

Gaming Machine Assessment

FACT SHEET

Assessing Gaming Applications

This fact sheet provides information and support for understanding the roles that Council and communities have in assessing gaming applications for new or expanded gaming venues, and the ways community can be involved. Through the City of Ballarat Gambling Harm Minimisation Policy, 2022 we aim to prevent and reduce harm from gambling through Council and community participation. Community participation in the gaming application processes can assist local government to prevent and reduce harm from gambling.

Application Process

A planning permit from Council and a Venue Operator Licence from the Victorian Gambling and Casino Control Commission (VGCCC) are required in order to open a new gaming venue. If an existing planning permit is in place, it must meet the total number of machines allocated to that venue if requesting additional machines. If there is a discrepancy, an amendment to the planning permit and/or Venue Operator Licence is required. Applications may be submitted separately or simultaneously. The Victorian Civil and Administrative Tribunal has the authority to review all decisions. Table 1 provides a summary of the essential components of applications for planning permits and venue operator licences.

Table 1

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

Social and Economic Impacts

Decision makers take into account an application's social and economic effects on the community. In order to assess the total impact of the proposal, impacts- whether positive (benefits) or negative (disbenefits) are typically given different weights. (eg. Low, moderate, high) When applying for a venue operator licence, a 'no net detriment' criteria is used, and social and economic implications are typically more important than when applying for a planning permit, where they are just one of several variables

to be considered. It is crucial to remember that State Government legislation, not Council, determines the proportionate weight of social and economic implications within each evaluation process.

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)



Council's Role

Council has distinct roles within each gaming application process.

Planning permit

The Ballarat Planning Scheme is administered and enforced by Council, which is the designated "responsible authority" under the Planning and Environment Act of 1987. As a result, it evaluates applications in light of the scheme's requirements before making a decision. Clauses 22.07 (local) and 52.28 (state policy) of the scheme, which largely concentrate on site, venue design and operations, and substantial social and economic implications, are used to evaluate gaming – related Planning Permit applications. Through the process of amending the planning scheme, Council can also include additional planning considerations and regulations.

Venue Operator Licence

The VGCCC is responsible for making decisions regarding applications for a Venue Operator Licence at a public hearing in accordance with the Gambling Regulation Act of 2003. The Act also gives Council the right to submit a statement regarding a request for a venue operator licence, and to attend the public hearing to provide evidence in support of that statement. Council may request an impartial social and economic impact assessment report to help with its submission and ultimately decide whether to endorse or oppose a proposal. Council is crucial in educating the public about Venue Operator Licence applications and, when necessary, helping local groups and citizens participate in the evaluation process.

Community's role

By submitting comments to the appropriate decision-maker, the community can participate in applications for planning permits and venue operator licences. For example, there is typically a public notice period for applications for planning permits, during which time the council will consider submissions that are unique to the proposal before making a decision. Amendments to planning schemes must go through a similar 'public exhibition' procedure. Residents and community organisations may also comment on the impact of a particular plan to Council or the VCGLR in order to help evaluate venue operator licence applications. Additionally, local communities may host activities to spread the word about an application, and representatives may show up at public hearings to give oral testimony. In particular, "community attitude" has been rated 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.ballarat.vic.gov.au/gambling-harm or contact us on 5320 5500 or at hsplanning@ballarat.vic.gov.au

The [Victorian Local Governance Association](http://www.vlg.org.au) also provides direct support for residents and community organisations to participate in gaming application processes.

Please also visit the following links for further information:

[City of Ballarat Planning Application Process](#)

[Gaming machine applications \(VGCCC\)](#)

[Alliance for Gambling Reform](#)

¹The Victorian Commission for Gambling and Liquor Regulation is prohibited from approving a venue under Section 3.3.7 of the Gambling Regulation Act 2003.