

Class 4 Gambling Venue Policy

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1. Legislative requirement

- 1.1 Section 101 of the Gambling Act 2003 requires territorial authorities to adopt a policy on class 4 venues.

2. Objectives

- 2.1 To control the growth of class 4 gambling in the Whangarei District.
- 2.2 To minimise the harm caused by class 4 gambling in the Whangarei District.
- 2.3 To facilitate community involvement in decisions about the provision of class 4 gambling in the Whangarei District.
- 2.4 To allow those who choose to use class 4 gaming machines may do so in a safe and well managed environment.

3. Establishment of new class 4 venues

- 3.1 Whangarei District Council will not permit the establishment of new class 4 gambling venues in the Whangarei District.

4. Relocation of existing class 4 venues

- 4.1 Whangarei District Council may, in accordance with section 98(c) of the Gambling Act 2003, permit a class 4 venue to re-establish at a new site where:
 - a. Due to circumstances beyond the control of the owner or lessee of the class 4 venue, the venue cannot continue to operate at the existing site. Examples of such circumstances include but are not limited to the following:
 - i. expiration of lease
 - ii. acquisition of property under the Public Works Act site redevelopment.
 - b. The new site is as a result of the approved merger of two or more clubs under section 95 of the Gambling Act 2003.
- 4.2 Any permission to relocate a class 4 venue will be subject to the following conditions:
 - a. Except as provided for in 4.1 (b) above, the venue operator of the business at the new site shall be the same as the venue operator at the site to be vacated.

5. Where class 4 gambling venues may be established

- 5.1 Any class 4 venue may only be established in a Business 1, Business 2 or a Business 4 Environment as defined under the Whangarei District Plan.

6. Restrictions on the maximum number of machines that may be operated at a class 4 venue

- 6.1 Whangarei District Council will, under section 98(a) of the Gambling Act 2003, not consent to any increase in the number of class 4 gambling machines operated at a venue, specifically:
- a. for an application under section 92 of the Gambling Act 2003
 - b. for an application under section 93 of the Gambling Act 2003.

7. The territorial authority consent process

- 7.1 Any application for consent under this Policy to relocate a class 4 venue will be subject to public notification and determined after a Whangarei District Council hearing.
- 7.2 Whangarei District Council has delegated the power to consider and determine applications for a consent under this Policy, to the Licensing Exemptions and Objections Committee and during the terms of this Policy, Whangarei District Council may delegate such powers to such other committees as appropriate.
- 7.3 Submissions in writing shall be invited over a period of not less than 20 working days, with submitters invited to indicate if they wish to be heard on the hearing date. Working days shall have the same meaning as defined in terms of the Resource Management Act 1991.
- 7.4 The Committee shall consider all submissions, written and oral, and shall make a decision including reasons on the application. The Committee's decision shall be final.
- 7.5 Public notification shall be undertaken by Council as follows:
- a. by publication in a local newspaper circulating within the District
 - b. by way of a public notice displayed prominently in the window of the proposed venue or by signage on the venue site for the period during which submissions are open
 - c. by the notification in writing of owners and occupiers of any adjacent properties by notification in writing to any other person or party that Council considers necessary.
- 7.6 In considering an application under this Policy, the Committee shall have regard to the following matters:
- a. the potential cumulative effects of additional gambling opportunities in that location and the social impact within the District generally
 - b. the extent of the potential impact of the venue on the character of the area including the potential for negative effects on the operation, amenity or reasonable enjoyment of residential or other sensitive land uses in the area
 - c. the extent to which the application meets the objectives of the Whangarei District Council Class 4 Gambling Venue Policy and the purpose and intent of the Gambling Act 2003
 - d. any other matter that Council considers relevant and reasonably necessary to determine the application.

- 7.7 Applications for consent must be made on the approved form and must provide:
- a. name and contact details of the applicant
 - b. venue name and street address
 - c. a scale plan drawn showing areas set aside for gambling and other activities
 - d. a location plan showing the location of the venue within the wider community
 - e. the number of machines that the applicant intends to operate
 - f. information demonstrating that the primary activity for the venue will not be the operation of gambling machines
 - g. details of any sale of alcohol licence(s) applying to the venue
 - h. an assessment of the following matters:
 - i. the potential cumulative effects of additional gambling opportunities in that location and the social impact within the District generally
 - ii. The extent of the potential impact of the venue on the character of the area including the potential for negative effects on the operation, amenity or reasonable enjoyment of residential or other sensitive land uses in the area.
 - i. any other information that may reasonably be required to allow proper consideration of the application
 - j. fees
 - k. evidence of compliance with the Whangarei District Plan, or a copy of the necessary Resource Consent.
- 7.8 Application fees will be set by Whangarei District Council in accordance with section 150 of the Local Government Act 2002 and shall include consideration of the cost of processing the application.

8. Promotion of gambling information to the community

- 8.1 Council will, within budget constraints, facilitate the provision of information promoting host responsibility, gambling harm minimisation, problem gambling services and other relevant information to the District community and the industry in an endeavour to contribute towards the achievement of the objectives of this Policy.



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