. Where the EGM density in a LGA is above the set maximum density, the excess EGMs must be removed.

5. Municipal Gaming Profile

Monash currently hosts 1,185 EGMs, the second highest number in Victoria. Monash has 16 gaming venues, the fourth highest number in Victoria. Of the 16 venues, 10 are hotels and offer a combined total of 717 EGMs. The remaining six are clubs and offer a combined total of 468 EGMs. The distribution of machine providers is equal in that Tattersall's and Tabcorp provide to eight venues each (refer to Appendix A & B).

¹ Note that the Regional Electronic Gaming Machine Caps Review Panel report recommends that the universal cap be set at a density of 8.0 EGMs per 1,000 adult population

Based on population density for 2006, the EGM density in the City of Monash is 8.83 EGMs per 1,000 adult population compared with the State figure of 6.86 EGMs per 1,000 adult population.

In the 2006/2007 financial year, the gambling expenditure in Monash amounted to \$128,681,581.14, the greatest loss for any municipality in Victoria for the eighth consecutive year. This equates to an average gambling expenditure of \$959.35 per adult in the City of Monash, compared with \$688.17 per adult in Melbourne Metropolitan and \$639.11 in Victoria. This places the City of Monash as the fourth highest metropolitan local government area in terms of per adult gaming expenditure. As there are 1,185 machines in Monash, this equates to approximately \$108,592 taken from each machine (after player returns).

Of the 16 venues in Monash, 11(69%) and 788 EGMs (66%) are located in Monash's suburbs of least advantage; Clayton, Oakleigh, Mulgrave and Chadstone giving residents in these suburbs a higher accessibility to EGMs.

As a result of the Regional Caps Review, venues in the capped suburbs of the City of Monash (as listed above) must remove a total of 165 EGMs.

The following venues are required to remove their excess machines by 18 December 2007².

Venue	Curent No of EGMs	EGMs to be removed	Revised Total by 18 December 2007
Leighoak	100	8	92
L'Unico Bar& Bistro	35	7	28
Monash Hotel	60	10	50
The Vale Hotel	70	14	56
Village Green Hotel	103	24	79
Clayton RSL	80	9	71
Foresters Arms	59	13	46
Mathew Flinders Tavern	105	46	59
Oakleigh Junction Hotel	60	13	47
Oakleigh – Carnegie RSL	22	2	20
Vegas at Waverley Gardens	94	19	75
Total	788	165	623

² Please note that as of 21st November 2007 the Leighoak, Oakleigh Carnegie RSL Sub-branch and L'Unico Bar & Bistro have removed the total number of required machines from their premises. Mathew Flinders Hotel has removed 4 of the required 46 machines. The total number of machines removed in Monash to date is 21. Removal of all machines must be completed by 18 December 2007 at all venues that are affected by the Regional Caps review.

6. Problem Gambling

In the context of this policy, Council has adopted the following definition of ‘problem gambling’;

Problem gambling refers to the situation where gambling in our society gives rise to harm to the individual player and/or to his or her family and may extend to the community.

This definition is listed in the 1999 Productivity Commission Report ‘Australian Gambling Industries’ and it is also utilised by Gamblers Help services.

According to the Productivity Commission (1999), around 2.3% of Australia’s adult population have significant problems with their gambling and 1% of Australians experience severe problems. The report highlights the broad range of harmful impacts that can result from problem gambling. These detrimental consequences can affect not only the individual gambler, but can also have bearing on those in the gambler’s social network, on local business, on community service, and on the community as a whole.

Although people who experience problems associated with gambling form a small proportion of the overall population, they spend far more money on gambling than non-problem gamblers; the Productivity Commission analysis concluded that problem gamblers account for 42% of total player losses on gambling machines³.

An important factor in influencing gambling behaviour is the accessibility to local gaming venues. In the 2003 Longitudinal Community Attitudes Survey⁴, nearly one-third (32%) of the EGM gamblers surveyed, had travelled less than 2.5km to the last venue where they played gaming machines. In addition, one quarter (25%) of the respondents travelled less than 5 kilometres. This finding has significant implication for decisions regarding the location of gambling venues, as the large majority (83%) of EGM gamblers went directly from home to the gambling venue.

7. Gaming Taskforce

In May 2000, the City of Monash established the Monash Responsible Gaming Taskforce. The taskforce comprises of representatives from Tattersalls, Tabcorp, local venues, Gamblers Help, local welfare agencies, church groups, Councillors and Council officers.

³ Productivity Commission, 1999 (Volume 3, Appendix P)

⁴ Australian National University, 2004

The aim of the Taskforce is to monitor and encourage responsible gambling practices throughout Monash and to advocate on behalf of the community in relation to gambling issues.

