

19/06/2020
C193moon**SCHEDULE TO CLAUSE 52.28 GAMING****1.0**19/06/2020
C193moon**Objectives**

To protect the amenity of surrounding uses of venues containing gaming machines.

To minimise opportunities for convenience gaming.

To discourage the location of gaming machines in, and proximate to, disadvantaged areas and vulnerable communities.

To minimise harm from gaming and the incidence of problem gambling.

2.019/06/2020
C193moon**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
Milleara Mall, Keilor East	Land on the north-west corner of Buckley St & Milleara Rd, Keilor East
Airport West Shopping Centre, Airport West	Land on the west side of Mathews Ave, Airport West, not including the Skyways Hotel

3.019/06/2020
C193moon**Prohibition of a gaming machine in a strip shopping centre**

A gaming machine as specified in Clause 52.28-5 is prohibited in a strip shopping centre specified in Table 2 below.

Table 2

Name of strip shopping centre and locality	Land description
Buckley Street Shopping Centre, Essendon	1 Beaver St; 164-178 (even numbers), 191-223 (odd numbers), 192-228 (even numbers), units 1-6 (all numbers) of 238, 263-309 (odd numbers), 343-365 (odd numbers) and 413-419 (odd numbers) Buckley St; 2 Clarinda St; 1-5 (odd numbers) Fawkner St
Bulla Road Shopping Centre, North Essendon	64-70 (even numbers), 70A, 70B and unit 3 of 70B Bulla Rd
Canning Street Shopping Centre, Avondale Heights	163-173 (odd numbers) Canning St
Centreway Shopping Centre, Keilor East	5-29 (odd numbers) and 6-30 (even numbers) Centreway; 39-65 (odd numbers) Wyong St; 38-64 (even numbers) Wingara Ave
Charles Street Shopping Centre, Ascot Vale	58-60 (even numbers) Charles St
Creswell Avenue Shopping Centre, Niddrie	55-67 (odd numbers) Creswell Ave
Dinah Parade Shopping Centre, Niddrie	Units 1-6 (all numbers) of 39 (including the car park at the front of the lots), 41-59 (odd numbers) Dinah Pde; 23-45 (odd numbers) McFarlane St

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Name of strip shopping centre and locality	Land description
Epsom Road Shopping Centre, Ascot Vale	142-152 (even numbers) Epsom Rd
Essendon Shopping Centre, Essendon	1-93 (odd numbers) Rose St; 1-27 (all numbers) Russell St; 859-881 (odd numbers) and 884-968 (even numbers) Mt Alexander Rd; 1-41 (odd numbers) and 2-72 (even numbers) Napier St; 43-87 (odd numbers), 50-80 (even numbers) (including land at the rear of 50) and 94-104 (even numbers) Fletcher St; 97-109 (odd numbers) and 119-131 (odd numbers) Buckley St; 85-89 (odd numbers) Raleigh St
Glass Street Shopping Centre, Strathmore	1-21 (odd numbers), 2, 4A and 4B Glass St; 62 Napier Cr; 38-48 (even numbers) Ardoch St
Hampton Road Shopping Centre, Niddrie	18-28 (even numbers) Hampton Rd
Hoffmans Road Shopping Centre, Niddrie	75-85 (odd numbers), 85A, 87A and 87B Hoffmans Rd (including the car park at the southwest corner of Hoffmans Rd and Muriel St)
Keilor Road Shopping Centre, Niddrie	249-495 (odd numbers) (excluding land at the rear of 339 fronting Oglivie St) and 216-386 (even numbers) Keilor Rd; 4-8 (even numbers) Treadwell Rd; 1-11 (odd numbers) Wallis St, 2 and 4 Elstone Ave; 1-15 (odd numbers) Matthews Ave; 29 and 31 Ross St; 31 and 33 Dudley St
Keilor Road Shopping Centre, Niddrie	138-198 (even numbers) and 168-233 (odd numbers) Keilor Rd
Lebanon Street Shopping Centre, Strathmore Heights	28-40 (even numbers) Lebanon St; 2-14 (even numbers) Willonga St
Maribyrnong Road Shopping Centre, Ascot Vale	2 Epsom Rd; 271-291 (odd numbers) and 254-292 (even numbers) Maribyrnong Rd
Mascoma Street Shopping Centre, Strathmore Heights	128 and 142-158 (even numbers) Mascoma St; 1-3 (odd numbers) Strathnaver Ave
McNamara Avenue Shopping Centre, Airport West	43-93 (odd numbers) McNamara Ave; 30, 30B and 30C Roberts St; units 1-3 (all numbers) of 32 Roberts St
Military Road Shopping Centre, Avondale Heights	135-165 (odd numbers) Military Rd
Military Road Shopping Centre, Avondale Heights	1-67 (odd numbers) Military Rd
Moonee Ponds Shopping Centre, Moonee Ponds	Land bounded by Mt Alexander Rd, Taylor St, Margaret St, Moore St, Gladstone St and Ascot Vale Rd; land bounded by Holmes Rd, Norwood Cr and Sydenham St; land bounded by Dean St, McPherson St, Coats St and Pascoe Vale Rd; 50-56 (even numbers) Pascoe Vale Rd; 523-605 (odd numbers), 705-713 (odd numbers) and 648-740 (even numbers)

