

CLASS 4 GAMBLING VENUE POLICY

8 MARCH 2010 TO 8 MARCH 2013

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

DEFINITIONS / NGA KUPU

Adult Resident: A person who is older than eighteen years of age and who usually lives in the area, as defined by Statistics New Zealand

Class 4 gambling venue: A place located on one or more contiguous allotments at which gambling machines (also known as pokies) are located, or for the purposes of the application at which it is proposed that gambling machines be located.

Gambling machine: has the same meaning of 'Gaming Machine' in Gambling Act 2003.

Family: Any group that can be identified as a family and that includes persons below the age of 18 years.

Family activities: Activities which have a target market that includes family(s). This includes but is not limited to restaurants where the primary activity is dining, retail shops, and areas where there are games or entertainments whose target market may include under 18 year old persons.

Place: includes –

- a. A building or structure whether fully or partially constructed; and
- b. A room in a building or structure; and
- c. A court; and
- d. Land.

Pokie: An electronic gambling machine.

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

Premises: Building in which a venue is located.

Primary part of a venue's operation: Area greater than 15% of floor space for a gambling machine area, including area around the machines.

Primary activity: The activity(s) primarily associated with and promoted by the venue.

Private club: has the same meaning as 'Club' and in this context meeting the criteria of operating as a club as defined in section 65(3) of the Gambling Act 2003.

Ratio: The ratio method is based on the national average of 1 pokie to x number of residents. The ratio of 110% is applied to the national average to obtain the number of pokies for the district.

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

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Society: A corporate society as defined in the Gambling Act 2003 (including reference to section 33) which has an operator's license for class 4 gambling machines / pokies.

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

1. Objectives of the Policy

To ensure the Opotiki District Council and the community has influence over the location of new Class 4 gambling and the number of pokie machines in the Opotiki District while;

- 1.1 Providing for the continued availability of class 4 gambling in Opotiki District.
- 1.2 Reducing the exposure and risk of exposure of under-18 year old persons to gambling opportunities and the promotion of gambling; and
- 1.3 Facilitating community access to information about the funds produced and distributed from Class 4 gambling within the Opotiki district; and
- 1.4 Ensuring as far as practicable that actual and reasonable costs relating to venue consent applications are borne by the applicant(s).
- 1.5 To control the growth of gambling in Opotiki District.
- 1.6 To prevent and minimise harm caused by gambling, including problem gambling.

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 10).

2. Where Class 4 venues may be established

2.1 Town Centre Zone

Class 4 venues may be established within the **Town Centre zone**, subject to:

- 2.1.1 Meeting application and fee requirements;
- 2.1.2 The number of pokie machines proposed for the venue being able to be met within the overall district cap (maximum) on venue licences determined by this policy;
- 2.1.3 Not being a venue at which the primary activity is associated with family or children's activities;
- 2.1.4 The applicant having the appropriate resource consent approvals, if required.

2.2 Mixed Activity Zone

Class 4 gambling venues may be established in **Mixed Activity zone** subject to:

- 2.2.1 Meeting application and fee requirements;
- 2.2.2 The number of pokie machines proposed for the venue being able to be met within the overall district cap (maximum) on venue licences determined by this policy;
- 2.2.3 Being no closer than 200 metres to the Residential zone, Industrial zone, Coastal Settlement zone, Coastal zone or Ohiwa Harbour zone;
- 2.2.4 Being no closer than 100 metres to any school, early childhood centre, kohanga reo, kindergarten, place of worship or other community facility;
- 2.2.5 Not being a venue at which the primary activity is associated with family or children's activities.
- 2.2.6 Being no closer than 50 metres to any other Class 4 gambling venue;
- 2.2.7 The applicant having the appropriate resource consent approvals, if required.

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2.3 General

Class 4 gambling venues may **not** be established in,

2.3.1 The **Industrial zone, Residential zone, Coastal Settlement zone, Coastal zone or Ohiwa Harbour zone.**

2.3.2 Premises predominantly for family dining or family activities.

2.3.3 Any venue which operates as a brothel.

3. Predominant Activity of Class 4 gambling venues

3.1 The predominant activity of any Class 4 gambling venue shall be for the sale of liquor and food where the venue is subject to a liquor on-licence (not being a bring-your-own licence).

3.2 Gambling may not be the predominant purpose of any Class 4 gambling venue.

4. The number of pokie machines to be allowed in Opotiki District

4.1 The total number of gambling machines shall not exceed a cap determined by a ratio to the national average, being 1 machine per 162 resident adults (1:162).

