

WHITEHORSE PLANNING SCHEME

AMENDMENT C108

EXPLANATORY REPORT

Who is the Planning Authority?

The City of Whitehorse has prepared this amendment, which is the Planning Authority for this amendment.

The amendment has been made at the request of Whitehorse City Council.

Land affected by the Amendment

The amendment applies to all land in the City of Whitehorse.

What the Amendment does

The amendment proposes to:

- In Clause 21.06 – Housing, include references to the ability for venues such as clubs and hotels to establish as non-residential uses in residential areas. Add wording that reinforces Council's commitment to reducing any potential impacts of such uses on the community and surrounding residential amenity. Include reference to the application of the newly proposed Clause 22.18 – Gaming policy when assessing applications for new gaming machines or gaming venues. Include the *City of Whitehorse Responsible Gambling Policy 2011* as a reference document to this Clause;
- In Clause 21.07 – Economic Development, include reference to the application of the newly proposed Clause 22.18 – Gaming policy when assessing applications for new gaming machines or gaming venues. Include the *City of Whitehorse Responsible Gambling Policy 2011* as a reference document to this Clause;
- Introduce new Clause 22.18 – Gaming which provides guidance in relation to Council's policy position regarding the consideration of applications for new gaming venues or additional gaming machines in the city.

Strategic Assessment of the amendment

Why the Amendment is required

Council recognizes that gambling is a lawful legal activity and it is supported by the State Government legislation that considers it to make an important contribution to our community and our economy. However, Whitehorse City Council is also aware of rigorous research and other evidence that indicates there are severe negative wellbeing and economic issues associated with Electronic Gaming Machines (EGMs) gambling.

In 2008/2009 the net expenditure on EGMs in the City of Whitehorse was \$58.71 million or approximately \$484 per adult. Studies show around 2.1% of Victorians have, or are at risk of having, a gambling problem. While problem gamblers may be a minority of the gambling population, their high levels of expenditure mean that they account for a substantial share of overall expenditure. In 1999 the Australian Productivity Commission found that 42.3% of net gaming machine revenue comes from gambling by problem gamblers and that, since every problem gambler affects an estimated 5-10 people, this represents a significant community impact.

In response to the concerns that Council has in relation to the potential impacts on the community from gaming Council adopted the *City of Whitehorse Responsible Gambling Policy* in 2011. This policy recognises the fact that gaming is a legitimate form of entertainment but also provides policy direction in terms of how to minimise the negative impacts on the community and the surrounding suburbs as a consequence of gaming venues. This policy also seeks to ensure that any proposal for a new gaming venue or for an increase in EGMs demonstrate that there will be a net community benefit as a result of the proposal.

Amendment C108 seeks to implement the planning related components of the *City of Whitehorse Responsible Gambling Policy 2011*. The Amendment seeks to include, as appropriate, references to gaming in the Municipal Strategic Statement and trigger the application of the proposed new Clause 22.18 – Gaming policy in the assessment of applications for new gaming venues or increases in EGMs at existing venues.

The proposed new Clause 22.18 – Gaming policy seeks to advance the policy objectives of the *City of Whitehorse Responsible Gambling Policy 2011*. These are as follows;

- Ensure that the social and economic impacts of EGMs are considered in assessing applications for new venues or variations to the number of machines at existing venues;
- Ensure that the operation of gambling in Whitehorse delivers a net community benefit;
- Ensure that the location and design of EGMs minimises the incidence of problem gambling;
- Ensure gambling premises offer a range of non-gambling entertainment and recreation activities rather than be stand alone gambling premises, and
- Ensure that the operation, location and design of gambling premises do not have a negative impact on the amenity, character, community values and safety of an area.

The proposed Clause 22.18 – Gaming policy also sets out the supporting information required to be prepared as part of any application for a new gaming venue or an increase in EGMs at an existing venue to demonstrate net community benefit of the proposal.

How does the amendment implement the objectives of planning in Victoria?

It is considered that the amendment will aid in the implementation of the objectives of planning within Victoria by responding to Section 4(1) of the Planning and Environment Act 1987 which contains the following objectives for Planning in Victoria:

- (a) *To provide for the fair, orderly, economic and sustainable use and development of land;*
- (c) *To secure a pleasant, efficient and safe working, living and recreational environment for all Victorians and visitors to Victoria;*
- (g) *To balance the present and future interests of all Victorians.*

In order to further these objectives of the Act this amendment seeks to introduce a policy that provides clear direction in relation to gaming activities, measuring them against the following policy objectives:

- To ensure that the social and economic impacts of gaming are considered in applications for new venues or variations to the number of machines at existing venues.
- To ensure that the operation of gaming in Whitehorse delivers a net community benefit.
- To ensure that the location and design of gaming machine venues minimises the incidence of problem gambling.
- To ensure gaming premises offer a range of non gaming entertainment and recreation activities rather than be stand alone gaming premises.
- To ensure that the operation, location and design of gaming premises do not have a negative impact on the amenity, character, community values and safety of the area.

How does the amendment address the environmental effects and any relevant social and economic effects?

The amendment will have positive environmental, social and economic effects by providing a clear framework and policy position in relation to the establishment of new gaming venues or any future additions to EGM numbers in the municipality.

The policy recognises that gaming is a legitimate form of entertainment for adults and as such the policy provides for a balance between allowing access for those who wish to gamble for recreation and the need to ensure that the operation, location and design of gaming premises do not have a negative impact on the amenity, character, community values and safety of the area.

The policy also seeks to ensure that gaming venues offer a range of non gaming entertainment and recreational services within the proposal in order to provide alternative activities to gaming alone.

