

BOARD VENUE POLICY

8 MARCH 2010 TO 8 MARCH 2013

Unless otherwise specified in this Policy, the provisions of the Racing Act 2003 apply

DEFINITIONS / NGA KUPU

Adjoining: allotments sharing one or more common boundaries or separated only by a road width or similar equivalent.

- Allotment**
- a) Any parcel of land under the Land Transfer Act 1952 that is a continuous area and whose boundaries are shown separately on a survey plan, whether or not:-
 - i) the subdivision shown on the survey plan has been allowed, or subdivision approval has been granted, under another Act; or
 - ii) a subdivision consent for the subdivision shown on the survey plan has been granted under this Act; or
 - b) Any parcel of land or building or part of a building that is shown or identified separately:-
 - i) on a survey plan; or
 - ii) on a licence within the meaning of Part I of the Companies Amendment Act 1964; or
 - c) Any unit on a unit plan; or
 - d) Any parcel of land not subject to the Land Transfer Act 1952.

Board Venue means premises that are owned or leased by the New Zealand Racing Board and where the main business carried on at the premises is providing racing betting or sports betting services under the Racing Act 2003 (the Act). It is noted that the Act specifies that this policy does not apply to Board facilities that are part of another venue.

Bounded by sharing all or part of a property boundary

Key persons: has the same meaning as “Key persons” in the Gambling Act 2003

Place: includes –

- a. a building, structure whether fully or partly constructed; and
- b. a room in a building or structure; and
- c. a court or a mall; and
- d. land

Population Estimate: The calculation of population shall be based on Statistics New Zealand June estimates for the Opotiki district and will be applied on 1 February the following year, subject to being made publicly available by Statistics New Zealand.

Premises: Building in which a venue is located.

School/Licensed early childhood centre: As defined in sections 2 and 308 of the Education Act 1989 respectively

Zone: An area of the city, defined as a zone in the Operative Opotiki District Plan 2005 or any subsequent amendments.

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OBJECTIVES OF THE POLICY

- 1.1 To ensure the Opotiki District Council and the community has influence over the location of new Board Venues in the District.
- 1.2 To control the growth of gambling within the scope of the Act, while allowing those who wish to participate in sports or racing gambling to do so within the Opotiki District.
- 1.3 Ensuring as far as practicable that actual and reasonable costs relating to board venue consent applications are borne by the applicant(s).

Without limiting the provisions of the Gambling Act 2003, any application received by Opotiki District Council shall be assessed against the Objectives of this Policy and the following criteria (numbers 2 to 6).

2 NUMBERS OF BOARD VENUES TO BE ALLOWED

Opotiki District Council shall limit the number of board venues to no more than 1 board venue per 30,000 resident population. The cap shall be calculated annually on 1 February (or if 1 February is not a working day, the nearest subsequent working day) according to the above ratio and using the latest relevant population estimate from Statistics New Zealand.

3 WHERE BOARD VENUES MAY BE ESTABLISHED

3.1 *Board venues may be established:*

- 3.1.1 Within the **Town Centre zone, Mixed Activity zone** and **Industrial zone**, as defined in the Operative Opotiki District Plan 2005 or any subsequent amendments, subject to meeting the other conditions of this Policy, and:
 - 3.1.2 The area of the allotment is larger than 4ha. For this purpose this shall be defined as:
 - 3.1.2.1 The venue being within an allotment, or a cluster of allotments within the **Town Centre zone, Mixed Activity zone** and **Industrial zone**, and
 - 3.1.2.2 The allotment or cluster of allotments having a minimum combined total area within an appropriate zone or zones of at least 4 hectares and must be adjoining (sites separated only by a road width or similar equivalent for the purposes of this policy are considered to be adjoining), and
 - 3.1.2.3 Those allotments being within an identifiable locality.

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3.2 *Pokie machines*

Board venues may not install pokie machines in their premises.

3.3 *General*

Board venues may not be established in:

- 3.3.1 The **Residential zone, Coastal zone, Coastal Settlement zone, or Ohiwa Harbour zone** as defined in the Operative Opotiki District Plan 2005 or any subsequent amendments.
- 3.3.2 Premises predominantly for family dining or family activities.
- 3.3.3 Any venue which operates as a brothel.

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APPLICATIONS FOR A BOARD VENUE CONSENT

4.1 *Information Requirements*

Applications for consent must provide the following information:

- a. Name and contact details for the application, including the society name, the board venue trading name(s), any other names(s) related to the board venue, and the board venue operator's name(s);
- b. Street address of premises proposed for the board venue;
- c. A specific legal description with deposited plan where required clearly identifying the area where the board venue is proposed to be located;
- d. The names of management staff;
- e. Evidence of police approval for owners and managers of the board venue;
- f. Evidence of the distance to the nearest residential zone, and to the nearest school, kohanga reo, early childhood centre, kindergarten, place of worship or other community facility, and to other gambling venues;
- g. The Board must show that the possibility of people under the age of 18 years gaining access to the venue is minimal;
- h. Other relevant information requested by the territorial authority, or that the applicant wishes to provide.
- i. Evidence of consultation with the local community.

4.2 *Hearings Committee*

Council shall consider all applications for board venue consents received in the form of a Hearings Committee. The committee shall suspend consideration of, or refuse consent where:

- a. Any part of the application falls outside the board venue policy.
- b. The primary activity is associated with family or childrens' activities.
- c. Signage relating to or promoting gambling is visible from any public place outside the board venue, excluding in this case standard signage that the business is a board venue.
- d. The premises adjoin any school or licensed early childhood centre.

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- e. The principal entrance of the board venue premises is located closer than 100 metres to any school, early childhood centre, kohanga reo, kindergarten, place of worship or other community facility.
- f. The board venue is closer than 200 metres to the Residential zone, Coastal Settlement zone, Coastal zone or Ohiwa Harbour zone.
- g. The board venue is part of a place where another board venue, a class 4 venue or a casino is located.
- h. The board venue premises is within 50 metres of the principal entrance of any other board venue, or casino.
- i. It is not satisfied with the gambling harm minimisation policy, the staff training programme or the host responsibility programme proposed for the board venue.
- j. The police approval for owners or managers is not unconditional and it has concerns relating to any police comment.
- k. The committee shall also suspend consideration of a board venue consent application if any necessary resource consent has not been issued.
- l. The committee shall also refuse a board venue consent where the applicant cannot show that the opportunity for people under the age of 18 gaining access to gambling machines is minimal.
- m. The Board does not agree to participate in any freely available register of barred problem gamblers in the area.
- n. The committee may also suspend consideration of or refuse consent in other circumstances where it considers further information is required.

5 APPLICATION FEES

Application fees will be set by the Opotiki District Council from time to time, and shall include consideration of:

- a. The cost of processing the application, including any advertising, consultation and hearings involved;
- b. A contribution to the cost of triennially reviewing the board venue policy;
- c. A contribution to the cost of council inspecting board venues on a regular basis to ensure compliance with any resource consent or venue consent conditions;
- d. A contribution towards the cost of triennial assessments of the economic and social impact of gambling in the Opotiki District.

POLICY ADOPTED ON 6TH OCTOBER 2009.