4.2 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.

4.3 This ratio shall be reviewed during the triennial review of the policy, and if required, a new ratio equalling the national average shall be struck.

5. Merging of Clubs

When two clubs wish to merge physically and legally, they will be allowed to operate the sum of the number of gaming machines specified in all the corporate societies Class 4 venue licences at the time of application, or 15 machines, whichever is the lesser.

6. No combination of Class 4 gambling venues and TAB venues

6.1 New Class 4 gambling venues may not be combined with new TAB venues.

6.2 New TAB venues may not be combined with existing or proposed Class 4 gambling venues.

7. No advertising using the word “casino”

7.1 Class 4 gambling venues may not advertise themselves using the word “casino”.

8. Incompatibility of Class 4 gambling venues

8.1 Class 4 gambling venues must not be located in premises that are incompatible with other permitted uses in the approved zones.

8.2 Class 4 gambling venues must not allow any gambling activity to be visible to passing pedestrian traffic.

8.3 Venue must not be associated with family or children’s activities.

8.4 A Class 4 Gambling Venue may not be established adjacent to or directly opposite a residential zone, school, early childhood centre, Marae or place of worship.

9. Applications

9.1 Procedure

Applications for consent may be lodged with the Opotiki District Council at any time. Where no capacity within the machine cap is available, applications received by the Opotiki District Council will be declined. Before

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lodging an application, an applicant should check with the Department of Internal Affairs regarding the number of machines currently licensed for Opotiki District, to ascertain if there is any capacity currently available for allocation.

Applications for venue consent 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.

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 for in the application or the capacity available for allocation. After initial allocation, any remaining capacity will be allocated to the other applicant(s) by way of an additional ballot, and so forth until all capacity has been allocated, or no qualifying applications are held.

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.

9.2 Hearings Committee

Council shall consider all applications for Class 4 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 venue policy;
- b. It is not satisfied with the gambling harm minimisation policy, the staff training programme or the host responsibility programme proposed for the venue;
- c. The police approval for owners or managers is not unconditional and it has concerns relating to any police comment.
- c. The committee shall also suspend consideration of a venue consent application if any necessary resource consent has not been issued.
- d. The committee shall also refuse a venue consent where the applicant cannot show that the opportunity for people under the age of 18 gaining access to gambling machines is minimal.
- e. The committee may also refuse a venue consent where it believes the proposed venue is sited inappropriately in distance from the nearest residential zone, educational or religious establishment.
- f. The committee may also suspend consideration of or refuse consent in other circumstances where it considers further information is required.

9.3 Information Requirements

Applications to the Opotiki District Council for a Class 4 venue consent must provide the following information:

- a. Name and contact details for the application, including the society name, the venue trading name(s), any other name(s) related to the venue, and the venue operator's name(s);
- b. Street address of premises proposed for the class 4 licence;
- c. A specific legal description with deposited plan where required, clearly identifying the area where the venue is proposed to be located;
- d. The names of management staff;
- e. Evidence of police approval for owners and managers of the venue;
- f. Consultation with potentially affected persons, including the local iwi and hapu;

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- g. An auditor's assessment of the business plan or budget for the establishment, covering at least 12 months, and clearly distinguishing the percentage of both gambling and other activities proposed for the venue, stating that the venue is clearly not to be used mainly for operating machines;
- h. A copy of the approved gambling harm minimisation policy, the staff training programme and the applicants host responsibility programme;
- i. A site plan covering both gambling and other activities proposed for the venue, including details of each floor of the venue, and clearly showing where the machines are to be located and the size of the area the machines will be within;
- j. Declaration certified by a registered surveyor that the distance to the Industrial zone, Residential zone, Coastal Settlement zone, Coastal zone, Ohiwa Harbour zone, educational or religious establishment and other class 4 gambling venues are not within the proximity conditions detailed in the policy;
- k. Details of liquor licence(s) applying to or proposed for the premises;
- l. Venues must have a policy approved by the Secretary (Internal Affairs) for the venue that shows that the possibility of people under the age of 18 years gaining access to machines at the venue is minimal. This may include information on:
 - a. Any restrictions of the entire premises to patrons 18 years and above, and
 - b. Visibility and supervision of areas where gambling takes place, or
 - c. Any remote monitoring of machines, and
 - d. No direct street access to the machine area.
- m. Other relevant information requested by the Opotiki District Council or that the applicant wishes to provide.
- n. Evidence of consultation with the local community.

10. 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 class 4 gambling venue policy;
- c. A contribution to the cost of council inspecting class 4 gambling 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