



# Submission Response to EMG Application

**Address:** 25 Mason Street, Warragul  
**Title Details** Lot 8, PS717849  
**Proposal:** Application for 52 EMGs  
**Responsible Authority** Baw Baw Shire Council

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## **1. Introduction**

Baw Baw Shire recognizes that electronic gaming machines are legal form of adult entertainment which should be permitted where it can be demonstrated that the installation will not cause net detriment to the community or economy. The assessment of a site and the immediately surrounding characteristics both social and physical are of primary importance when weighing up the benefits of such a proposal.

The Gaming Regulation Act 2003 requires that application for the installation of EGM to a new or existing premise must be able to demonstrate that the net economic and social impact on the well-being of the community will not be detrimental.

This submission provides for a response to matters raised in the 'Economic and Social Impact Submission' and is to be considered in conjunction to this and the Social and Economic Impact Assessment as prepared by HillPDA.

## **2. Proposal**

The proposed site is known as 25 Mason Street, Warragul being Lot 8, PS717849. The site is occupied by a development which comprises of a health care centre, the Newmason complex, the Mercure Hotel and residential apartments (dwellings).

The application seeks approval to establish a new gaming premises within the Newmason complex that will operate 52 EMGs. This would result in the total of 290 EMG licenses within the Baw Baw municipality.

It is proposed that the function room will be transformed into a gaming room. It is also proposed that the gaming room will operate from 9am to 1am, Monday to Saturday; and 10am to 1am on Sunday.

## **3. Background - Planning Application PLA0076/12**

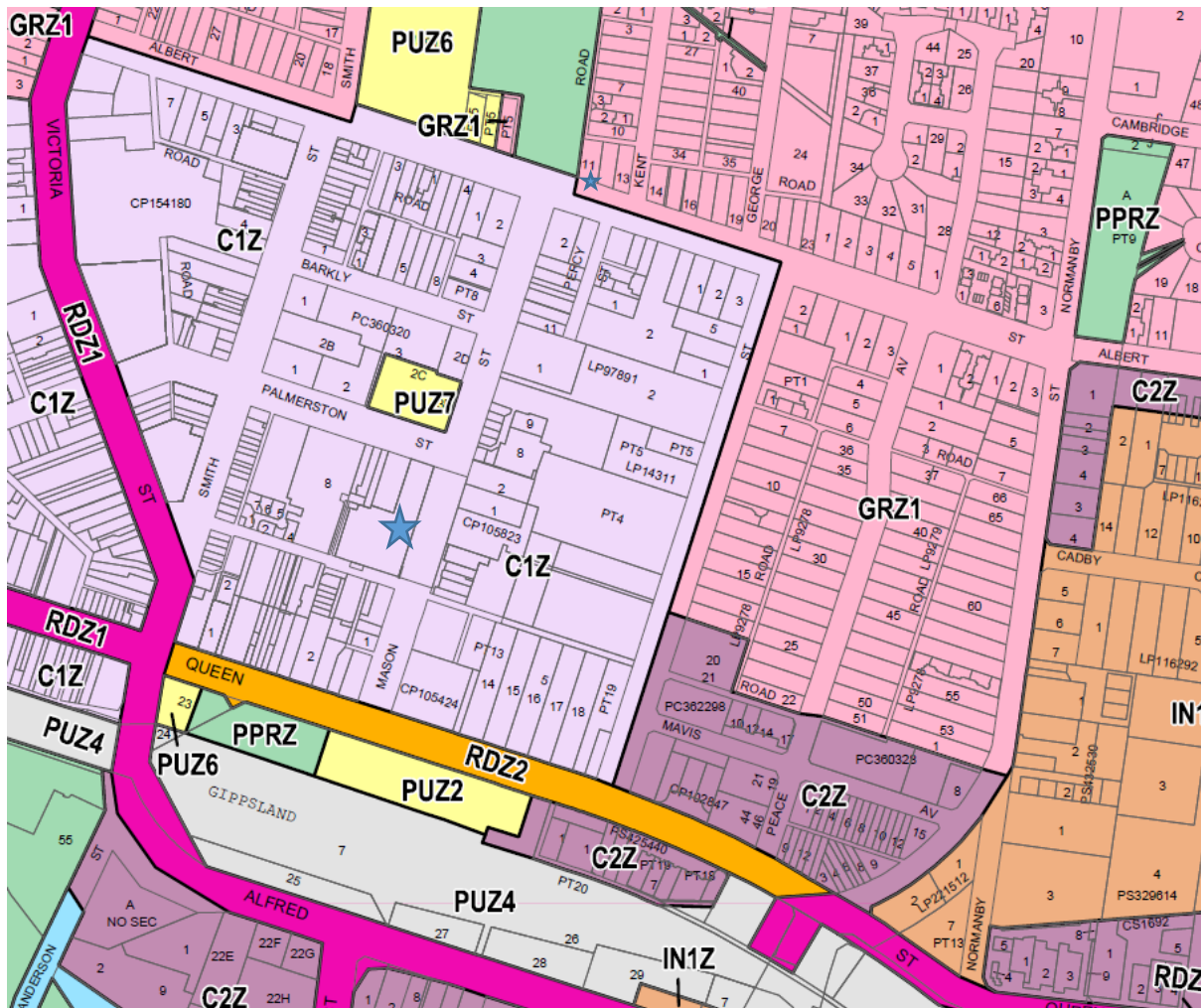
The Newmason complex is located on the fringe of the Warragul central activity district.

The development which encompasses the Newmason was approved in August 2012 (Planning Permit PLA0076/12) and allowed for the use and development of the land for the purpose of a motel, residential accommodation, restaurant, offices, retail premises and associated buildings and works. The restaurant was designed with direct linkages into the section of the complex which provided for a motel units and accommodation. At the time it was noted that the restaurant would enable motel patrons to obtain meals and facilitate a chargeback system to their room.

As well as providing for 40 motel units on the first and second floors, and seven larger two- and three-bedroom residential apartments on the third floor. These apartments are either owner occupied or are owned and leased on long term lease arrangements. The certificate of occupancy permit issued identified works were completed for "two or more sole occupancy" units (class 2) – confirming permanent residential accommodation rather than short term rental accommodation.

#### 4. Site and Surrounds

The subject site is zoned Commercial 1 Zone and is surrounded by land within the same zoning. To the north and east are residential areas, recognized by the General Residential 1 Zoning.