The Taskforce provides an opportunity for Council, service providers, industry and gambling venue operators to work together and create a forum for open dialogue between the key stakeholders.

8. Related Documents - Council Plans

This document is linked to a number of key Council plans;

- City of Monash Responsible Gaming Action Plan 2005 – 2007
- Municipal Public Health Plan 2007 - 2010
- Monash Council Plan 2006 - 2010
- Monash 2012, *A strategy for the future*
- Monash Planning Scheme

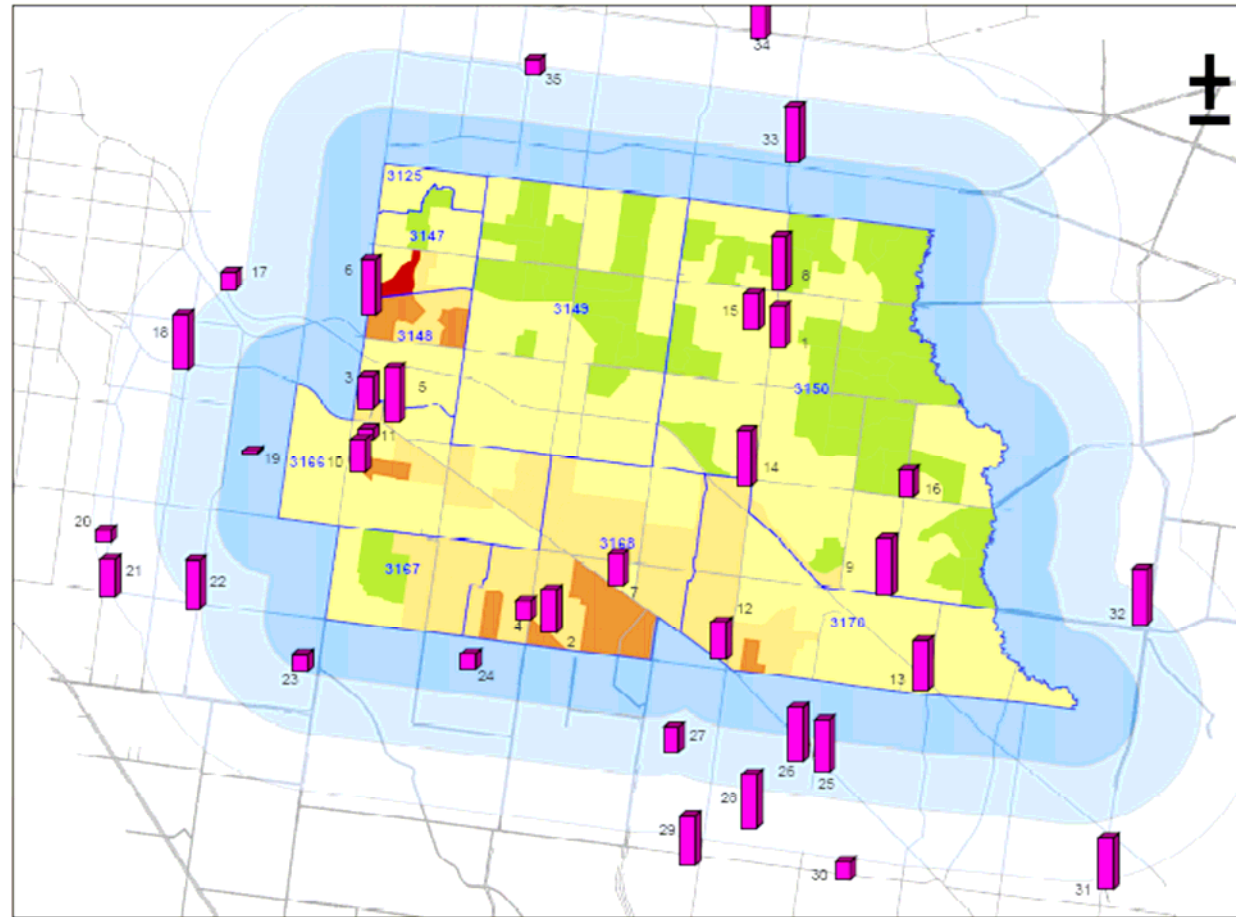
9. List of Appendices

Appendix A – Map - Gaming Machine distribution in the City of Monash and 3km Radius

