

TIMARU



DISTRICT COUNCIL

Te Kaunihera ā-Rohe  
o Te Tihi o Maru

## Statement of Proposal

Timaru District Council Policy Review Consultation

# Gambling Venue Policy

**Let us know  
what you think  
of our draft  
policy.**

Submissions close Friday  
11 November at 5pm

[www.timaru.govt.nz](http://www.timaru.govt.nz)

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## Purpose of this Statement of Proposal

Timaru District Council has reviewed the Gambling Venue Policy and is proposing that it is renewed without amendment. This Statement of Proposal is seeking public feedback on these changes. We invite your views and feedback via the submission process outlined in this document.

This Statement of Proposal has been prepared in accordance with the requirements of Sections 83 and 87 of the Local Government Act 2002. It includes:

- The draft policy and its rationale;
- An outline of other reasonably practicable options, and an analysis of their advantages and disadvantages, and;
- A description of the consultation and submission process.

Submissions are invited until Friday 11 November at 5pm. At the end of this period, Council will:

- Conduct hearings for anyone who wishes to speak in support of their submission, and;
- Decide on the final policy.

# Gambling Venue Policy

## What is being proposed

Timaru District Council has reviewed the Gambling Venue Policy and believes that no changes are necessary at this time. We would like to know if you think the policy is appropriate, or if you think we need to make changes to make it more effective.

We have scoped the issues Council considered on page 8. You may wish to provide feedback to Council on these, or any other issue relating to the policy.

## Background

The Gambling Act 2003 and the Racing Industry Act 2020 require all territorial authorities (city and district councils) to have a policy relating to Class 4 gambling venues and TAB New Zealand (formerly the New Zealand Racing Board) venues in their district. Council's current policy combines both Class 4 and Agency venues.

This policy must be reviewed every three years, taking into account the social impacts of gambling.

**Council commissioned an external agency to produce a Social Impact Assessment of Class 4 Gambling in the Timaru District to inform the policy review.**

**This independent Social Impact Assessment can be read on the Council website at:**

**[www.timaru.govt.nz/tell-us/current-consultations](http://www.timaru.govt.nz/tell-us/current-consultations)**

The oversight of Class 4 Gambling venues and Agency (TAB) venues sits with the Department of Internal Affairs (DIA). However, territorial authorities are responsible for issuing consents to venues that wish to provide Class 4 or TAB gambling services. Essentially, DIA may issue a licence to a venue once Council has issued consent for that particular venue in accordance with this policy.

## Quick Facts

Detailed information about Class 4 Gambling in the Timaru District is available in the Social Impact Assessment.

### What is Class 4 Gambling?

Class 4 gambling covers gaming machines (commonly known as pokie machines) in venues that are not casinos.

### What are Agency venues?

This deals with stand-alone TAB New Zealand venues, where TAB gambling is the primary purpose of the facility.

The policy does not cover TAB outlets, where TAB machines are part of, but not the primary purpose of, a facility.

### Gambling venues in the Timaru District

As of December 2021, DIA statistics indicated that there were 13 Class 4 Gambling venues and 166 gaming machines in the Timaru District, predominately located in Timaru.

### What does the Policy deal with?

Under the Gambling Act 2003, Council's policy:

- Must specify whether or not Class 4 venues may be established and, if so, where they may be located within the District;
- May specify any restrictions on the maximum number of gaming machines that may be operated at a venue, and;
- May include a relocation policy.

The Gambling Act 2003 sets a maximum number of nine machines for new venues. Council is able to set a lower limit through its policy.

Under the Racing Industry Act 2020, Council's policy:

- Must specify whether or not new TAB venues may be established and, if so, where they may be located within the District.

### What doesn't the Policy cover?

Under the Gambling Act 2003, Council's policy cannot:

- Reduce the number of machines in existing venues;
- Control the hours of operation for gambling venues;
- Close down an existing gambling venue;
- Control what happens to the proceeds of gambling, i.e. where and to whom the proceeds are distributed, and;
- Regulate casinos, internet gambling, or Lotto outlets.

# Summary of Current Policy

Adopted 10 December 2019

## Purpose and Objectives

- 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 Industry Act 2020;
- Recognise that gambling can be a serious problem for people in our community;
- Ensure Council and the community has influence over the provision of new gambling venues within the Timaru District;
- Allow those who wish to participate in controlled gambling to do so within the Timaru District, and;
- Minimise harm to the community caused by gambling.

