

Manawatū District Council

Gambling Venues Policy

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Gambling Venues Policy

1. Introduction

1.1.1 This Policy is prepared under Section 101 of the Gambling Act 2003 and Section 65D of the Racing Act 2003. This legislation requires all Territorial Authorities to adopt policies on Class 4 gambling venues (gaming machine sites) and New Zealand Racing Board venues, and to review those policies at least every three years. The Manawātū District Council's Gambling Policy was originally adopted by Council on 1 April 2004. This Policy replaces the Gambling Venue Policy that was made operative on 18 September 2014 and will take effect from 22 February 2018.

1.1.2 The Gambling Act and Racing Act give Councils the ability to limit the number of venues and gaming machines, having regard to the social impact of gambling in the District. In relation to a Class 4 gambling venue, a corporate society is required to apply to the Manawātū District Council for consent in the following circumstances:

- To increase the number of gaming machines that may be operated at a Class 4 venue
- To establish a new Class 4 venue where a licence has not been held by any corporate society for the venue within the last 6 months; or
- To change the venue to which a class 4 venue licence currently applies.

1.1.3 Council consent is part of the licensing requirements of the Department of Internal Affairs.

1.1.4 In accordance with s65A of the Racing Act 2003, a consent is required from the Manawātū District Council (Council) if the New Zealand Racing Board (the 'Board') proposes to establish a Board venue within the Manawātū District.

2. Purpose of These Acts

2.1. The Gambling Act 2003

2.1.1. The Gambling Act has eight purposes, with Councils being given the ability by Parliament to assist in achieving four of these, namely:

- Controlling the growth of gambling
- Preventing and minimising harm from gambling, including problem gambling¹

¹ Changes are to ensure consistency with Section 3(b) that was amended on 3 March 2015, by section 4(1) of the Gambling Amendment Act 2015 (2015 No 3).

- Facilitating responsible gambling
- Facilitating community involvement in decisions about the provision of gambling.

2.2. The Racing Act 2003

2.2.1. The purpose of the Racing Act 2003 is:

- to provide effective governance arrangements for the racing industry; and
- to facilitate betting on galloping, harness, and greyhound races, and other sporting events; and
- to promote the long-term viability of New Zealand racing.

3. Objectives of this Policy

1. This Gambling Venue Policy has the following objectives:
2. To provide the Manawatū District Council and the community with influence over the location and operation of Class 4 gambling venues and Board venues within the Manawatū District.
3. To provide opportunities for people to participate in machine gambling and betting on galloping, harness and greyhound races and other sporting events within the Manawatū District
4. To ensure that the local community may continue to access funding from the proceeds of Class 4 gaming in the District
5. To have regard to the social impact of gambling within the Manawatū District, including the cumulative effects² of additional opportunities for gambling.
6. To minimise harm from gambling, including problem gambling.

4. Class 4 Gambling Venues

4.1. General

4.1.1. An applicant for Council consent under this policy must:

1. Meet the application requirements specified in this policy;
2. Meet the fee requirements specified in this policy; and
3. Meet the requirements in Clause 4.5 below.

² Section 65D(4)(c) of the Racing Act 2003 and Section 101(4)(d) of the Gambling Act 2003 require Territorial Authorities to have regard to the cumulative effects of additional opportunities for gambling in the District.

4.2. Permitted Locations

Note: *It is acknowledged that the Manawatū District Plan is being reviewed sectionally (by Zone Chapter). It is noted that the Village Zones and the Recreation Zone will be subject to a future Schedule 1 process under the Resource Management Act 1991. Consequently, the existing Zone provisions referred to in clauses 4.2.3 and 4.2.4 below may be updated, modified or deleted.*

Prior to Plan Change 46 (PC46) the District Plan did not specifically provide for Class 4 gambling venues in the Village Zones but such facilities were generally provided as part of a “tavern,” “place of assembly” or “restaurant.” The definition of “place of assembly”³ was replaced by “Community Facilities” and the definition of “Restaurant”⁴ was replaced by “Entertainment Facilities” through PC46.

The new District Plan definition of “Entertainment Facilities” includes “casino and electronic gaming facilities.” However, the operative rules in the Village Zone have not yet been amended to reference these new definitions that were introduced through PC46. The Village Zone Rules will be reviewed through Plan Change 57 (PC57), providing greater clarity on how Class 4 gambling venues are provided for in the Village Zones. Consultation on draft PC57 is scheduled to commence in 2018.

- 4.2.1. No Class 4 gambling venue may be established closer than 100 metres to the entrance to any school, early childhood centre, after school care facility, kindergarten, place of worship or other community facility⁵.
- 4.2.2. Class 4 gambling venues may be established within the Inner and Outer Business Zones within the Feilding CBD and in the Manfeild Park Zone, as defined in the Manawatū District Plan, subject to meeting the general conditions of this policy, and the requirements of Clause 4.4 below.
- 4.2.3. Class 4 gambling venues are permitted to establish as ancillary activities within venues that primarily function as Places of Assembly, taverns and restaurants on sites zoned Village with identified frontage under the Manawatū District Plan⁶, subject to:
 - a) Compliance with standards for permitted and controlled activities in Section 2.3 of the District Plan; and
 - b) Meeting the general conditions of this policy; and
 - c) the requirements of Clause 4.4 below.

³ The District Plan definitions of “Place of Assembly” included “land and/or buildings which are used by people to assemble for ...entertainment...and includes any such premises which are licensed under the Sale of Liquor Act.”

⁴ The definition of “restaurant” included “restaurant premises with an on licence under the Sale of Liquor Act.”

⁵ The 100 metre distance is measured from the edge of the building that houses the Class 4 venue in a straight line in all directions. This clause does not apply to Class 4 Venues located in the Feilding CBD.

