TIMARU DISTRICT COUNCIL

POLICY IN ACCORDANCE WITH SECTION 101 GAMBLING ACT 2003

CLASS 4 - GAMBLING VENUE AND BOARD VENUE POLICY

1 Introduction

The Gambling Act 2003 was enacted on 18 September 2003. The Act requires the Council to adopt a class 4 gambling venue policy for their district. The Act also amended the Racing Act 2003 so that council consent is required to establish a new TAB (called a *Board Venue* in the Act). Under that amendment the Council is required to adopt a Board venue policy for the District.

Both policies must be adopted in accordance with the special consultative procedure set out in the Local Government Act 2002. The Gambling Act 2003 and the Racing Act 2003 together state that the gambling venue and board venue policies:

- Must specify whether or not class 4 venues (hereafter referred to as gambling venues) may be established in the district, and if so, where they may be located.
- May specify any restrictions on the maximum number of gaming machines that may be operated at any gambling venue. The Gambling Act establishes a maximum limit of nine (9) machines for new venues and those venues that obtained a licence after 17 October 2001. This policy proposes a maximum of seven machines. See Clauses 5.1 and 5.2.
- In the development of this policy Council must have regard for the social impacts of gambling on the Timaru District community.

2 Objectives of the Policy

2.1 To recognise that gambling can be a serious problem.

2.2 To ensure the Council and the community has influence over the provision of new gambling venues within the district.

2.3 To allow those who wish to participate in controlled gambling to do so within the district.

2.4 To minimise harm to the community caused by gambling.

3 Where Class 4 Gambling Venues (Gaming Machines) and Board Venues (TAB) may be established within the boundary of the Timaru Township.

3.1 Class 4 gambling venues (Gaming Machines) and board venues (TAB) may be established in **Commercial 1, 2 and 3 Zones** (eg CBD Zone, suburban centre zones, and industrial zones) subject to:

3.1.1 meeting application and fee requirements;

3.1.2 being no closer than 200 metres, by public walkway or roadway to any residential zone;

3.1.3 being no closer than 100 metres, by public walkway or roadway to any school, early childhood centre, kindergarten, place of worship or other community facility;

Note: Community Facilities means places available to the public for the purpose of community activities and includes but is not limited to public playgrounds, recreational halls, community centres, community halls, public swimming pools.

3.1.4 being no closer than 100 metres, by public walkway or roadway to any other gambling venue; excepting that board venues (TAB) may, upon application, be exempted from this requirement;

3.1.5 not being a venue that is associated with family or children's activities unless the activity is in a room separate from gaming machines.

3.2 Class 4 gambling venues (Gaming Machines) and board venues (TAB) may be established in **recreation zones used for organised sporting purposes or recreational non-profit purposes**, subject to:

3.2.1 meeting application and fee requirements;

3.2.2 being no closer than 200 metres, by public walkway or roadway to any residential zone;

3.2.3 being no closer than 100 metres, by public walkway or roadway to any school, early childhood centre, kindergarten, place of worship or other community facility;

3.2.4 being no closer than 100 metres, by public walkway or roadway to any other gambling venue excepting that board venues (TAB) may, upon application, be exempted from this requirement;

3.2.5 the venue being within a recognised sports or other recreational non-profit club building;

3.2.6 not being a venue that is associated with family or children's activities unless the activity is in a room separate from gaming machines.

3.3 Class 4 gambling venues (Gaming Machines) and board venues (TAB) may not be established in any **residential zone or recreation zone** other than that above.

It is acknowledged that not all venues, including existing venues, will be able to comply with the above requirements. For that reason Council will consider applications for exemption made in respect of specific sites.

4 Where Class 4 Gambling Venues (Gaming Machines) and Board Venues (TAB) may be established in all other areas of the Timaru District.

