

Gambling Venue Policy

Approved by:	Timaru District Council
Date Approved:	To be confirmed
Keywords:	Gambling Venue Machines Policy Class Environmental Compliance District Problem Agency Zone

1 Purpose

1.1 The purpose of this policy is to:

- 1.1.1 Detail Council's policy with regards to consent applications for new Class 4 gambling venue and New Zealand Racing Agency (TAB) venue licences, in accordance with the Gambling Act 2003 and the Racing Act 2003.
- 1.1.2 Recognise that gambling can be a serious problem for people in our community.
- 1.1.3 Ensure Council and the community has influence over the provision of new gambling venues within the Timaru District.
- 1.1.4 To allow those who wish to participate in controlled gambling to do so within the Timaru District.
- 1.1.5 To minimise harm to the community caused by gambling.

Note: The Gambling Venue Policy applies only to new consent applications for Class 4 gambling venues and Agency venues, it will not be applied retrospectively to venues with current licences.

2 Background

- 2.1 The Gambling Act 2003 was enacted on 18 September 2003. The Act requires councils 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 Agency (TAB) venue. Under that amendment Council is required to adopt a Agency venue policy for the District.
- 2.2 Both policies must be adopted in accordance with the special consultative procedure set out in the Local Government Act 2002.
- 2.3 The Gambling Act 2003 and the Racing Act 2003 together state that the Class 4 gambling venue and Agency venue policies:
 - 2.3.1 Must specify whether or not Class 4 venues and Agency venues may be established in the District, and if so, where they may be located.

- 2.3.2 May specify any restrictions on the maximum number of gaming machines that may be operated at any Class 4 gambling venue. The Gambling Act 2003 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 6.1).
- 2.3.3 In the development of this Policy Council must have regard for the social impacts of gambling on the Timaru District community.
- 2.4 In 2007 Council combined the Class 4 gambling venue and Agency venue policies.

3 Key Definitions

Agency Venue – means premises that are owned or leased by the Racing Industry Transition Agency (TAB) and where the main business carried out at the premises is providing racing betting or sports betting services under the Racing Act 2003. This does not include TAB outlets.

Class 4 Gambling – Means any activity that involves the use of gaming machines (i.e. pokies) in pubs and clubs (i.e outside a casino) which may only be conducted by a corporate society and only to raise money for an authorised (e.g. community and non-commercial) purpose.

Commercial Zones – As defined in the operative Timaru District Plan.

Community Facility – Any building, place or facility which provides for the physical, social, cultural or intellectual development or welfare of the community, including but not limited to; public playgrounds; recreational halls; community centres; community halls; libraries; museums; and public swimming pools.

Gambling Venue: - Any Class 4 gambling venue or Agency venue.

Residential Zones – As defined in the operative Timaru District Plan.

Sensitive Site – Any childhood centre, kindergarten, school, place of worship or community facility.

4 Policy – Timaru Township

- 4.1 Within the boundary of the Timaru Township, Gambling Venues may be established in Commercial 1, 2 and 3 Zones subject to:
- 4.1.1 Meeting application and fee requirements;
 - 4.1.2 Being no closer than 200 metres, by public access way to any Residential Zone;
 - 4.1.3 Being no closer than 100 metres, by public access way from any sensitive site (as defined in section 3 of this policy);
 - 4.1.4 Being no closer than 100 metres, by public access way from another gambling venue; excepting that Agency venues may, on application be exempt from this requirement;

- 4.1.5 Not being a venue that is associated with family or children's activity unless the activity is in a room separate from gaming machines;

5 Policy – Rest of Timaru District.

5.1 For all areas outside the boundary of the Timaru Township, Class 4 gambling venues and Agency venues may be established in **Commercial 1 Zone** subject to:

- 5.1.1 Meeting consent application and fee requirements;
- 5.1.2 Being no closer than 25 metres, by public access way, to any Residential Zone;
- 5.1.3 Being no closer than 25 metres, by public access way to any sensitive site (as defined in section 3 of this policy);
- 5.1.4 Being no closer than 25 meters, by public access way, of any other gambling venue excepting that Agency venues may, on application, be exempt from this requirement; and
- 5.1.5 Not being a venue that is associated with family or children's activity unless the activity is in a room separate from gaming machines.

6 Relocation of Venues

6.1 Consent for the relocation of existing Class 4 venues is subject to:

- 6.1.1 The current premises being unable to continue to operate at the existing site. Examples of such circumstances include, but are not limited to the following:
- Expiration of lease;
 - A natural disaster or fire making the venue unfit to continue to operate; or
 - The building in which the venue is located is deemed, under the Building Act 2004, to be earthquake-prone, dangerous, affected or insanitary.
- 6.1.2 The total number of Class 4 gaming machines at the new premises must be the same, or less than the existing Class 4 venue.
- 6.1.3 The consent application meeting all other requirements of this Policy.

7 Number of gaming machines to be allowed

7.1 New Class 4 gambling venues shall be allowed a maximum of seven (7) gaming machines.

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

8 Primary Activity of Venues

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

8.1.1 For the sale of liquor or for liquor and food; or

8.1.2 For private club activities; or

8.2 The primary activity for Agency venues, as defined by section 5 of the Racing Act 2003, shall be:

8.2.1 Providing racing betting or sports betting services.

9 Application

9.1 Applications for Council consent must be made on the correct form, accompanied by all required documentation and fees.

9.2 Application forms are available on Council's website, www.timaru.govt.nz and at all Council service centres.

10 Application Fees

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

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

10.1.2 The cost of triennially reviewing the Gambling Venue Policy;

10.1.3 The cost of inspecting Class 4 gambling venues on a regular basis to ensure compliance with consent or licence conditions'

10.1.4 A contribution towards the cost of triennial assessments of the economic and social impact of gambling in the District.

10.2 Council will comply with section 150 of the Local Government Act 2002 in setting such fees.

11 Policy Review

11.1 This Policy will be reviewed at least every three years, as required by the Gambling Act and the Racing Act 2003.

11.2 This Policy does not cease to have effect because it is due for review, or being reviewed.

11.3 This Policy takes effect from the date it is formally adopted by Council.