## Gambling Venue Locations

New applications will be approved within the boundary of the Timaru Township if:

- They are within Commercial 1, 2 and 3 Zones;
- They are meeting application and fee requirements;
- They are no closer than 200 metres, by public access way, to any Residential Zone;
- They are no closer than 100 metres, by public access way, to any sensitive site (as defined in Section 3 of the policy);
- They are no closer than 100 metres, by public access way, to another Gambling Venue; excepting that Agency venues may, on application be exempt from this requirement, and;
- The venue is not associated with family or children's activity unless the activity is in a room separate from gaming machines.

New applications will be approved in all other areas of the Timaru District if:

- They are within Commercial 1 Zone;
- They are meeting consent application and fee requirements;
- They are no closer than 25 metres, by public access way, to any Residential Zone;
- They are no closer than 25 metres, by public access way, to any sensitive site (as defined in Section 3 of the policy);
- They are no closer than 25 metres, by public access way, to any other gambling venue excepting that Agency venues may, on application, be exempt from this requirement, and;
- The venue is not associated with family or children's activity unless the activity is in a room separate from gaming machines.

## Number of Gaming Machines

- New Class 4 venues are allowed a maximum of seven gaming machines.
- Existing venues with fewer than seven gaming machines are allowed to increase their number of machines to seven.

## Exemptions

- It is acknowledged that not all venues, including existing venues, will be able to comply with these requirements. For this reason, Council will consider applications for exemption made for specific sites.

## Applications

- All applicants must complete the required application form.
- Application fees are set by Council and reviewed from time to time with the intention of recovering full costs from the applicants and to assist Council meeting its obligations under the Gambling Act 2003 and Racing Industry Act 2020.

# Gambling Venue Policy

<b>Approved by:</b>	Timaru District Council
<b>Group:</b>	Environmental Services
<b>Responsibility:</b>	Environmental Compliance Manager
<b>Date adopted:</b>	TBC
<b>Review:</b>	Every 3 years, or earlier if required

Date of review commencement and date of review TBC. This Policy does not cease to have effect because it is due for review, or being reviewed

<b>Consultation:</b>	Required – Special Consultative Procedure
<b>Policy Type</b>	Council External Operational

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## Introduction

### 1. Purpose and Objectives

- 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 TAB New Zealand venue licences, in accordance with the Gambling Act 2003 and the Racing Industry Act 2020.
  - 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 Allow those who wish to participate in controlled gambling to do so within the Timaru District.
  - 1.1.5 Minimise harm to the community caused by gambling.

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### 2. Scope

- 2.1. This policy applies to all new consent applications for Class 4 Gambling and TAB New Zealand venues in the Timaru District.
- 2.2. The Policy will not be applied retrospectively to Gambling Venues with current licences.
- 2.3. This Policy takes effect from the date it is formally adopted by Council.

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### 3. Definitions

- 3.1. Definitions of the terms used in this policy are attached as Appendix 1.

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## Policy Statements

### 4. Gambling Venue Locations

- 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, to any sensitive site (as defined in Section 3 of this policy);
  - 4.1.4. Being no closer than 100 metres, by public access way, to another Gambling Venue; excepting that TAB New Zealand venue/s may, on application be exempt from this requirement, and;
  - 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.

## Draft Gambling Venue Policy Continued...

- 4.2. For all areas outside the boundary of the Timaru Township, Gambling Venues may be established in Commercial 1 Zone subject to:
  - 4.2.1. Meeting consent application and fee requirements;
  - 4.2.2. Being no closer than 25 metres, by public access way, to any Residential Zone;
  - 4.2.3. Being no closer than 25 metres, by public access way, to any sensitive site (as defined in Section 3 of this policy);
  - 4.2.4. Being no closer than 25 meters, by public access way, to any other gambling venue excepting that TAB New Zealand venue/s may, on application, be exempt from this requirement, and;
  - 4.2.5. Not being a venue that is associated with family or children's activity unless the activity is in a room separate from gaming machines.

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### 5. Exemptions

- 5.1. Where a proposed new venue is unable to comply with the location requirements of this policy the application will be referred to the Environmental Services Committee which has discretion to approve or decline, subject to the application meeting all other requirements of this policy.