Finally the policy provides direction as to how applications for new gaming venues or proposals for increases in EGMs at existing venues can demonstrate that the proposal will result in a net community benefit to the City of Whitehorse and its residents.

Does the amendment address relevant bushfire risk?

There are no bushfire risk considerations relevant to this amendment.

Does the amendment comply with the requirements of any Minister's Direction applicable to the amendment?

The proposed amendment is consistent with the Ministerial Direction on the Form and Content of Planning Schemes and Ministerial Direction No. 11 Strategic Assessment Guidelines.

How does the amendment support or implement the State Planning Policy Framework?

Clause 11.01-1 of the SPPF sets as an objective to encourage the concentration of major retail and entertainment activities, to name but a few, into activity centres. To achieve this, the strategy is to *“provide a focus for business, shopping, working, leisure and community facilities.”*

Clause 15.01-1 of the SPPF has an objective to create urban environments that are safe, functional and provide good quality environments with a sense of place and cultural identity. To achieve this, the Clause sets as a strategy to *“ensure new development or redevelopment contributes to community and cultural life by improving safety, diversity and (choice).”*

Clause 17.01-1 has as its objective to encourage development which meets the community's needs for retail and entertainment and other services and provides a net community benefit.

This amendment seeks to support these SPPF objectives by introducing a policy into the LPPF that will;

- Ensure that the social and economic impacts of gaming are considered in applications for new venues or variations to the number of machines at existing venues.
- Ensure that the operation of gaming in Whitehorse delivers a net community benefit.
- Ensure that the location and design of gaming machine venues minimises the incidence of problem gambling.
- Ensure gaming premises offer a range of non gaming entertainment and recreation activities rather than be stand alone gaming premises.

- Ensure that the operation, location and design of gaming premises do not have a negative impact on the amenity, character, community values and safety of the area.

How does the amendment support or implement the Local Planning Policy Framework?

Municipal Strategic Statement

Clause 22.06 – Housing, in the Municipal Strategic Statement (MSS) recognises that there is a legitimate ability for non-residential uses such as clubs and hotels to locate within residential areas. The MSS seeks to facilitate such uses subject to reasonable amenity safeguards. Clause 22.07 – Economic Development, also seeks to support the vitality of activity centres across the city and encourage investment in these centres. This clause notes, however, that gaming establishments can divert local expenditure away from retail centres, thus potentially affecting their viability.

This amendment proposes to provide further clarity in the MSS in terms of what some of the concerns are in relation to gaming activities. The amendment also seeks to provide the mechanism to implement the objectives of the MSS in relation to gaming by introducing the proposed Clause 22.18 – Gaming policy.

Local Planning Policy

The proposed amendment seeks to introduce a new Clause 22.18 – Gaming policy into the LPPF. This proposed policy will be used to advance the strategic objectives of the MSS as they relate to gaming. It is proposed to provide clear direction in relation to where gaming venues or machines may be considered. The policy also sets out in detail the information required to be submitted as part of any proposal for a new gaming venue or an expansion of EGMs at an existing venue in order that an application can demonstrate the proposal will result in a net community benefit and further Council's policy objectives in relation to gaming in the city.

Does the amendment make proper use of the Victoria Planning Provisions?

It is considered that the amendment makes proper use of the Victorian Planning Provisions, in particular the Local Planning Policy Framework, by providing for the implementation of a policy on gaming that will provide clear guidance for assessment of applications for new gaming venues or for the expansion of existing EGMs at venues in the city.

How does the amendment address the views of relevant agencies?

There are no additional referral authorities or requirements created by the proposed amendment.

Does the amendment address relevant requirements of the Transport Integration Act 2010?

There is no impact on the transport system as a consequence of this amendment.

What impact will the new planning provisions have on the resource and administrative costs of the responsible authority?

There are no additional impacts on resources or administrative costs associated with this amendment.

Where you may inspect this Amendment

The amendment is available for public inspection, free of charge, during office hours at the following places:

- Whitehorse City Council, Planning Counter, Civic Offices, 379-397 Whitehorse Road, Nunawading.
- Whitehorse Council Service Centres at Box Hill Town Hall and Forest Hill Chase, libraries at Nunawading, Blackburn, Vermont and Box Hill.
- on the Internet at: www.whitehorse.vic.gov.au/Planning-Scheme-Amendments.html
- Department of Planning and Community Development web site at: www.dpcd.vic.gov.au/planning/publicinspection.

This can be done during office hours and is free of charge.

Any person who may be affected by the amendment may make a submission to the planning authority. The closing date for submissions is 17 September 2012. Any submission should be sent to:

Nigel Smuts, Senior Strategic Planner
Whitehorse City Council
Locked Bag 2, Nunawading Delivery Centre, VIC 3131.

A submission that seeks to change the amendment and is not accepted by the planning authority will be referred to an Independent Panel appointed by the Minister under Part 8 of the Planning and Environment Act 1987.

If a submission is referred to a Panel, a Directions Hearing and Panel Hearing will to be held on the following dates (noting that these dates may be varied):

- Directions Hearing – week commencing 10 December 2012.
- Panel Hearing – week commencing 4 February 2013.

Anyone who has made a submission that has been referred to a Panel has an opportunity to be heard.

All submitters will be formally advised in writing of any Directions or Panel Hearing and the date.

Privacy Statement

Any personal information you may include in any submission to Council on the Amendment is collected for planning purposes in accordance with the Planning and Environment Act 1987 (the Act). The public may view the submission whilst the Amendment is being considered. In accordance with the "Improving Access to Planning Documents" Practice Note dated December 1999, a copy of your submission may be made upon request. If you fail to provide this information your comments may not be considered. You may access this information by contacting Council on 9262 6303.