The Warragul Town Centre Master Plan has the Newmason complex is currently located towards the eastern fringe of the Warragul CBD. The Master Plan indicates the expansion of Warragul's town centre towards the east. This will anchor the Newmason towards the centre of town. The plan also indicates the establishment and strengthening of pedestrian links along Palmerston and Williams Street; as well as to the rear of the Newmason, connecting the supermarket to Queen Street.

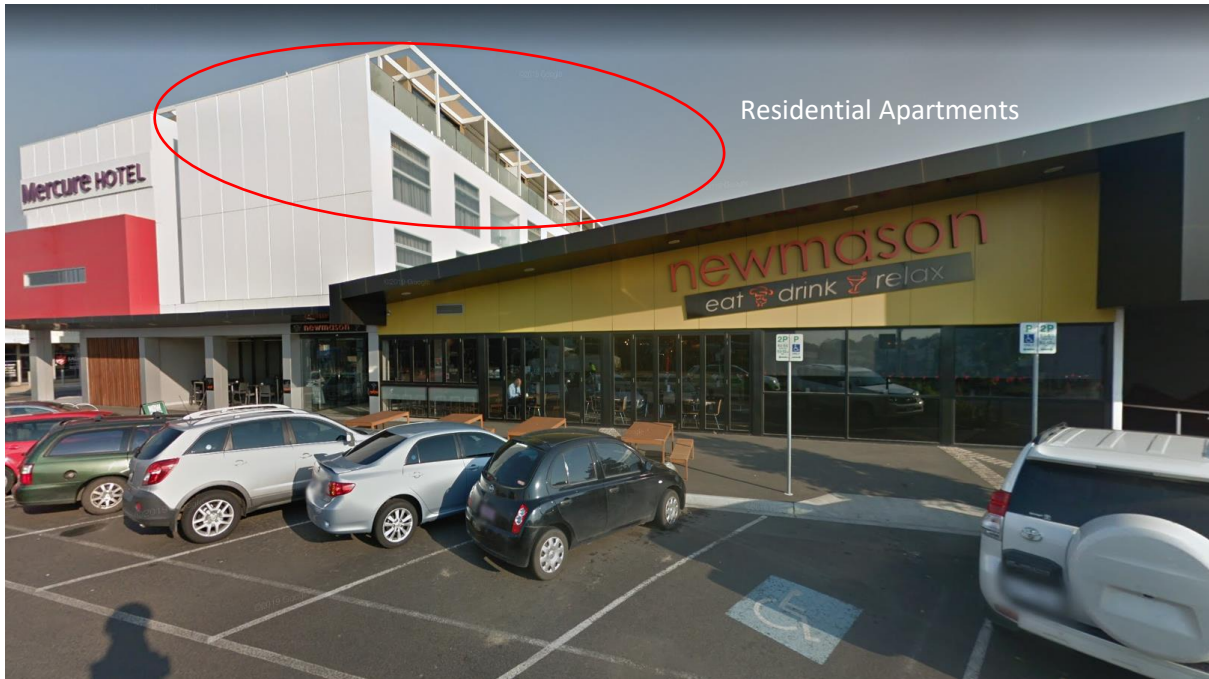


Currently, the Newmason is adjoined to the north by Latrobe Community Health Service. Beyond this is the Police Station and an established residential area.

To the east are offices and retail shops which comprise of a music shop and discount good store. Further east are residential dwellings

To the south is the Mercure Hotel which occupies the first two floors of the building. The Mercure hotel has direct internal connections to the Newmason complex through the foyer. Above this are residential apartments which are privately owned and occupied.



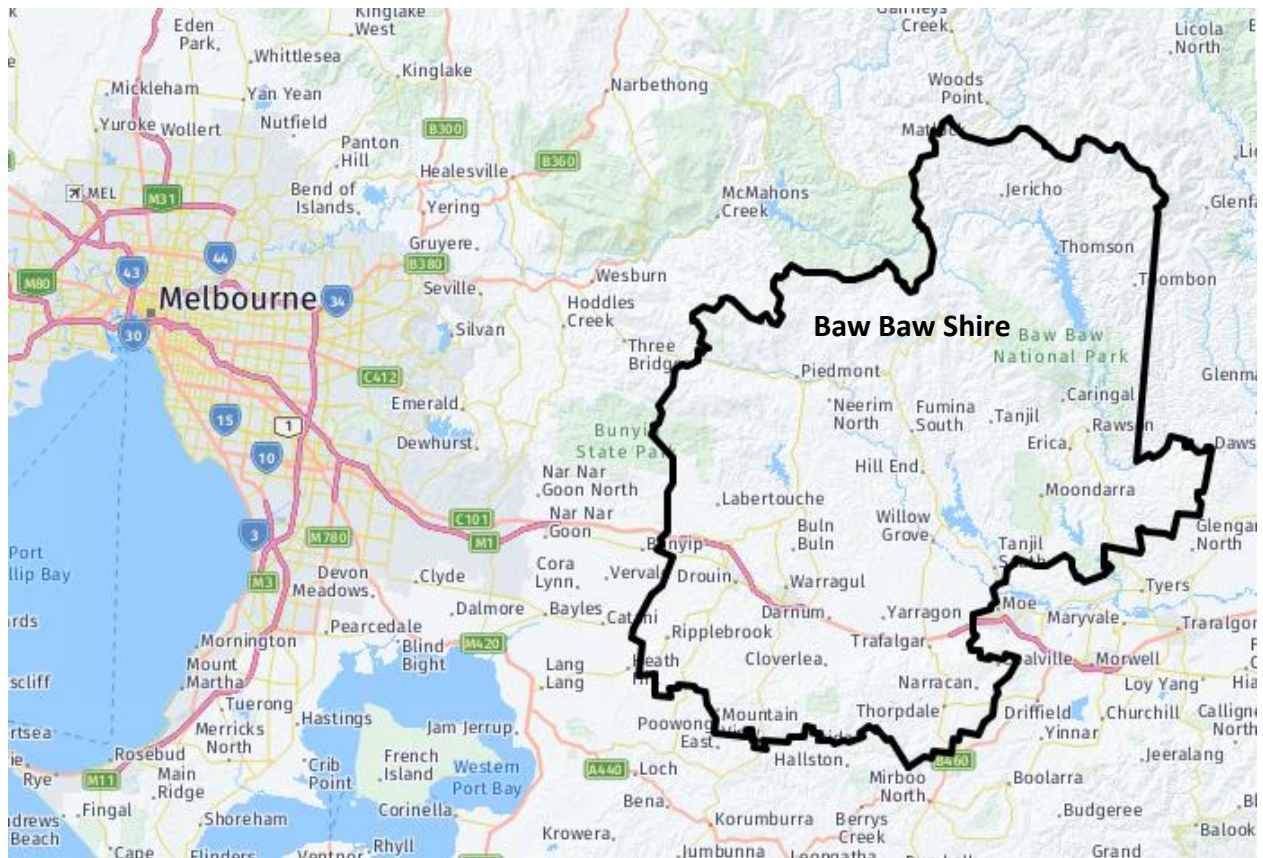


Beyond this to the south are retail premises and offices which provide community support services including Quantum Support Services, Konekt Employment, and Salvation Army. Further south is the continuation of the Queen Street strip shopping precinct and the Warragul campus of Gippsland TAFE.

