



Banyule City Council

Electronic Gaming Machine Policy 2014

DIRECTORATE:	CORPORATE SERVICES
SECTION:	COMMUNITY & SOCIAL PLANNING
POLICY:	BANYULE ELECTRONIC GAMING MACHINE POLICY 2014
RESPONSIBLE OFFICER	COMMUNITY & SOCIAL PLANNER
DATE ADOPTED BY COUNCIL	June 2nd 2014

POLICY OBJECTIVE

The following Policy Statement defines the various Council positions on electronic gaming machines (EGMs) proposed within Banyule and in close proximity to our municipality. It provides a basis for further consultation and input into the possible development of an Electronic Gaming Machine Policy Implementation Plan. This Policy Statement defines how the Council will respond to applications for new venues, additional machines and transfers of machines between venues. The Policy Statement can also be used to guide Council's response to other gambling related matters.

BACKGROUND

This Policy Statement has been developed in line with Part 1A—Local Government Charter of the Local Government Act 1989 and in line with current State Government Policy, Legislation and Victorian Planning Provisions (VPP's).

THE COUNCIL'S INFLUENCE

While all forms of gambling can lead to a range of complex social issues, Banyule City Council acknowledges that it has a clear role around EGMs, which include:

- **Responsible Authority**—in accordance with the Planning and Environment Act 1987, in deciding on applications for planning permits;
- **Site, premises or land owner/manager**—in situations where gaming venues are already established or proposed to be situated, are owned, managed or vested in the authority of Banyule City Council;
- **The Referral Authority**—where an application for planning permit is made within a neighbouring municipality (Darebin, Yarra, Boroondara, Manningham, Nillumbik and Whittlesea) and is referred to Banyule City Council for comment;
- **Key Stakeholder and Community Advocate**—during times of government review or alternative mechanisms involving community consultation and community advocacy; and
- **Administrator of Community Benefit Grant & Trust Agreements**—The Council's Grant Administrators may support the administration on behalf of Contributing Gaming Venues.

This Policy is therefore limited in its scope to the area of EGMs and not the broader and more general policy area of gambling.

THE ELECTRONIC GAMING MACHINE INDUSTRY

Electronic Gaming Machines can be found in clubs and hotels within Banyule. The subtle difference in the role that clubs play, as compared to hotels is recognised within this policy statement.

The community building role that 'not for profit' clubs play within our community needs to be recognised, while balanced against the backdrop of the potential negatives associated with problem gambling.

In relation to hotels, Council looks forward to working alongside operators in ensuring that a greater percentage of the moneys paid by them towards the Community Support Fund is allocated back to the community from which it is derived.

In each situation the application or proposal to increase numbers of EGM's will be assessed on its own individual merits, based on the proponent's ability to demonstrate net community harm and an ability to build community relationships to achieve local community outcomes. As this will be evidenced by the proponent's Social and Economic Impact Assessment (SEIA), each proposal is expected to be accompanied by a SEIA, compiled in line with the Council's relevant SEIA Guideline.

POLICY, PRINCIPLE STATEMENTS

The following Policy Statements will guide Banyule City Council when determining an application or matters directly associated with EGMs:

I. RESPONSIBLE MANAGEMENT OF EGM DENSITY AND REDUCING GAMING LOSSES

Gaming is recognised as a legitimate form of entertainment, however it is acknowledged that Local government has a responsibility to explore approaches to prevent and reduce harm from gaming on our community.

The introduction of mandatory and systematic management programs by the Victorian Commission for Gambling and Liquor Regulation (VCGLR) is supported. For example, we support the capping the number of EGMs in the municipality, particularly in local areas where community indicators represent higher levels of vulnerability. In areas where greater vulnerability is identified, Banyule City Council would advocate for working to decrease EGM numbers.

Despite likely population growth, due to the disproportionate level of harm reasonably anticipated, Banyule City Council opposes a future increase of EGM numbers within these more vulnerable communities, particularly within and surrounding the 3081 postcode.

It is recognised that the potential for negative impacts on our community is not solely related to the number of EGMS within Banyule, but also relates to access to gaming machines within a 5km radius of Banyule's municipal borders.

All EGM applications will be considered against their ability to demonstrate comparative community benefit, any increase in EGMs would be of particular concern and will be opposed where a negative impact can be reasonably anticipated.

The transfer of EGMs between venues will not be supported in situations where the potential for a negative social impact is demonstrated (including when the transfer will result in the concentration of EGMs in areas of vulnerability, as identified by the Socio-Economic Indexes for Areas (SEIFA) and other relevant indicators of health and wellbeing disadvantage).

Collaboration with neighbouring and other Councils, State and Federal Governments and proprietors in ensuring best practice gaming operations is supported.

2. SUPPORTING THOSE AFFECTED BY EGM PROBLEM GAMBLING

It is acknowledged that problem gambling is a complex social issue, which requires a series of interrelated interventions.

Availability of locally accessible support services for problem gamblers and inclusive community support services for citizens adversely affected by gaming is encouraged.

The mandatory subscription of the gaming industry to the State Government managed best practice responsible gaming and harm minimisation principles is supported.

All information and resources made available, particularly in relation to Gamblers Help should be made available in all relevant languages and in formats suitable for people with disabilities (i.e. Large Print, Braille, audio and easy English).