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### 6. Relocation of Venues

- 6.1. Applications for the relocation of existing venues to a new site will be referred to the Environmental Services Committee, which has discretion to approve or decline the application.
- 6.2. Any application, and the proposed new venue, must comply with all other conditions and provisions of this policy.
- 6.3. The maximum number of gaming machines permitted to operate at the new venue is the same as the maximum number of gaming machines permitted to operate at the venue before relocation.

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### 7. Number of Gaming Machines to be Allowed

- 7.1. New Class 4 gambling venues shall be allowed a maximum of seven gaming machines.
- 7.2. Existing Class 4 gambling venues operating fewer than seven gaming machines, shall be allowed to increase the number of machines operated at the venue to seven.

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### 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 alcohol, or the sale of alcohol and food; or
  - 8.1.2. For private club activities.
- 8.2. The primary activity for TAB New Zealand venue/s, as defined by section 5 of the Racing Industry Act 2020, shall be providing racing betting, or sports betting services.

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### 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](http://www.timaru.govt.nz), and at all Council service centres.

## Draft Gambling Venue Policy Continued...

### 10. Application Fees

- 10.1. Application fees 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 and TAB New Zealand venues on a regular basis to ensure compliance with consent or licence conditions; and
  - 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.

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### 11. Monitoring

- 11.1 Council will utilize a Social Impact Assessment to assess the effectiveness of this policy and the extent of gambling harm.
- 11.2 The Social Impact Assessment – either a full review or an update of the previous Social Impact Assessment, as required – will be undertaken every three years when the policy is reviewed.

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### 12. Reporting

- 12.1 Council will receive reports on the effectiveness of this policy when it is due for review.
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## Appendix 1: Definition of terms used in this policy

### 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 (i.e. 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 TAB New Zealand venue/s.

### Residential Zones

As defined in the operative Timaru District Plan.

### Sensitive Site

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

### TAB New Zealand venue/s

Means premises owned or leased by TAB New Zealand and where the main business carried on at the premises is providing racing betting, sports betting, or other racing or sports betting services.

# Proposed Changes

Council is not proposing any changes to this policy at this time.

This is because the current policy appears to effectively balance the desired objective to minimise problem gambling harm while enabling the legitimate participation in gambling.

This view is consistent with the findings of the independent Social Impact Assessment and broader community feedback received to date.

## Other Potential Policy Options

OPTIONS	ADVANTAGES AND DISADVANTAGES
<p><b>Introduce a Sinking Lid</b></p> <ul style="list-style-type: none"> <li>A sinking lid means that no new consents will be issued by Council, and that the number of venues and machines will decrease over time through attrition.</li> <li>Venues will not be able to increase their number of machines.</li> <li>Gaming machines will not be able to be transferred to another venue if one venue closes.</li> <li>Consent will not be given for venue relocations.</li> </ul>	<ul style="list-style-type: none"> <li>Over time, this would lead to a decrease in the number of venues and machines in the Timaru District, potentially reducing the harm caused by problem gambling, while still allowing for existing venues to continue to operate.</li> <li>If a venue is unable to continue operating in its current location (for example, due to fire or a building lease not renewed), the venue would not be able to relocate its machines to any other venue.</li> <li>A sinking lid policy takes time to have an effect on the total number of gaming machines and is reliant on current venues closing down.</li> <li>May discourage some hospitality businesses from establishing within the District if they are unable to have gaming machines and negatively affect employment opportunities in the hospitality industry.</li> <li>May reduce over time the level of funding available in the Timaru District from charitable trusts operating gambling machines.</li> </ul>
<p><b>Employ other capping options</b></p> <ul style="list-style-type: none"> <li>Capping the total number of gaming machines in the District.</li> <li>Reduce the cap on the number of machines each new venue may operate.</li> <li>Impose a density cap so that certain areas of the District may not exceed a certain number of venues or gaming machines.</li> </ul>	<ul style="list-style-type: none"> <li>A District wide cap on machines would ensure that no further potential for gambling harm is created.</li> <li>A reduction in the cap on machines per venue may further reduce the potential for problem gambling by minimising the potential proliferation of machines in the District.</li> <li>May discourage some hospitality businesses from establishing within the District if they are unable to have gaming machines and negatively affect employment opportunities in the hospitality industry.</li> <li>May reduce over time the level of funding available in the Timaru District from charitable trusts operating gambling machines.</li> <li>A density cap may help ensure that the temptation to gamble is limited in communities that are known to be more vulnerable to the effects of problem gambling.</li> <li>It can be administratively difficult to create density rules that are effective and remain up-to-date.</li> <li>A density cap may not be effective given the current proliferation of gaming venues.</li> </ul>
<p><b>Ease current Restrictions</b></p> <ul style="list-style-type: none"> <li>Increase the number of machines allowed at each venue to the legislative maximum (18 machines for venues holding a licence prior to 17 October 2017; 9 machines for venues holding a licence issued after this date).</li> </ul>	<ul style="list-style-type: none"> <li>This approach would be more enabling for businesses, allowing a greater number of machines within the District as a whole, and possibly in each venue. As such, it may help enhance the benefits of gambling, including the economic success of local businesses, social enjoyment, and the availability of community funding for the District.</li> <li>However, this option might result in an increase in the current levels of gambling harm, which is not consistent with the general objectives of the legislation or policy.</li> </ul>
<p><b>Amend rules for sensitive sites</b></p> <ul style="list-style-type: none"> <li>Increase or decrease the scope and number of premises or facilities which are defined as sensitive sites.</li> </ul>	<ul style="list-style-type: none"> <li>This option would be more protective of perceived vulnerable sites by expanding the definition of a sensitive site. A sensitive site is currently defined as, "any childhood centre, kindergarten, school, place of worship or community facility". For example, marae could be included within this definition.</li> <li>However, increasing the scope of the definition could be restrictive on businesses and reduce any economic benefits of gambling.</li> <li>Making the definition of a sensitive site too prescriptive could reduce the ability of licencing officers to apply appropriate discretion and judgement to achieve the outcomes of the legislation and this policy.</li> </ul>