To the west is a retail area which comprises of Coles Supermarket, Chemist Warehouse as well as a small retail precinct which is accessible from William Street and contain clothing and personal care shops. Further west is Smith Street which is the town's main street.

## **5. Profile of Municipal District**

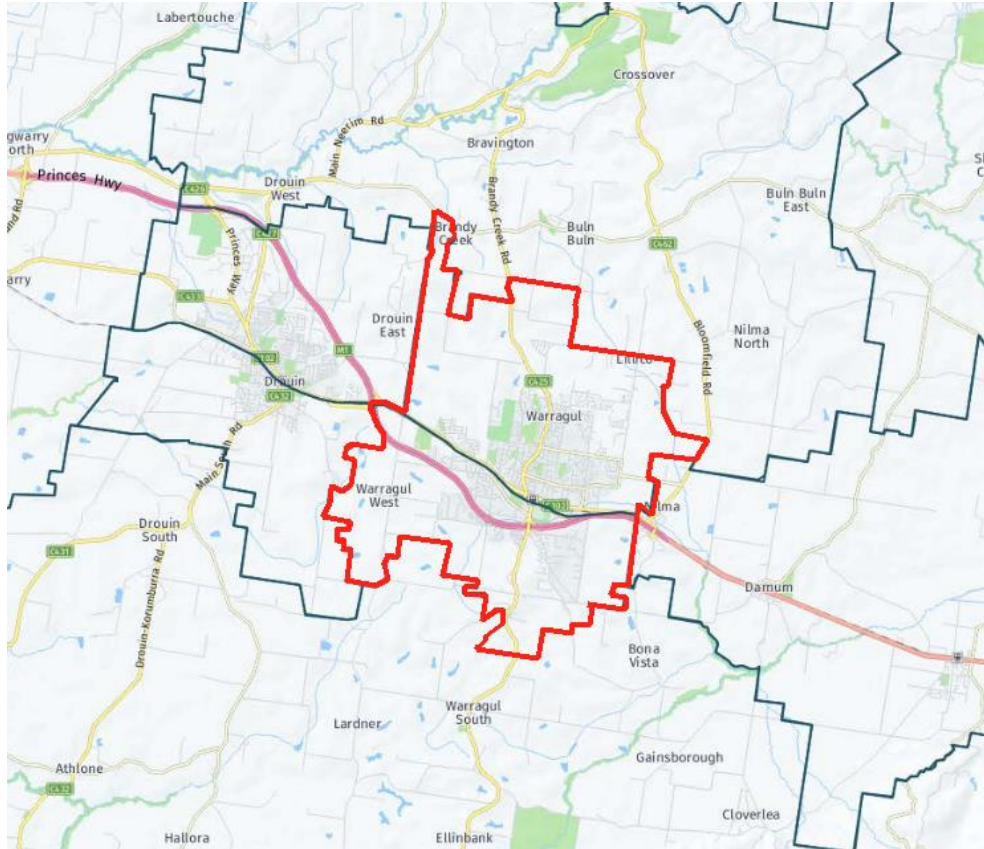
The Baw Baw Shire Municipality is located 100 kilometers east of Melbourne and covers an area of 4,031 square hectares.



### **Demographics**

The population of the Baw Baw LGA has been steadily increasing and is currently estimated to be 52,786. It is expected that the population will increase by 59.4% to 84,150 by 2041.

The population of Warragul and its immediate surrounds is comprised of a population of 16,429. This is predicted to increase to 29,158 by 2041.



The Baw Baw LGA has an ageing population where the percentage of persons over the age of 64 has increased from 15.7% to 19.5% over the past 5 years. When compared with the state percentage of 15.8%, the municipality also has a higher proportion of older persons located within it.

Those born overseas account for 10.8% of the population.

Those considered to be of working age within the LGA has also been decreasing from 62.6% in 2013 to 60.7% in 2017.

In relation to secondary education, 53% of Baw Baw LGA population have not completed year 12 or equivalent. This is high given only 24.6% of the state has not completed year 12 or equivalent.

In relation to personal total income, 32.2% of persons over the age of 15 earn less than \$500 per week, with another 25.9% earning between \$500 and \$999 per week.

In relation to the tenure of private dwellings, 37.5% are owned with a mortgage, while 20.8% are rented. Of this, 7.1% have mortgage repayments which are equal to or exceed 30% of the household income; while 7.5% have rental payments, which are equal to or exceed 30% of the household income.

Lone person households comprise of 25.4% of household types within the Baw Baw LGA which is higher than the state where 24.7% are single or lone person households. Group households accounting for a further 2.3% within the LGA.

Homelessness within Baw Baw LGA in 2016 comprised of a rate of 19.5 per 10,000 persons.



## Economy

There are 5,391 businesses which operate within Baw Baw LGA; the majority of these are within the area of agriculture, forestry and fishing (1,301); followed by construction (1,010).

In 2018, there were 436 new business entries; however, there were also 410 businesses which ceased operation in the municipality.

Personal insolvencies have generally been increasing five years, increasing from 45 persons in 2013 to 64 persons in 2017. The number of debtors entering personal insolvency has dropped slightly since 2017 when there was a spike of 61, to 51 in 2018. Of these 15.7% of insolvencies are due to excessive use of credit; while 23.6% is due to loss of income and unemployment. Those who identify are more likely to enter personal insolvency are those who as are employed as labourers (23.6%), machinery operators and drivers (17.6%), community and personal service workers (17.6%) and managers (17.6%).

## SEIFA

Baw Baw LGA scores 976 on the SEIFA Index of Disadvantage. It is ranked 46th out of 80 LGAs in Victoria positioning it in the mid-quintile See Figure 1. Lower scores indicate higher disadvantage.

Baw Baw LGA scores 976 (Vic: 1009) on the Index of Relative Socio-Economic Advantage/Disadvantage placing it in the second-lowest quintile. Lower score indicates there are more low-income families and people with little training and in unskilled occupations, as well as children in households with jobless parents. See Figure 2. Higher scores indicate more advantage and lack of disadvantage.

