

ASHBURTON DISTRICT COUNCIL

CLASS 4 GAMBLING VENUE POLICY

1. Introduction

- 1.1 The Gambling Act 2003 and the Racing Act 2003 require territorial authorities to adopt a Class 4 Gambling Venue Policy and a Board Venue Policy for its district. (Refer to the Gambling Act 2003, sections 98 – 103, and the Racing Act 2003, section 65). This Gambling Venue Policy covers both Class 4 gambling and New Zealand Racing Board gambling venues.
- 1.2 This policy must be adopted using the special consultative procedure prescribed in the Local Government Act 2002. (Refer to the Local Government Act 2002, section 83).
- 1.3 This policy must be reviewed at least every three years, again using the special consultative procedure. (Refer to the Gambling Act 2003, section 102).
- 1.4 “Class 4 gambling venue” refers to gaming machine (pokie machine) gambling venues.
- 1.5 “Board” gambling venue refers to a race and/or sports betting venue owned or leased, and operated, by the New Zealand Racing Board. (Refer to the Gambling Act 2003, sections 30 – 33, and the Racing Act 2003, section 65).

2. Objectives of the Policy

- 2.1 To ensure the council and the community has influence over the provision of new TAB or class 4 gambling machines and/ or venues in the district.
- 2.2 To allow those who wish to participate in TAB or class 4 gambling to do so within the district.
- 2.3 To minimise potential negative impacts of TAB or class 4 gambling in the district.

3. Where New Zealand Racing Board (Board) venues may be established

Board gambling venues may be established in Ashburton District subject to:

- 3.1 meeting application and fee requirements;
- 3.2 the venue being controlled by the New Zealand Racing Board (TAB) or a venue owned or leased, and operated by the New Zealand Racing Board for the purposes of race and sports betting
- 3.3 the venue not being in an area zoned “residential”, “township” or “rural residential” in the Ashburton District Plan (Operative 2001)
- 3.4 that necessary resource consent(s) have been granted if required.
- 3.5 the venue not being one where the primary activity of the venue is associated with family or children's activities.

4. Where Class 4 gambling venues may be established

Class 4 gambling venues may be established in Ashburton District subject to:

- 4.1 meeting application and fee requirements;
- 4.2 the primary activity of the venue being:
 - a. for the sale of liquor or for liquor and food, or;
 - b. the venue being a New Zealand Racing Board venue
- 4.3 the venue not being one where the primary activity of the venue is associated with family or children's activities and is not on a site listed as a "designated site" within Appendix A.1 of the Ashburton District Plan (Operative 2001).
- 4.4 the venue not being in an area zoned "residential", "township" or "rural residential" in the Ashburton District Plan (Operative 2001)
- 4.5 that necessary resource consent(s) have been granted if required.

5. Numbers of gaming machines to be allowed

- 5.1 New venues shall be permitted a maximum of 5 gaming machines
- 5.2 Existing venues, with licences issued after 17 October 2001, operating fewer than 9 gaming machines on 22 September 2003, shall be permitted to increase the number of machines operated at the venue to a maximum of 7 machines.
- 5.3 Existing venues with licenses issued before 17 October 2001 and operating fewer than 9 gaming machines on 22 September 2003, shall be permitted to increase the number of machines operated at the venue to a maximum of 7 machines.
- 5.4 Existing venues with licenses issued before 17 October 2001 and operating more than 9 gaming machines but fewer than 18 gaming machines on 22 September 2003, shall be permitted to increase the number of machines operated at the venue to a maximum of 18 machines.
- 5.5 No venue shall, under any circumstances, operate more than 18 gaming machines.

6. Applications

- 6.1 Applications for territorial authority consent must be made on the approved form and must provide:
 - a. name and contact details of the owner of the business making the application;
 - b. name and contact details of the corporate society who will hold the venue license;
 - c. street address of the premises proposed for the Class 4 licence;
 - d. the names of management staff;

- e. a site plan covering both gambling and other activities proposed for the venue, including details of each floor of the venue and details of the number of gaming machines proposed;
- f. details of liquor licence(s) applying to the premises where applicable.

7. Decision Making

- 7.1 The Council has 30 working days in which to determine a consent application upon receiving a complete consent application containing all required information, and receipt of the full application fee.
- 7.2 The decision will be made at officer level pursuant to delegated authority and be based on the criteria detailed in this policy.

8. Application Fees

- 8.1 These will be set by Ashburton District Council from time to time, and may include consideration for:
 - a. the cost of processing the application;
 - b. the cost of inspecting gambling venues on a regular basis to ensure compliance with consent conditions;

9. Monitoring and Review

- 9.1 The Council will review the policy within three years of its adoption.
- 9.2 The Council will monitor the social and economic impact of gaming on the community as part of the policy review process.
- 9.3 The Council may amend this policy as a result of the findings of economic and social impact monitoring.
- 9.4 Any review or amendment of the policy, excluding the setting fees, will be undertaken in accordance with the special consultative procedure prescribed in the Local Government Act 2002.
- 9.5 Council reserves the right to introduce bylaws it deems necessary to control signage, advertising and visibility of machines issues; which may not be considered to be sufficiently covered by the Gambling Act 2003 regulations.

10. Commencement of Policy

- 10.1 The policy will take effect from the day after its adoption by Council.