

## 9.2 CLASS IV GAMBLING AND BOARD VENUE POLICY

Date Adopted	Next Review	Officer Responsible
1 July 2017	1 August 2020	Strategic Development Manager, Sustainability & Social Development

### Policy Purpose:

To control the growth of gambling, prevent and minimise the harm of gambling, facilitate responsible gambling and community involvement in decisions about gambling.

Class 4 gambling: Gambling that utilises or involves electronic gambling machines, otherwise known as “pokie machines” as required by the Gambling Act 2003.

The Rotorua racecourse is used for certain major events but the District Plan does not allow any retailing at the racecourse.

### Policy:

#### A. Definitions:

**Central Business District:** as defined by City Centre Zones 1-3 in the District Plan (see attached Map).

**Class 4 gambling:** Gambling that utilises or involves electronic gambling machines, otherwise known as “pokie machines”.

**Class 4 gambling venue:** Any venue that conducts Class 4 gambling activities outside a casino.

**Community facility:** Land or buildings which are used in whole or in part for the assembly of persons for such purposes as deliberation or social entertainment or similar purposes and including buildings used for clubrooms, arts, museum and cultural community premises, cinemas, theatres, conference rooms, church halls, marae and meeting rooms, but not including a chartered club or building designed specifically for indoor recreation.

**Problem gambler:** A person whose gambling causes harm or may cause harm.

**Board Venue:** TAB Venue controlled by the New Zealand Racing Board.

B. **Objectives of the policy**

- (i) Control the growth of gambling.
- (ii) Prevent and minimise the harm from gambling.
- (iii) Facilitate responsible gambling.
- (iv) Facilitate community involvement in decisions about gambling.

C. **Location of new Class 4 gambling venues and board venues**

Class 4 gambling venues and Board venues may be established within the Central Business District subject to:

- (i) The number of gambling machines proposed for the venue being able to be met within the overall District cap (maximum) of 350 machines as determined by Council and specified in Section E hereof;
- (ii) Being able to satisfy Council that the location of the proposed venue is not incompatible with other predominant uses of the proposed premises or adjacent premises;
- (iii) Not being a venue at which the primary activity is associated with family dining, family activities (e.g. cinemas) or children's activities;
- (iv) Not being a brothel, as defined in Section 4 of the Prostitution Reform Act 2003;
- (v) Being no closer than 100 metres, as measured from boundary to boundary, of an existing Class 4 gambling venue;
- (vi) Being no closer than 100 metres, as measured from boundary to boundary, of any school, early childhood centre, kindergarten, other educational facility, place of worship or other community facility as defined in the District Plan;
- (vii) Meeting application and fee requirements.

The Council will not grant consent for the establishment of any new Class 4 Gambling venue or any new Board venue outside the Central Business District. This also means that the Council will not grant consent for the relocation of an existing venue from a location outside the Central Business District to another location outside the Central Business District.

A relocating venue will not be required to reduce the existing number of gaming machines to meet the overall District cap (maximum) of 350 machines.

D. **Numbers of gambling machines allowed per venue**

- (i) This policy does not affect any Class 4 gambling venue established on or before 17 October 2001.
- (ii) Class 4 gambling venues established between 18 October 2001 and 18 March 2004 shall be allowed a maximum of nine (9) gambling machines.

- (iii) Class 4 gambling venues established after 18th March 2004 shall be allowed a maximum of nine (9) gambling machines subject to the number of gambling machines proposed for the venue being able to be met within the overall District cap (maximum) of 350 machines as determined by Council and specified in Section E hereof.

**E. Overall cap on the number of gambling machines in the District**

- (i) The number of gambling machines operated within the District shall not exceed 350 machines.
- (ii) Where a society surrenders or otherwise ceases to hold its Class 4 gambling venue licence in relation to a particular venue, Council consent may be granted to that society or to another society in relation to a different licensed venue subject to:
  - a. The new licensed venue being within the Central Business District;
  - b. The number of gambling machines proposed for the venue complying with Section D hereof;
  - c. The number of gambling machines proposed for the venue being able to be met within the overall District cap (maximum) of 350 machines as determined by Council.

**F. Combination of Class 4 gambling and board venues**

- (i) New Class 4 gambling venues may be combined with existing or proposed Board venues subject to the number of gambling machines proposed for any venue being able to be met with the overall District cap (maximum) of 350 machines and the venue being within the Central Business District as determined by Council and specified in Section D hereof;
- (ii) New Board venues may not be combined with existing or proposed Class 4 gambling venues.

**G. Applications**

- (i) Applications for Council consent for a new Class 4 gambling venue or Board venue must provide:
  - a. Name and contact details for the applicant;
  - b. Street address of premises proposed for the Class 4 gambling venue consent or TAB venue consent;
  - c. The names of all owners and managers;
  - d. A site plan covering both Class 4 gambling activities and other activities proposed for the venue, including details of each floor of the venue;
  - e. Evidence of the distance to the nearest existing Class 4 gambling venue, school, early childhood centre, kindergarten, other educational facility, place of worship or other community facility as defined in the District Plan.
  - f. Applications for territorial authority consent may be lodged at anytime. Applications received by Rotorua District Council where no capacity within the machine cap is available will be declined. Before lodging an application an applicant should check with

the Department of Internal Affairs as to how many machines are currently licensed for Rotorua, to ascertain if there is any capacity currently available for allocation. Applications for Venue Consents received by Rotorua District Council will be considered in order of the working day in which they were originally received on lodgement, subject to the application being complete and being accompanied by the appropriate fees.

- (ii) If two or more qualifying and complete applications are received on the same working day, a ballot will be undertaken to prioritise applications for any allocation of additional capacity. In such a ballot, the application drawn first will be allocated machines to the lesser amount of either the number of new machines requested in the application or the capacity available for allocation. After initial allocation, any remaining capacity will be allocated to the other applicant or applicants by way of an additional ballot, and so forth until all capacity has been allocated, or no qualifying applications are held.
- (iii) If an applicant subsequently declines a Venue Consent offered for any allocation of a number of machines, that application will be treated as declined, and the said machine capacity will be reallocated as above.
- (iv) Council shall place public notification of the application(s) in a local daily newspaper within 7 days of the application being lodged, at the applicant's expense, detailing the class 4 venue proposal and clearly identifying the location of the venue(s). The applicant shall also display prominent notice(s) about the application within and clearly visible outside the proposed venue, in a form determined by Council. The notices must be displayed from the lodging of the application until such time as it is granted or declined.

#### H. **Application fees**

Application fees will be set by Council and reviewed on not less than a three-yearly basis, and shall include consideration of the cost of processing the application, including any consultation and hearings involved.

#### I. **Policy review period**

- (i) This policy will be reviewed on a three-yearly basis.
- (ii) This policy may be reviewed at any time where there is an urgent concern or request from the community.