Figure 1: SEIFA Index of Disadvantage – higher scores indicate lower levels of disadvantage.

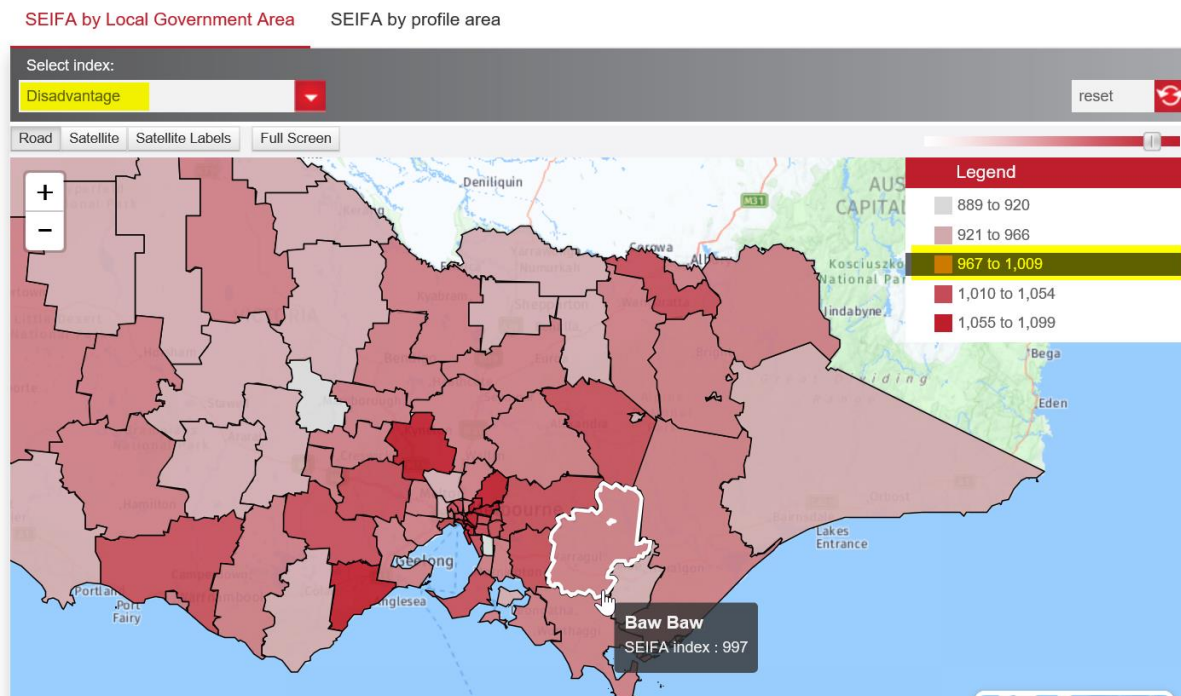
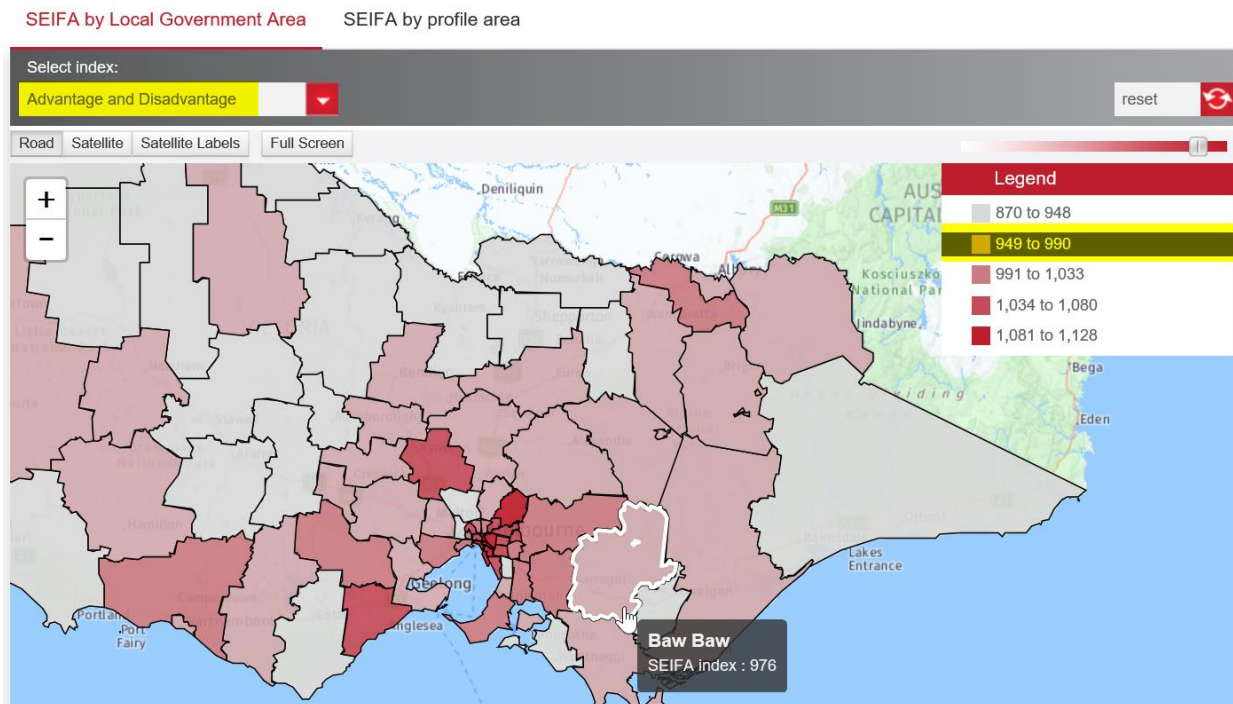
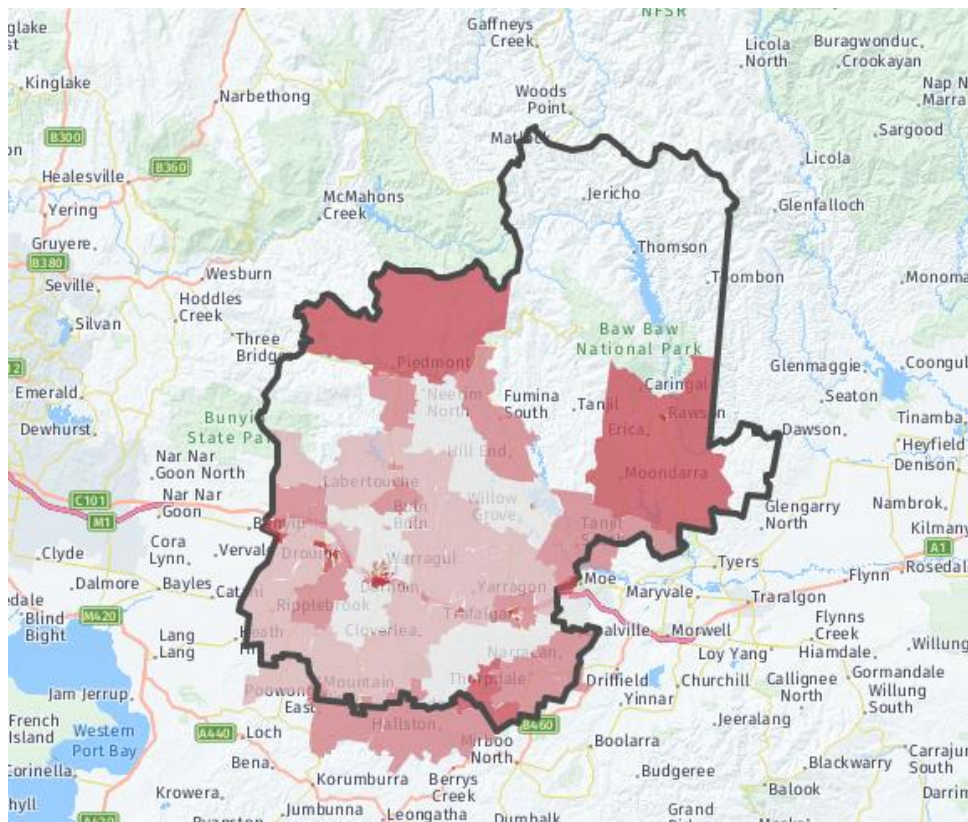