MOONEE VALLEY PLANNING SCHEME

Name of strip shopping centre and locality	Land description
	Mt Alexander Rd; 342-354 (even numbers) Ascot Vale Rd; 1-49 (odd numbers) Holmes Rd; 4 Montgomery St
Mt Alexander Road Shopping Centre, Ascot Vale and Moonee Ponds	269-521 (odd numbers) and 374-646 (even numbers) (including land at the rear of 538) Mt Alexander Rd; 1A Regent St; 1 Warrick St; 2-8 (even numbers) North St; 447-455 (odd numbers) Maribyrnong Rd; 16 and 18 Middle St
Mt Alexander Road Shopping Centre, Flemington and Ascot Vale	179-225 (odd numbers) Mt Alexander Rd; 26 Ailsa St; 1-3 (odd numbers) Kent St
Napier Street Shopping Centre, Strathmore	279-343 (odd numbers) Napier St; 2-12 (even numbers) and 1-7 (odd numbers) Lloyd St
North Essendon Shopping Centre, North Essendon	977-1105 (odd numbers) and 1096-1150 (even numbers) (excluding land at the rear of 1140 fronting Winifred St) Mt Alexander Rd; 70-80 (even numbers) and 145-149 (odd numbers) Lincoln Rd; 1-55 (odd numbers), 2-42 (even numbers), 56, 56A, 58-94 (even numbers) and 79-113 (odd numbers) Keilor Rd; 1-19 (all numbers) Leake St; 84 Richardson St; 1 Thorn St; 5 Winifred St
Pascoe Vale Road Shopping Centre, Essendon and Strathmore	333-337 (odd numbers) and 350-378 (even numbers) (including land at the rear of 356 and 358) Pascoe Vale Rd; land immediately north of 337 Pascoe Vale Rd bounded by Pascoe Vale Rd and the railway line
Pascoe Vale Road Shopping Centre, Moonee Ponds	114-172 (even numbers), 123-125 (odd numbers) and 147-179 (odd numbers) Pascoe Vale Rd
Racecourse Road Shopping Centre, Flemington	252-336 (even numbers), 273-339 (odd numbers) and 344-398 (even numbers) Racecourse Rd; 2-68 (even numbers) (including land at the rear of 16-20 (even numbers)) Pin Oak Cr; 1-5 (odd numbers) Wellington St; 1 Norwood Place
Thomas Street Shopping Centre, Airport West	12-34 (even numbers) Thomas St
Tilba Street Shopping Centre, Essendon	23-39 (odd numbers) Tilba St; 103-105 (odd numbers) Fawkner St
Union Road Shopping Centre, Ascot Vale and Moonee Ponds	100-254 (even numbers), 111-245 (odd numbers) (excluding land at the rear of 123-129 (odd numbers)) and 270-282 (even numbers) Union Rd; 57-63 (odd numbers) St Leonards Rd; 97-121 (odd numbers) and 104-126 (even numbers) Maribyrnong Rd
Woodland Street Shopping Centre, Strathmore	1-33 (odd numbers) and 62-72 (even numbers) (excluding land at the rear of 70 and 72) Woodland St; 1-15 (odd numbers) Pascoe Ave; 51-63 (odd numbers) Amelia Ave; 8 North Ave

4.0

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C193moon**Locations for gaming machines**

Gaming venues and machines should be located:

- Where the population is growing or expected to grow. In these areas gaming machines should not be established ahead of the provisions of non-gambling entertainment, recreation facilities and social infrastructure.
- Where they will 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.
- Where there is a choice of non-gaming entertainment and recreation facilities operating in the vicinity at the times that the proposed gaming venue will operate including hotels, clubs, cinemas, restaurants, bars and indoor recreation facilities.
- On sites that could reasonably be perceived as destinations in their own right. This would be achieved by separation from strip shopping centres, shopping complexes, railway stations and community facilities involving a high concentration of people undertaking daily activities.
- On sites that minimise the likelihood of people passing the venue in the course of their usual business or every day activities.
- At the periphery of activity centres, outside of the main transport, shopping, community and civic functions of the centre.
- At a sports or recreation club with a land holding of more than 2 hectares.
- In venues that are greater than 400 metres walking distance of a Statistical Area (SA1) that is in the 5 per cent most disadvantaged SA1 in Moonee Valley, as set out in the latest SEIFA Index of relative socio-economic disadvantage.
- Outside of areas that are:
 - Completely or predominantly used for residential purposes.
 - Within 100 metres of locations where groups of people regularly go or pass as part of their day to day business.
 - Proximate to areas where local convenience services are provided and where no or limited alternative attractions are offered.
 - Convenient to a concentration of shops, major community facilities or key public transport nodes where large numbers of pedestrians are likely to pass in the course of their daily activities.
 - Within 400 metres walking distance of a concentration of social (public and community) housing.. This means housing for people on lower incomes that is owned or leased by the Department of Human Resources, registered housing associations or not-for-profit housing organisations. A concentration of social (community and public) housing will generally be said to exist if there are 50 or more dwellings of that type within a circle with a 150 metre radius.
 - Within 100 metres of a social support agency, gamblers help centre or problem gambling service delivery setting.
 - Proximate to prohibited areas specified in Section 2.0 and 3.0 of this schedule where a proposed venue would reasonably be considered particularly convenient to users of a specified strip shopping centre.
 - Adjacent to, opposite or in the direct line of sight of a strip shopping centre where the advertising for pokies in the premises is clearly visible to people in the prohibited area.

5.019/06/2020
C193moon**Venues for gaming machines**

Gaming machines should be located in venues:

- That have a range of entertainment and leisure options and offer social and recreational opportunities other than gaming as the primary purpose of the venue.
- Where the premises and associated uses are compatible with the predominant surrounding land uses.
- That already have gaming machines (in preference to the establishment of a new gaming venue).
- Where the design and operation will not detrimentally affect the amenity of the surrounding area as a result of operating hours, traffic noise carparking or safety and security.
- That do not operate 24 hours a day (there must be a 4 hour shut down of gaming after 20 hours of continuous gaming).
- That have a gaming floor area that is 25 per cent or less of the total floor area accessible by the public.

6.019/06/2020
C193moon**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:

- A statement detailing how the application is consistent with the broader Planning Policy Framework including policies on recreation and entertainment and activity centres.
- A venue management plan identifying strategies to manage patron behaviour and minimise problem gambling in relation to the design and management of the venue, including the venue operator's responsible gaming practices.
- Detailed plans of the design and layout of the premises including the location of all existing and proposed gaming machines, signage, external lighting, and evidence of compliance with any relevant gaming regulations for premises layout, design and operation of the gaming venue.
- Social and economic impact assessment prepared by suitably qualified and experienced person that provides a robust assessment of the social and economic impacts (positive and negative) of the proposed EGMs. The social and economic impact assessment should address but not necessarily be limited to the following:
 - Details on the proposed number of gaming machines and associated forecast gaming expenditure (player losses).
 - Details about the existing and proposed distribution and density of gaming machines in the municipality and local area, any proposed reallocation of gaming machines in the municipality, and the proposal's expected impact on patronage.
- If the applicant contends that gaming 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 and projected usage of machines at the venue after the additional machines).
 - The amount of transfer expenditure anticipated.
 - 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 broader local community.
- A social profile of the population within the catchment area of the venue including:

- The relative socio-economic disadvantage of the local neighbourhood and suburb and broader 5 kilometres catchment of the venue.
- The latest SEIFA Index of relative socio-economic disadvantage.
- The projected growth, housing affordability and housing stress, income levels, unemployment rates, educational retention and attainment levels, and the percentage of social security recipients.
- Details of existing and proposed gambling and non-gambling entertainment and recreation facilities at the venue and within the suburbs that surround the venue including existing and proposed electronic gaming machine density and location of other gambling venues including adjoining municipalities.
- Details of the venue's distance to shopping complexes, strip shopping centres, major areas of community congregation, proximity to areas of normal daily activity such as public transport, shops, community facilities and proximity to welfare and counselling services.
- Details of currently available social support services including specific problem gambling services, financial counselling services, and material and financial aid services; the location of these services in relation to both the revenue and patron catchment area; and the level of current demand for these services.
- Pedestrian counts for venues, which are within close proximity to places where large numbers of pedestrians are likely to pass in the course of their daily activities. Pedestrian counts should be taken on different days and at a variety of times.
- A detailed overall assessment, which shows and summarises the economic and social impacts of the proposal and location and their effect on the community wellbeing and health.

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Decision guidelines

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 positively respond to harm minimisation.
- In the terms of Clause 71.02-3, whether there is to be a net community benefit as derived from the application, aside from any community contribution scheme.
- Whether users of the gaming venue will have a genuine choice of gaming and non-gaming entertainment in the local area and in the venue itself.