⁶ Refer to the list of Permitted Activities in operative Rule B2 2.1.1 B) as at the time this policy was drafted.

- 4.2.4. Class 4 gambling venues may be established in sports clubrooms on sites zoned Recreation under the Manawātū District Plan, subject to:
- a) Obtaining a Discretionary Resource Consent under Rule B6 6.4.1; and
 - b) Meeting the general conditions of this policy; and
 - c) the requirements of Clause 4.4 below.
- 4.2.5. Class 4 gambling venues may not be established in any zone other than as specified above.
- 4.2.6. No gaming machines shall be sited so that they are wholly or partly visible from the street or footpath outside the premises.

Relocation Clause

- 4.2.7. 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 that meets the criteria of existing policy.

4.3. Applications

- 4.3.1. Applications for Council consent must be made on the approved form and must provide:
- a) Name and contact details of the corporate society applying for the new or amended Class 4 venue licences;
 - b) Street address of premises proposed for the licence;
 - c) Proposed trading name (if any) and ownership details for the premises;
 - d) Number of gambling machines to be installed;
 - e) Details on the frequency of distribution of gaming funds to the community;
 - f) Whether the premises is within 100 metres of the entrance way to any school, early childhood centre, kindergarten, after school care facility, place of worship or other community facility;
 - g) Proximity of the premises to other licenced Class 4 venues;
 - h) Evidence that the premises are authorised under the Sale and Supply of Alcohol Act 2012 for the sale of alcohol for consumption on the premises;
 - i) A site plan covering both gambling and other activities proposed for the venue, including details of each floor of the venue;
 - j) Evidence of police approval for owners and managers of the venue; and
 - k) Evidence of the primary purpose of the venue.

4.4. Numbers of Gaming Machines Allowed

- 4.4.1. Subject to the restriction on number of machines in 4.4.2 below:
- New venues shall be allowed a maximum of 9 gaming machines;

- Existing venues with licences issued prior to 17 October 2001 shall be allowed to increase the number of machines operated at the venue to a maximum of 18.
- Existing venues, with licences issued after 17 October 2001 and operating fewer than 9 gaming machines, shall be allowed to increase the number of machines operated at the venue to 9.
- Clubs that obtained a venue licence after 17 October 2001 may apply under section 96 of the Act to operate up to 18 machines.
- Clubs that merge shall be allowed to increase the number of machines operated at a venue in accordance with section 95 of the Gambling Act 2003.

4.4.2. No new consents will be granted where granting of the consent would result in the total number of machines with consent to operate in the district exceeding 90.

4.5. Primary Activity of Class 4 gambling venues

4.5.1 The primary activity of any Class 4 gambling venue shall be:

- a) For the sale of liquor or the sale of liquor and food;
- b) For a Chartered Club or Returned Services Association,
- c) For sporting activities, or
- d) For the operation of the TAB.

4.5.2 The primary activity of any Class 4 gambling venue shall not be one which is associated with family or children's activities.

4.6. Notification of Changes

4.6.1. The consent holder shall notify the Manawatū District Council of any changes in the Society or Trust who operate the machines at the Class 4 venue.

4.7. Decisions By The Manawatū District Council

4.7.1 Decisions must be issued within 30 working days of receipt of the application and shall specify the number of machines permitted and their location.

4.8. Application Fees

4.8.1 Application fees will be set by the Manawatū District Council from time to time, pursuant to Section 150 of the Local Government Act 2002, and shall include consideration of:

- a) The cost of processing the application, including any consultation involved;
- b) The cost of monitoring provision of information;
- c) The cost of an initial review after one year of any new class 4 gambling venue and thereafter triennially.

5. New Zealand Racing Board Venues

- 5.1.1. New Board venues may be established in the Manawatū District within the Inner or Outer Business Zones (Feilding CBD) or the Manfeild Park Zone subject to being no closer than 100 metres to the entrance to any school, early childhood centre, after school care facility, kindergarten, place of worship or other community facility.⁷
- 5.1.2. The number of gaming machines at any such venue is subject to Clause 4.4.1 and 4.4.2 above.

5.2. Application Requirements

- 5.2.1. Applications for Manawatū District Council consent must be made on the approved form and must provide:
- a) Name and contact details of the applicant
 - b) Street address of premises proposed for the Board venue;
 - c) Proposed trading name and ownership details for the premises;
 - d) Evidence that the premises are authorised under the Sale and Supply of Alcohol Act 2012 for the sale of alcohol for consumption on the premises, or be a NZ Racing Board venue;
 - e) A site plan covering both gambling and other activities proposed for the venue, including details of each floor of the venue;
 - f) Evidence of police approval for owners and managers of the venue;
 - g) Evidence of the primary purpose of the venue; and
 - h) A declaration that the purpose of the premises is not to provide family or children's activities.

5.3. Decisions By The Manawatū District Council

- 5.3.1. Must be issued within 30 working days of receipt of the application to both the Board and the Secretary of Internal Affairs. Applications will be dealt with, and decisions made, by the Authorised Council Officer⁸.
- 5.3.2. The applicant may appeal a decision made under this policy. Appeals will be considered by the Chief Executive in consultation with the General Manager – Corporate and Regulatory.

5.4. Application Fees

- 5.4.1. Application fees will be set by the Manawatū District Council from time to time, pursuant to Section 150 of the Local Government Act 2002, and shall include consideration of:

⁷ The 100 metre distance is measured from the edge of the building that houses the Board venue in a straight line in all directions.

⁸ The Authorised Council Officer shall be the Liquor Licensing Inspector or other authorised officer.

- a) The cost of processing the application, including any consultation involved;
- b) The cost of monitoring provision of information;
- c) The cost of an initial review after one year of any new Board venue and thereafter triennially.