Figure 2: SEIFA Index of Relative Socio-Economic Advantage/Disadvantage – higher scores indicate higher advantage and lack of disadvantage.

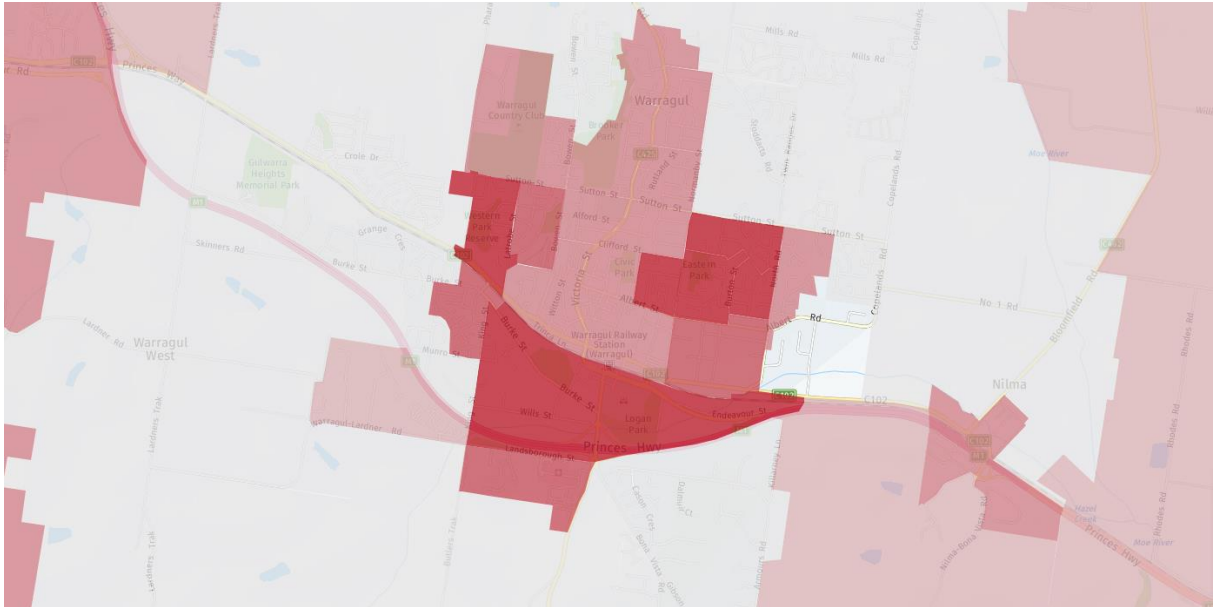


SEIFA scores vary within the municipality.

