

## WAIPA DISTRICT CLASS 4 GAMBLING VENUE POLICY

### SCOPE OF THE POLICY

This policy applies to:

- (i) A society applying to increase the number of gambling machines that may be operated at a venue
- (ii) An application for a new Class 4 venue
- (iii) All venues established after 17 October 2001
- (iv) Venues for which no Class 4 venue license has been held for the last six months

### DEFINITIONS

**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

**Bounded by:** Sharing all or part of a property boundary

**Class 4 gambling venues (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 application at which it is proposed that gambling machines be located.

**Gambling machine:** Refer to definition 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 that have a target market which 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 persons under 18 year old persons

**Key persons:** Refer to definition in the Gambling Act 2003

**Place:** Includes –

- a. A building, structure or tent whether fully or partly constructed
- b. A room in a building or structure
- c. A court or a mall
- d. Land
- e. A vehicle, vessel, or aircraft
- f. A caravan or a trailer or other conveyance

**Pokie:** An electronic gambling machine

**Population Estimate:** The calculation of population shall be based on latest Statistics New Zealand estimates for the District (issued before the end of each calendar year) and will be applied to any District 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 gambling machine area, including area around the machines.

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

**Private Club:** Refer to definition of 'Club', and in this context meeting the criteria of operating as a club as defined in section 65 (3), in the Gambling Act 2003

**School/Licensed Early Childhood Centre:** As defined in sections 2 and 308 of the Education Act 1989 respectively

**Society:** A corporate society as defined in the Gambling Act 2003 (including reference to section 33), which has an operator's licence for Class 4 gambling machines.

**Zone:** An area of the District, defined as a zone in the Waipa District Plan.

## **1 OBJECTIVES OF THE POLICY**

- To support the purpose and intent of the Gambling Act 2003
- To provide for the continued availability of Class 4 gambling within Waipa District in accordance with the purpose and intent of the Gambling Act 2003
- To control the growth of Class 4 gambling machine numbers within Waipa District
- To avoid the establishment of Class 4 gambling activities in locations close to residential areas, or other identified sensitive land uses
- To encourage responsible gambling practices and attitudes in Class 4 gambling venues
- To reduce the exposure and risk of exposure of under-18 year old persons to gambling opportunities and the promotion of gambling
- To facilitate community access to information about the funds produced and distributed from Class 4 gambling within the District
- To ensure as far as practicable that actual and reasonable costs relating to venue consent applications are borne by the applicant(s)

## **2 MAXIMUM PERMITTED NUMBER OF GAMBLING MACHINES – DISTRICT - WIDE**

- The total number of gambling machines in Waipa District shall not exceed the greater of 242 machines or a ratio of six machines per 1,000 residents. 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 as provided by Statistics New Zealand. For the purposes of completing this calculation the relevant population estimate will be rounded down to the nearest 1,000 and the total number of gaming machines then calculated. Note that for the period until 1 July 2004, the population of Waipa District shall be deemed to exclude the Temple View area that is subject to the confirmed reorganisation order due to take effect from 1 July 2004.

## **3 MAXIMUM PERMITTED NUMBERS OF GAMBLING MACHINES – PER VENUE**

- (i) Subject to meeting the other requirements of this policy, all new venues that wish to have gambling machines after 17 October 2001 may operate a maximum of no more than nine gambling machines per venue.
- (ii) Club venues will be subject to the same rules and restrictions as all other venues under this policy.

## **4 PRIMARY ACTIVITY OF CLASS 4 GAMBLING VENUES**

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

- (i) For sporting activities; or
- (ii) For private club activities; or

- (iii) For the sale of liquor for consumption on the premises; or
- (iv) For Board venues as defined by Section 5 of the Racing Act 2003

## **5 CONDITIONS APPLYING TO ALL GAMBLING VENUES UNDER THIS POLICY**

Requirements applying to all locations:

- (i) The venue place shall not adjoin any school, or licensed early childhood centre
- (ii) Meeting all application, declaration, and fee requirements

## **6 LOCATIONS WHERE CLASS 4 GAMBLING VENUES MAY BE ESTABLISHED**

Class 4 gambling venues may only be established in accordance with the provisions of this Policy, but will be subject to the provisions of the Waipa District Plan.

## **7 APPLICATIONS FOR A VENUE CONSENT**

Applications for a Venue Consent may be lodged with the Waipa District Council at any time in February of each year.

All applications received will be declined where no capacity within the District gambling machine cap is available. Before lodging an application an applicant should check with the Department of Internal Affairs how many machines are currently licensed for Waipa District, to ascertain if there is any capacity currently available for allocation.

Applications for Venue Consents received by Waipa District Council will be determined by way of ballot, subject to the application being complete and being accompanied by the appropriate fees.

The ballot shall be undertaken on the first working day of April each year. In such a ballot, the application drawn first will be allocated machines to the lesser amount of either the number of new machines requested, the maximum permissible 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.

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.

Applications for a venue consent must be made on the approved form and must provide:

- (i) 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)
- (ii) Street address of premises proposed for the Class 4 venue
- (iii) A specific legal description with deposited plan number where required clearly identifying the area where the venue is proposed to be located
- (iv) The names of key persons at the society and the venue
- (v) Other relevant information requested by the territorial authority, or that the applicant wishes to provide

## **8 APPLICATION FEES**

- (i) To be considered, a deposit of \$600 must accompany the application
- (ii) Actual and reasonable costs of processing the application, including but not limited to any notification, consultation, administration costs, and/or inspections, may be charged to the applicant
- (iii) The deposit will be utilised to pay for costs and fees associated with the application, and any further costs or disbursements will be charged to the applicant in the event the deposit is exhausted. In the event that the application is declined, any unused portion of the deposit will be refunded

Note: The provisions of this Policy shall not detract from any regulations made pursuant to the Gambling Act 2003 and its amendments.