3. INCREASED ACCOUNTABILITY AND PARTNERSHIP IN THE MANAGEMENT OF THE COMMUNITY SUPPORT, BENEFIT AND TRUSTS FUNDS AND AGREEMENTS

Local influence—The Council will continue to act as Administrator Community Benefit Grant and Trust Agreements on behalf of Contributing Gaming Venues on a net cost to Council basis.

Establishing and maintaining partnerships with Clubs to ensure the meaningful administration and distribution of the Community Benefit Funding allocation is viewed as important within the City of Banyule.

Clubs are encouraged to establish and maintain community networks and explore opportunities for creative community partnerships in the development of local projects, programs and community events.

Community Benefit Statements and benefit activities reported on will be assessed for compliance with the stated commitments in proponents SEIA, Planning Permit conditions and other relevant commitments.

State influence—Improved accountability for ensuring that a greater percentage of gambling funds obtained by the State Government are directed back into and managed by the communities from which they were obtained is an aspiration of this Policy.

Periodic Assessment of Community Benefit and Community Support Fund Statements will be undertaken to ensure that the benefits claimed are tangible, and demonstrate a resulting local community benefit.

4. UNDERSTANDING THE SOCIAL AND ECONOMIC IMPACTS OF GAMING

A copy of the Social and Economic Impact Assessment (prepared by a suitably qualified practitioner) will be required to be provided with all applications for additional EGMs or new Electronic Gaming venues. The SEIA will incorporate a report which demonstrates community engagement undertaken.

A Working Definition of SEIA—A Social and Economic Impact Assessment involves a process for managing potential outcomes of a proposal, more than the delivery of a report as an outcome in itself. It is not just about demonstrating awareness of potential changes but more so, what is proposed to be done to manage those anticipated changes. The aim of a SEIA is to demonstrate a proponents commitment and ability to do no harm, or at least an ability for managing the changes anticipated to produce less harm.

Strength for Councils authority to request a SEIA is offered by Sections 4(2)(c) and (2)(d) of the Planning and Environment Act 1987 which sets out the objectives of the planning framework established by the Act and enables the integration of environmental, social and economic policies in land use and development planning. In addition, Section 60(1A)(a) of the Act allows the Council as the Responsible Authority to consider “any significant social and economic effects of the use or development for which the application is made”.

Clear SEIA guidelines, associated decision making criteria and workflow processes will assist proponents in preparation of their applications and requests for information.

A list of all the postcodes of the catchment area which the new venue or additional machines propose to service, will be required when an application is referred to Banyule City Council by a neighbouring municipality.

Proponents will be expected to demonstrate a considered planning approach to internal venue design, with clearly defined activity separation and compatible land uses within and external to the building envelope.

Banyule City Council supports responsive social and recreational policies which encourage proponents for new Electronic Gaming venues to demonstrate sustainable and adaptive building construction principles that will provide opportunities for the venue to cater for a range of alternative recreation uses in the future.

The implications of patronising gaming venues in association with Council’s Service delivery, will be regularly canvassed across Council Service areas.

5. ADVOCACY, ADVICE AND ACTION

All decisions and advice provided by Banyule City Council in relation to matters of gaming will be made in accordance with this policy, the relevant provisions of the Banyule Planning Scheme and relevant implementation guidelines.

When an application for additional machines, new venues or transfers of machines between venues, is not supported, Banyule City Council will coordinate a submission to the Victorian Commission of Gambling and Licensing Regulation (VCGLR).

The VCGLR will continue to be lobbied as required to ensure the role and views of Banyule are considered.

Banyule City Council will advocate for the appropriate and meaningful distribution of funds from the community benefit and support funding allocations and oversee the coordinated administration of Grants Trust Agreements in an open, transparent and accountable manner.

The wellbeing of the community, in particular the impacts of problem gambling will continue to be monitored and an understanding of the impact of gambling on our local communities will be used to inform strategic action plans.

6. CONTRACT MANAGEMENT

Any application for new or additional EGMs at venues which are situated on land that is owned or managed by Council will not be supported without a SEIA which demonstrates a process for achieving net community harm.

This Electronic Gaming Machine Policy Statement will be considered in relation to Council owned buildings, the establishment of new or renewed contracts, leases, legal agreements and recreation and leisure policies.

Clubs and Venues situated in buildings or land owned or managed by the Council will be expected to contribute to the local Community Grants Trust.

Gaming venues and the community will be encouraged to work together in the development and ongoing management of gaming venues' community benefit programs and initiatives.

7. REFERENCE AND WORKING GROUPS AND PROCEDURAL GUIDELINES

A Council Reference Group will be convened to oversee development of Procedural Guidelines to support the implementation of this Policy.

A Council Working Group convened by the Community and Social Planning Unit will oversee the procedural implementation. Convened as required, this group will maintain currency of awareness of gaming related matters.

Future strategic plans will consider the relevance, implications and application of this policy framework.

8. POLICY REVIEW AND REVISION

This policy Statement will be reviewed within four years from the date of adoption or as triggered by changes to legislation, Government or Council policy direction or in response to any other requirement which may trigger the need to do so.

Notional Policy Review date: 30th May 2018.