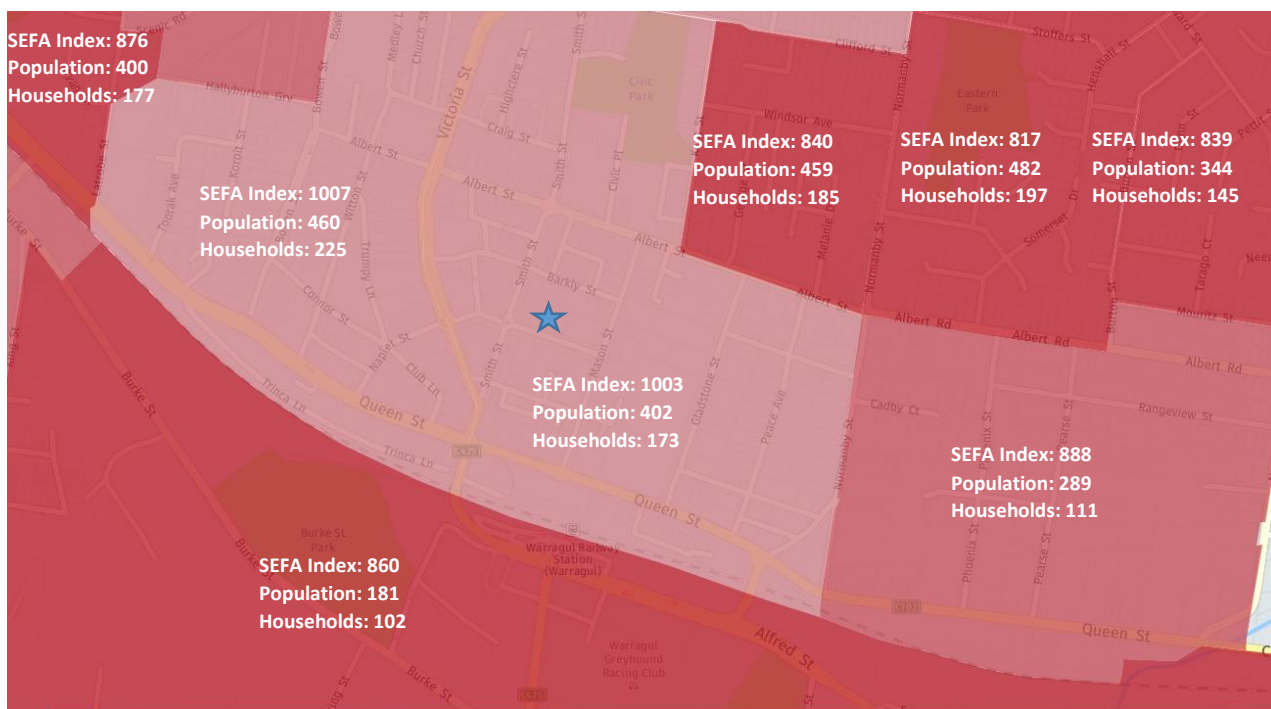


The socio-economic profile of Baw Baw demonstrates there is a level of diversity which is evident across the municipality in terms of levels of disadvantage both within the regional areas as well as within the main township centres.

The Warragul SEIFA index demonstrates that most of the districts are considered to be socioeconomically disadvantaged. The broader surrounds also highlight that there are areas within a 5-kilometer radius such as Nilma and Drouin which are also considered to be socially disadvantaged.



The area immediately surrounding the Newmason complex site also comprises of a number of households. The majority of these districts exhibit an IRSD below 1000 and reflect the disadvantage which residents may be experiencing as a result of low household incomes, no qualifications or low occupational skill levels.



## 6. Existing Electronic Gaming Machines

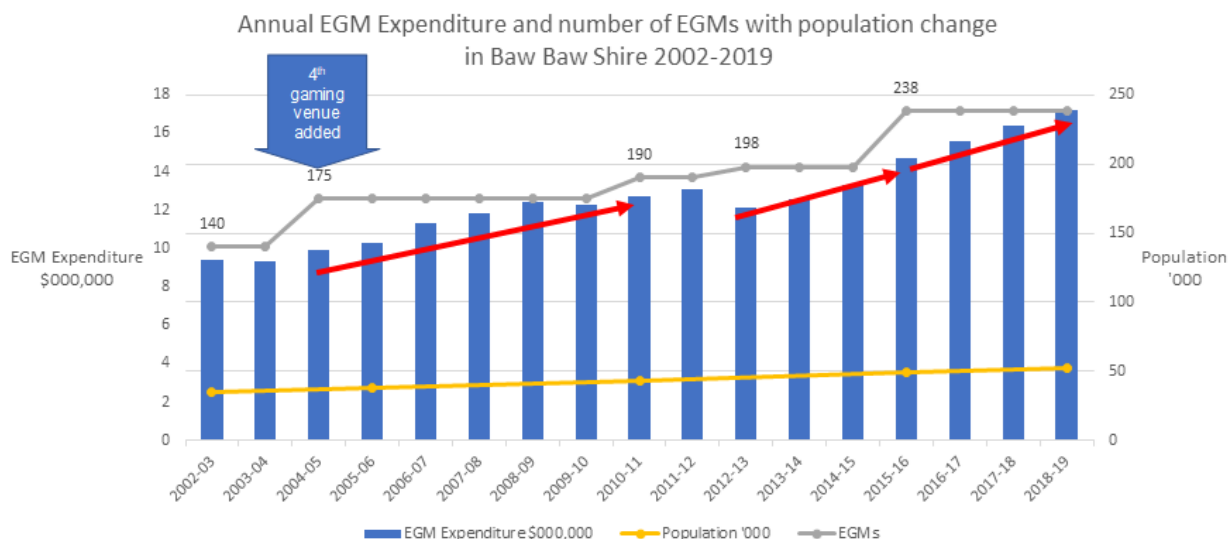
The municipality currently has 238 electronic gaming machines, located across four venues. These venues are in the two municipal centres of Warragul and Drouin.

Venue	Address	Licensed EMGS	Expenditure 2017 / 18
Club Hotel	51 Queen Street, Warragul	30	\$2,057,426.61
Warragul Club	65 Princes Way	100	\$5,359,230.23
Warragul Country Club	41 Sutton Street, Warragul	80	\$6,586,496.78
Family Hotel	65 Princes Way, Drouin	28	\$2,399,457.08

In 2017/18 the total venue spent on EGM was \$16,428,074; which equates to \$45,008 per day and \$415 per adult per year. The municipality has a cap of 374 EGM.

The graph below shows the growth in EMG spending in comparison to the growth in population. The graph shows the steady increase in expenditure following the event of new EMGs being introduced, despite the flat trend in population growth.





## 7. Services and Support

The Baw Baw Shire Council does not provide any services or support to people affected by gambling related harm.

The following services are available to members of the Baw Baw Shire community who are experiencing harm from gambling:

- Latrobe Community Health Service – Telephone 1800 242 696
- Gippsland and East Gippsland Aboriginal Co-Operative – Telephone (03) 5134 3816
- Responsible Gambling Foundation – Telephone 1800 858 858

## 8. Adopted Council position – 28 August 2019

On the 28th August 2019, the Council established a position in relation to the proposed 52 EGMs at the subject site. The key points of the officer recommendation are as follows:

The Newmason complex (subject site) at the 3rd floor, was issued with 7 approved apartments under the building's planning permit. The certificate of occupancy permit issued identified works were completed for "two or more sole occupancy" units (class 2) – confirming permanent residential accommodation.

Under section 5(1) of the Victorian Commission for Gambling and Liquor Regulation Act 2011 specifies that:

*The Minister may issue decision-making guidelines in respect of the regulation of gambling or liquor.*

On the 13/2/2017 the Minister for Consumer Affairs, Gaming and Liquor Regulation – pursuant to the above section, provided decision-making guidelines which state:

*Locating gaming machines in a building with permanent residential accommodation is inconsistent with the Act's responsible gambling objectives. When considering applications for the approval of premises as suitable for gaming, the Commission must have regard to the Victorian Government's policy that any building that includes (or is planned to include) permanent residential accommodation should not be approved as premises suitable for gaming.*

Council sought preliminary expert advice from HillPDA to provide a Review of Social and Economic Impact Assessment by NBA Group (see attachment 1). HillPDA's concluding remarks are as follows:

*The SEIA [social & economic impact assessment] undertaken by NBA Group has not included enough detail to effectively assess the social and economic impacts of the proposed expansion of the Newmason Complex including 52 gaming machines*

Council have engaged HillPDA to provide a Social and Economic Impact Assessment, this is expected to be completed in time to accompany the Council submission to the VCGLR.