Appendix B – Gaming Venues in the City of Monash

Appendix A

Gaming Machines in Monash and within 3km



- Gaming Machine Venue**
- | Id. | Venue | No. of Machines |
|-----|----------------------------------|-----------------|
| 1. | Century City Entertainment, 75 | |
| 2. | Clayton RSL, 60 | |
| 3. | Forester's Arms Hotel, 59 | |
| 4. | L'Unico Bar & Bistro, 30 | |
| 5. | Loughlin Hotel, 100 | |
| 6. | Madison Enders Taverner, 105 | |
| 7. | Monash Hotel, 60 | |
| 8. | Mountain View Hotel, 100 | |
| 9. | Mulgren Country Club, 105 | |
| 10. | Ordeagh Junction Hotel, 60 | |
| 11. | Ordeagh RSL, 22 | |
| 12. | The Vale Hotel, 70 | |
| 13. | Veges at Waverley Gardens, 54 | |
| 14. | Village Green Hotel, 103 | |
| 15. | Waverley RSL, 67 | |
| 16. | Whessers Hill Hotel, 50 | |
| 17. | East Malvern RSL, 33 | |
| 18. | Rosstown Hotel, 100 | |
| 19. | Mumamberra Park Bowls Club, 5 | |
| 20. | McKinnon Hotel, 23 | |
| 21. | Bentleigh RSL, 70 | |
| 22. | Southern Taverner, 50 | |
| 23. | South Oakleigh Club, 32 | |
| 24. | Clayton Bowls Club, 29 | |
| 25. | Highways Taverner, 100 | |
| 26. | Sandown Park Hotel, 65 | |
| 27. | Springvale RSL, 47 | |
| 28. | Sandown Greyhounds Taverner, 100 | |
| 29. | Wooling Mallards Hotel, 91 | |
| 30. | Holde Park RSL, 33 | |
| 31. | Dewlands Club, 54 | |
| 32. | Stamford Hotel, 103 | |
| 33. | Survive Hotel, 103 | |
| 34. | Veges at the Chase, 50 | |
| 35. | Box Hill Golf Club, 29 | |
- Proximity to Monash**
- 0-1km
 - 1-2km
 - 2-3km
- SEIFA INDEX OF RELATIVE DISADVANTAGE (ABD)**
- Below 692 (Lowest 10% of Mels.)
 - 691 - 957 (Lowest 10-20% of Mels.)
 - 958 - 1000
 - 1001 - 1100
 - 1101 - 1200
 - Above 1200
- Number of EGMs in 5 within 3km of Postcode areas with SEIFA index equating to lowest 20% of Melbourne**
- Postcode 3147 - 408
 - Postcode 3148 - 487
 - Postcode 3166 - 836
 - Postcode 3168 - 835
 - Postcode 3170 - 1187

This map is for general use only and may not be used as proof of ownership, dimensions or any other status. The City of Monash endeavours to keep information up to date and would welcome notification of omissions or inaccuracies. Data date supplied under licence from Land Victoria

0 0.5 1 2 3 Kilometres

August 2005
Prepared using City of Monash GIS

Appendix A

Appendix B

Gaming Venues in the City of Monash (as at June 2007)

Venue	Address	Suburb	EGM Provider	Number of EGMs	Venue Type	Room for expansion? (Y/N)
Century City Entertainment	285-287 Springvale Road	Glen Waverley	TABCORP	75	Hotel	Yes
Clayton RSL	163 Carinish Road	Clayton	Tattersall's	80	Club	Capped
Foresters Arms Hotel	1529 Dandenong Road	Oakleigh	Tattersall's	59	Hotel	Capped
Vegas at Waverley Gardens	Shop 122, Waverley Gardens Shopping	Mulgrave	Tattersall's	94	Club	Capped
Leighoak	Cnr Princes Highway & Atkinson Street	Oakleigh	TABCORP	100	Club	Capped
Lunico Bar & Bistro	317-319 Clayton Road	Clayton	TABCORP	35	Hotel	Capped
Matthew Flinders Hotel	655 - 667 Warrigal Road	Chadstone	Tattersall's	105	Hotel	Capped
Monash Hotel	2071-2091 Dandenong Road	Clayton	TABCORP	60	Hotel	Capped
Mountain View Hotel	186 Springvale Road	Glen Waverley	Tattersall's	100	Hotel	Yes
Mulgrave Country Club	Cnr Wellington & Jells Road	Whealers Hill	TABCORP	105	Club	No

Oakleigh Junction Hotel	1 Portman Street	Oakleigh	Tattersall's	60	Hotel	Capped
Oakleigh- Carnegie RSL Sub-Branch	95-97 Drummond Street	Oakleigh	Tattersall's	22	Club	Capped
The Vale Hotel	2277 Dandenong Road	Mulgrave	TABCORP	70	Hotel	Capped
Village Green Hotel	Cnr Springvale & Ferntree Gully Road	Mulgrave	TABCORP	103	Hotel	Capped
Waverley RSL Club	Cnr Coleman Pde & Glendale Street	Glen Waverley	Tattersall's	67	Club	Yes
Wheelers Hill Hotel	871-891 Ferntree Gully Road	Wheelers Hill	TABCORP	50	Hotel	Yes