# Have your say

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## Let us know what you think about our draft policies.

You can do this by:

- Completing the online feedback form at <https://www.timaru.govt.nz/tell-us/current-consultations>, or;
  - Completing the submission form at the end of this document and posting it back to Council, or;
  - Completing the submission form at the end of this document, scanning it and emailing it to [submissions@timdc.govt.nz](mailto:submissions@timdc.govt.nz).
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## Want more information?

### Submissions close Friday 11 November at 5pm.

If you have any questions about the draft policy, contact Debbie Fortuin (Environmental Compliance Manager) via email: [gambling@timdc.govt.nz](mailto:gambling@timdc.govt.nz)

If you have any questions about the submissions process, contact Brendan Madley or Mark Low via email: [submissions@timdc.govt.nz](mailto:submissions@timdc.govt.nz)

Alternatively, contact us via telephone: 07 687 7200

The Social Impact Assessment can be read at [www.timaru.govt.nz/tell-us/current-consultations](https://www.timaru.govt.nz/tell-us/current-consultations)

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## Timeline

### 10 October 2022 – 11 November 2022

Consultation period

### 11 November 2022

Submissions close at 5pm

### To be confirmed

Council considers submissions (public hearings if required)

### 6 December 2022

Council decision on Gambling Venue Policy

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# Policy Review Consultation Submission Form

First name: .....

Last name: .....

Organisation (if applicable): .....

Phone (landline or mobile): .....

Email address:\*

Postal address:\*

\*we require your email address and/or your physical postal address.

## How to return this form via FreePost

Complete your details and your feedback sections.

Put your form in a sealed envelope and address to:

FreePost Authority Number 95136

Policy Review Consultation

Timaru District Council

PO Box 522

TIMARU 7940

## Your feedback

Do you want to speak about your submission at a Council Hearing?  
(tick a circle)\*\*:

Yes

No

\*\*must complete. If you do not complete, we will assume you do not wish to speak.

Do you support the draft Gambling Venue Policy as presented?  
(tick a box):

Yes

No

Comments: .....

.....

.....

.....

What changes, if any, would you like to see in the Policy?

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### Need more room?

Please use extra paper if required and attach with your submission.

### Privacy Statement

All submissions will be included on Council's website or in public documents, at Council offices and Libraries/ Service Centres, and on Council's website. This will include, by default, the personal information that you have provided such as your name and contact details being publicly available.

However, if you DO NOT want your personal information to be public in this way, please tick here:

Your personal information will still be accessible to, and used by, Council staff for submission administration purposes such as contacting you if you want to speak at the Council hearing.

All information is held by Council, and you have the right to access and correct personal information.

TIMARU



DISTRICT COUNCIL

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o Te Tihi o Maru

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