In summary the Council position is to object to the VCGLR for the application for electronic gaming machines at 25 Mason Street Warragul. This was informed predominantly on information based on insufficient information submitted within the application, and that the proposal is contrary to the Minister's decision-making guidelines. The Council had also been circulated with the the draft SEIA (HillPDA) which demonstrated net detriment however, this was not able to be attached to the Council report due to internal deadline timings.

The Council Agenda report, with its attachment are provided below

## 11. THRIVING ECONOMY

### 11.1 APPLICATION FOR ELECTRONIC GAMING MACHINES

Manager Planning

Directorate: Planning Development

Ward: Central

Appendix: 1 attachment

#### PURPOSE

The purpose of this report is for Council to provide a position for a submission to the Victorian Commission for Gambling and Liquor Regulation (VCGLR) in relation to an application for electronic gaming machines at 25 Mason Street Warragul.

#### RECOMMENDATION

1. That the position of the Council in its submission to the Victorian Commission for Gambling and Liquor Regulation (VCGLR) is to object to the application.
2. That the submission to the VCGLR be provided on the Baw Baw Shire Council's website as soon as practicable.

#### KEY POINTS/ISSUES

- The application to the VCGLR is for 52 electronic gaming machines at 25 Mason Street Warragul (Newmason Complex). This was applied for by the Ellinbank Football and Netball Club.
- The Council has until the 31<sup>st</sup> August 2019 to make a submission to the VCGLR.
- The Manager for Planning on behalf of the CEO advised the VCGLR that a submission would be made, before 8 August 2019 (*as required by the Gaming Regulation Act 2003*).
- There are three main focus points for the Council and the VCGLR to consider.
  - Does the application meet with the gazetted decision guidelines of the Minister?
  - Has the applicant provided sufficient information to provide an adequate assessment of Social and Economic impacts of the proposal?
  - What are the actual social and economic impacts of the application for 52 electronic gaming machines at the subject site?
- The Newmason complex (subject site) at the 3<sup>rd</sup> floor, was issued with 7 approved apartments under the building's planning permit. The certificate of occupancy permit issued identified works were completed for "two or more sole occupancy" units (class 2) – confirming permanent residential accommodation.

- Under section 5(1) of the *Victorian Commission for Gambling and Liquor Regulation Act 2011* specifies that:  
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- Council have engaged HillPDA to provide a Social and Economic Impact Assessment, this is expected to be completed in time to accompany the Council submission to the VCGLR.

### **TRIPLE BOTTOM LINE IMPLICATIONS**

#### **COMMUNITY IMPACT**

Council are in the process of having a social and economic impact assessment finalized in time for the submission date (31/08/2019). The Minister's decision-making guidelines indicate possible community harm. This is primarily due to the proposed venue being within a building that contains permanent residences (apartments). The applicant's supporting documentation does not provide enough information to effectively assess the social/community impacts from the proposal.

#### **ENVIRONMENTAL IMPACT**

Nil.

#### **FINANCIAL IMPACT**

HillPDA expert consultants have been engaged costing \$13,475.00. If Council chooses to provide expert or legal representation at a VCGLR hearing this will require additional financial resourcing.



### **CONSULTATION**

This proposal is not a Council driven process, nor is the planning application related to the site. VCGLR has conducted their own public consultation on the application.

### **LEGAL/COUNCIL PLAN/POLICY IMPACT**

#### **COUNCIL PLAN**

This submission to the VCGLR assists with the achievement of the key strategic objective as set out in the Council Plan 2017-2021:

#### **Strategic Objective 1: Vibrant communities**

*Strategy 1.3 A vibrant, healthy and inclusive community.*

#### **CHARTER OF HUMAN RIGHTS AND RESPONSIBILITIES**

This application process has been reviewed under the *Charter of Human Rights and Responsibilities* and is considered compatible.

#### **LEGAL**

- It is important to note and draw distinction between the two roles the Council is required to undertake for this site. The VCGLR is making a decision under the *Gambling Regulation Act 2003*, in which Council are entitled to make a submission under section 3.3.6. The VCGLR will make a determination under section 3.3.7.
- Concurrently the applicant has submitted a planning application (PLA0148/19) under the *Planning and Environment Act 1987*. Council are the Responsible Authority for this process, no determination on this application has been made to date, the application is still yet to go out to public notice.

#### **POLICY IMPACTS**

- Council adopted a Responsible Gaming Policy in September 2013. The policy includes the following:
  - Discourage new gaming machines in disadvantaged areas.
  - Support the cap of 299 EGM's for the municipality.
  - Prohibit the installation of gaming machines in shopping complexes, strip shopping centres or in any Council owned facility in line with Clause 52.28 Gaming of the Planning Scheme.
  - Request EGM applicants to consider the potential social and economic impacts of gaming in new applications.
  - Request EGM applicants to minimise opportunities for convenience gaming and the incidence of problem gambling, and to offer non-gaming entertainment and recreation activities.
  - Request that EGM venues participate in the Gambler's Help Venue Support Program.
  - Require that Council's written agreement be obtained prior to the distribution of annual community contributions from all gaming operations.

- o Exercise Council's right to make submissions to the Victorian Commission for Gambling and Liquor Regulation where it believes an increase in the number of EGMs may be detrimental to the community.

**CONFLICT OF INTEREST DECLARATION**

No officer involved in the preparation of this report has a disclosable interest.



ELECTRONIC GAMING  
MACHINE APPLICATION -  
ELLINBANK FOOTBALL &  
NETBALL CLUB -  
NEWMASON COMPLEX  
Social and Economic Impact  
Assessment



Prepared for Baw Baw Shire Council


August 2019



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## Quality Assurance

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### Quality Control

This document is for discussion purposes only unless signed and dated by a Principal of HillPDA.

### Reviewer

Signature  Dated [Click here to enter a date.](#)

### Report Details

Job Number	M20001
Version	V1
File Name	Deliverable 1 - Review of Social and Economic Impact Assessment by NBA Group
Date Printed	

■ M20001 - Electronic Gaming Machine Application - Elsternwick Football & Netball Club - Newmason Complex  
 Social and Economic Impact Assessment

3 of 8



### Deliverable 1 – Review of Social and Economic Impact Assessment by NBA Group

The purpose of this section of this report is to provide a preliminary review of the social and economic impact assessment (SEIA) authored by NBA Group regarding the development of the Newmason Complex. The development includes an application to the Victorian Commission for Gambling and Liquor Regulation (VCGLR) for 52 electronic gaming machines to be installed and operated. HillPDA has produced this review based on instructions from the Baw Baw Shire Council.