4.1 Class 4 gambling venues (Gaming Machines) and board venues (TAB) may be established in **Commercial 1, 2 and 3 Zones** (eg CBD Zone, suburban centre zones, and industrial zones) subject to:

4.1.1 meeting application and fee requirements;

4.1.2 being no closer than 25 metres, by public walkway or roadway, located between the venue property and any residential zone;

4.1.3 being no closer than 25 metres, by public walkway or roadway, located between the venue property and any school, early childhood centre, kindergarten, place of worship or other community facility.

Note: Community Facilities means places available to the public for the purpose of community activities and includes but is not limited to public playgrounds, recreational halls, community centres, community halls, public swimming pools.

4.1.4 being no closer than 25 metres, by public walkway or roadway, located between the venue property and any other gambling venue excepting that board venues (TAB) may, upon application, be exempted from this requirement;

4.1.5 not being a venue that is associated with family or children's activities unless the activity is in a room separate from gaming machines.

4.2 Class 4 gambling venues (Gaming Machines) and board venues (TAB) may be established in **recreation zones used for organised sporting purposes or recreational non-profit purposes**, subject to:

4.2.1 meeting application and fee requirements;

4.2.2 being no closer than 25 metres, by public walkway or roadway, located between the venue property and any residential zone;

4.2.3 being no closer than 25 metres, by public walkway or roadway, located between the venue property and any school, early childhood centre, kindergarten, place of worship or other community facility;

4.2.4 being no closer than 25 metres, by public walkway or roadway, located between the venue property and any other gambling

venue excepting that board venues (TAB) may, upon application, be exempted from this requirement;

4.2.5 the venue being within a recognised sports or other recreational non-profit club building;

4.2.6 not being a venue that is associated with family or children's activities unless the activity is in a room separate from gaming machines.

4.3 Class 4 gambling venues (Gaming Machines) and board venues (TAB) may not be established in any **residential zone or recreation zone** other than that above.

It is acknowledged that not all venues, including existing venues, will be able to comply with the above requirements. For that reason Council will consider applications for exemption made in respect of specific sites.

5 Numbers of gaming machines to be allowed

5.1 New Class 4 gambling venues shall be allowed a maximum of 7 gaming machines.

5.2 Existing Class 4 – gambling venues operating fewer than 7 gaming machines, shall be allowed to increase the number of machines operated at the venue to 7.

6 Primary Activity of Class 4 Gambling Venues

6.1 The primary activity of any Class 4 gambling venue shall be:

6.1.1 for sporting activities; or

6.1.2 for the sale of liquor or for liquor and food; or

6.1.3 for private club activities; or

6.1.4 for board venues (stand-alone TABs) as defined by Section 3 of the Racing Act 2003.

7 Applications

7.1 Applications for Council consent must be made on the approved form and must provide:

7.1.1 name and contact details for the application;

7.1.2 street address of premises proposed for the Class 4 licence;

7.1.3 the names of management staff;

7.1.4 where necessary, evidence to satisfy the Council that the primary activity at a venue is consistent with the requirements of the Act;

7.1.5 a site plan and a floor plan covering both gambling and other activities proposed for the venue, including details of each floor of the venue;

7.1.6 if not in the Central City Zone, evidence of the distance to the nearest residential zone, education or religious establishment and other Class 4 gambling venues;

7.1.8 details of any liquor licence(s) applying to the premises.

8 Application Fees

8.1 These will be set by the Council from time to time with the intention of recovering full costs from applicants/operators, and shall include consideration:

8.1.1 the cost of processing the application, including any consultation and hearings involved;

8.1.2 the cost of triennially reviewing the Class 4 gambling venue and TAB venue policy;

8.1.3 the cost of inspecting Class 4 gambling venues on a regular basis to ensure compliance with consent or licence conditions;

8.1.4 a contribution towards the cost of triennial assessments of the economic and social impact of gambling in the city/district.

Policy adopted by the Timaru District Council on 4 May 2010. Please direct any enquiries to the Regulatory Services Manager, Timaru District Council, PO Box 522, Timaru.