

WAIMATE DISTRICT COUNCIL

Gambling Venue Policy 305



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1. Introduction

This policy applies to venues licensed on or after, and for license applications made after 17 October 2001, which make available gaming (pokie) machines for use by the public, or in the case of clubs, by members or guests, within the Waimate District.

2. Purpose

The Gambling Act 2003 set new requirements with respect to the control of Class 4 venues, (gaming machine venues as defined below), and gave Territorial Local Bodies the responsibility for determining local policy as well as executing that policy.

This policy describes actions and requirements with respect to Class 4 Gambling Venues within the Waimate District which:

- Will allow those who wish to participate in gaming machine gambling to do so within the city/district
- Will restrict the number of Class 4 Venues in the District.

3. Responsibility

It is the responsibility of all persons who provide, own, or otherwise make available, gaming machines (within the Waimate District) to adhere to the requirements of this policy.

4. Definitions

The following definitions are fundamental to this policy and describe the intent that lies behind formulating this policy document.

4.1. Gaming Machines

Electronic gambling machines also referred to as pokies.

4.2. Class 4 Venues

A place located on one or more contiguous allotments at which gaming machines (also known as pokies) are located, or for the purpose of application, at which it is proposed that gambling machines be located.

4.3. Zones

Residential - Locations where the primary character is residential.

Rural - The Rural Zone encompasses all the non-residential areas of the district including lakes and rivers.

Business 1 - Commercial Focus - An area of concentrated commercial and retail facilities that is accessible, safe, convenient and identifiable.

Business 2 - Mixed Business Use Area - The existing business area in close proximity to Queen Street, Waimate, suitable for the establishment of a mixture of commercial, service, industrial and residential activities.

Business 3 - Industrial Activity Area - Locations for the establishment and maintenance of industrial activities that do not adversely affect the amenities of area in the vicinity.

5. Policy

5.1. Where Class 4 Gambling Venues may be Established

Some venues existing at the time of formulating this policy may not meet all requirements listed below. This policy recognises their rights as an existing use.

NOTE: The zones listed below are generic and need to be 'read' in conjunction with the specific zones set out in the Waimate District Council's District Plan.

5.1.1. Business Zone 1 and 2

Class 4 Gambling venues may be established within the Business Zones 1 and 2, subject to:

- Meeting application and fee requirements; and
- The number of gaming machines proposed for the venue being able to be met within the overall district cap (maximum) on machines and venue licences determined by the Waimate District Council; and
- Not being a venue at which the primary activity is associated with family or children's activities.

5.1.2. Business Zone 3, Rural Zone, Residential Zone

Class 4 Gambling venues may be established in Business Zone 3, Rural and Residential Zones subject to:

- Meeting application and fee requirements; and
- The number of gaming machines proposed for the venue being able to be met within the overall district cap (maximum) on venue licences determined by the Waimate District Council; and
- Being no closer than 100 metres to any school, early childhood centre, kindergarten, place of worship or other community facility; and
- Being no closer than 100 metres to any other Class 4 gambling venue; and
- Not being a venue at which the primary activity is associated with family or children's activities.

5.2. Number of Gaming Machines to be Allowed

Existing venues, with licences issued after 17 October 2001 and operating fewer than nine gaming machines, shall not be allowed to increase the number of machines operated at the venue to above nine.

5.3. Overall Cap on Number of Gaming Machines in the District

The number of machines operated within the district shall not exceed 20 (Twenty).

5.4. Overall Cap on Number of Class 4 Gambling Venues in the District

The number of Class 4 Gambling Venues operated within the district shall not exceed 8 (eight). However, where a society surrenders or otherwise ceases to hold its Class 4 venue licence in relation to a particular venue, a licence may be granted to that society or to another society in relation to a different venue.

Where an existing Class 4 gambling venue is ceasing to operate, the Council may at its own discretion, allow the transfer of existing venue conditions to another location(s) that meets the criteria of existing policy.

5.5. Primary Activity of Class 4 Gambling Venues

The primary activity of any Class 4 Gambling Venue shall be:

- For sporting activities
- For the sale of liquor or for liquor and food
- A venue operated by the New Zealand Racing Board as a stand alone TAB.

5.6. Incompatibility of Class 4 Gambling Premises

Class 4 Gambling Venues must not be located in premises that are incompatible with other predominant uses in the relevant zone.

5.7. Combined Premises

Where two or more clubs or societies legally and physically combine their premises, they may apply to have up to 9 gambling machines or the sum of the number of gambling machines specified in all of the clubs class 4 venue licences at the time of application whichever is the lesser of the two numbers.

5.8. Signage

All signage associated with Class 4 Gambling Venues must comply with relevant by-laws and policies of the Waimate District Council.

5.9. Applications

Applications for territorial authority consent must be made on the approved form and must provide the following information:

- Name and contact details for the application
- Street address of premises proposed for the Class 4 venue licence
- The names of management staff
- Evidence of police approval for owners and managers of the venue
- A copy of the proposed gambling harm minimisation policy and staff training programme

- A 12 month business plan or budget for the establishment, covering both gambling and other activities proposed for the venue
- A site plan covering both gambling and other activities proposed for the venue, including details of each floor of the venue
- If not in the Business Zone 1 or 2, evidence of the distance to the nearest residential zone, educational or religious establishment and other Class 4 Gambling Venues
- Details of liquor licence(s) applying to the premises.

5.10. Application Fees

These will be set by the territorial authority from time to time, and shall be set so as to offset the costs to the Council of executing the requirements of the Gambling Act 2003. These will include:

- The cost of processing the application, including any consultation and hearings involved
- The cost of triennially reviewing the Class 4 Gambling Venue policy
- The cost of inspecting Class 4 Gambling Venues on a regular basis to ensure compliance with consent or license conditions
- A contribution towards the cost of triennial assessments of the economic and social impact of gambling in the District.

6. Publication Details

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