The SEIA prepared on behalf of the Ellinbank Football Netball Club by NBA Group has been finalised by an experienced consultant in support of the application. Broadly the SEIA considers most of the factors that SEIA should consider. However, our overall assessment of the submitted SEIA is that it does not provide sufficient details, evidence or explanation how the conclusions of the assessment have been reached. One pertinent example may assist in explaining this conclusion. The financial analysis of the proposal has been taken from a report prepared by PVS Pty Ltd. However, this report provides no detail other than the Geotech gravity model was used which is based on factors such as venue attractiveness, facilities and distance. However, the report provides no detail on how these factors were calibrated or evaluated and their relative weighting. Consequently, it is extremely difficult knowing whether the output of the model is based on realistic assumptions.

In addition, we make the following observations:

#### 1.1 General notes

- The SEIA does not clearly explain how the additional positive contribution is different from those required by law. The SEIA should declare if additional positive contribution being made is in excess of any requirement that would be required under law if the EGM increase is approved.
- The policy review undertaken in Section 7 does not include social or economic policy from a local, state or federal level.
- The relevance of the observations around online gambling in paragraphs 138 and 139 regarding online gaming is questioned. The SEIA is meant to deal with the impacts of this particular application.
- A broader review of the available research is required to form an accurate account of the social impacts of problem gambling, particularly the purported links to domestic violence, but also debt, mental illness, substance abuse, unemployment and homelessness.

#### 1.2 Demographics

- The social and economic profile of the catchment areas outlined in Section 6 of the SEIA is brief and does not qualify at-risk groups. Compared with international and other state's guidelines for social and economic impact assessments of gaming, NBA's SEIA contains limited detail regarding:
  - Discretionary income
  - Welfare benefits and allowance
  - Home ownership levels
  - Public housing levels
  - Demand for welfare or emergency assistance providers
  - Single parenting
- Population forecasts and demographic analysis is limited.

#### 1.3 Nearby land use

- The SEIA lacks a detailed audit of nearby land uses and businesses, which would generate a more accurate picture of potential social and economic impacts on a granular level.
- An audit of nearby land use would identify sensitive receivers and potential conflicting uses.



#### 1.4 Financial analysis

- The financial analysis states that the 52 EGMs will result in approximately \$3.418m (\$65,730 per machine) and 84% of this will be transferred from other venues resulting in new expenditure of \$553,000 per annum. The impact is shown in Table 4 of the PVS report and is shown as:

Table 4

Venue Name	Impact
Warragul Club	-19.62%
Club Hotel (Warragul)	-19.41%
Warragul Country Club	-18.04%
Family Hotel	-16.39%

- However, the EGM expenditure report published by the VCGLR indicate that historically this is not the case. In 2016/17 the Warragul Country Club increased the number of EGMs from 60 to 80. Expenditure on EGMs at that venue increased by \$827,908. The total expenditure in the other three venues increased from \$9,367,548 to \$9,464,640. In 2017/18 the Warragul Club increased the number of EGMs from 76 to 100. EGM expenditure at that venue increased by \$471,994 and expenditure at the other three venues increased from \$10,698,857 to \$11,068,844 (Refer to the table below).

Venue	2015/16	2016/17	2017/18
Number of machines			
Club Hotel (Warragul)	30	30	30
Family Hotel	28	28	28
Warragul Club	80	76	100
Warragul Country Club	60	80	80
EGM expenditure			
Club Hotel (Warragul)	\$2,123,463	\$2,301,748	\$2,082,890
Family Hotel	\$2,012,044	\$2,275,657	\$2,399,457
Warragul Club	\$5,232,041	\$4,887,236	\$5,359,230
Warragul Country Club	\$5,293,545	\$6,121,453	\$6,586,497

- The SEIA forecasts gaming expenditure at the Newmason at \$57,664 per machine which is substantially below the 2018/19 average of \$72,178 and the average per machine over the past 10 years. These numbers are based on assumptions fed into the Geotech expenditure model; more detailed information is warranted. Nevertheless, taking the PVS work on its face value, the diversion of trade amounts to the following dollar amounts based on 2018/19 figures and using the PVS Table 4 percentages is as follows.

Venue	EGM Expenditure lost to Newmason's
Club Hotel (Warragul)	\$449,014
Family Hotel	\$480,033
Warragul Club	\$1,031,516
Warragul Country Club	\$1,205,372



- It is unlikely that any business could afford a reduction in trade of that magnitude without shedding staff. We note that NBA assesses employment creation as a significant economic benefit that would see 20 new staff with a combined salary of \$702,000. On the basis of the figures provided by NBA and PVS, using 2018/19 figures, the total reduction in revenue for the existing four venues is likely to be over \$3million.
- The financial analysis also lacks a study of expenditure after the twelve-month period.

#### 1.5 Social and economic impacts

- Further itemizing negative social impacts of the proposed development would allow a more effective impact assessment and mitigation scheme.
- Compared with international and other state's guidelines for impact assessments of gaming, the SEIA contains limited investigation into:
  - Spatial extent and duration of impacts
  - Sensitive receivers
  - Impact mitigation principles
- Long term social and economic impacts are not considered.
- More justification is required for the weightings given to benefits and disbenefits because the application of low, moderate and significant impacts seems to be somewhat arbitrary.

#### Concluding remarks

The SEIA undertaken by NBA Group has not included enough detail to effectively assess the social and economic impacts of the proposed expansion of the Newmason Complex including 52 gaming machines.

HillPDA trusts that the above is sufficient for informing Council's decision on submitting to the VCGLR.





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5. Due care has been taken to prepare the attached financial models from available information at the time of writing, however no responsibility can be or is accepted for errors or inaccuracies that may have occurred either with the programming or the resultant financial projections and their assumptions.
6. This report does not constitute a valuation of any property or interest in property. In preparing this report HillPDG has relied upon information concerning the subject property and/or proposed development provided by the Client and HillPDG has not independently verified this information except where noted in this report.
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This valuation is prepared on the assumption that the lender or addressee as referred to in this valuation report (and no other) may rely on the valuation for mortgage finance purposes and the lender has complied with its own lending guidelines as well as prudent finance industry lending practices, and has considered all prudent aspects of credit risk for any potential borrower, including the borrower's ability to service and repay any mortgage loan. Further, the valuation is prepared on the assumption that the lender is providing mortgage financing at a conservative and prudent loan to value ratio.
8. HillPDG makes no representations or warranties of any kind, about the accuracy, reliability, completeness, suitability or fitness in relation to maps generated by HillPDG or contained within this report.

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