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Wednesday, 5 August 2020

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*Te Hui o Te Kaunihera ā-Rohe o Heretaunga*

**Hastings District Council**

**District Planning and Bylaws Subcommittee Meeting**

*Kaupapataka*

# Attachments - Document 3

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*Te Rā Hui:*  
Meeting date: **Wednesday, 5 August 2020**

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*Te Wā:*  
Time: **10.30am**

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*Te Wāhi:*  
Venue: **Council Chamber  
Ground Floor  
Civic Administration Building  
Lyndon Road East  
Hastings**

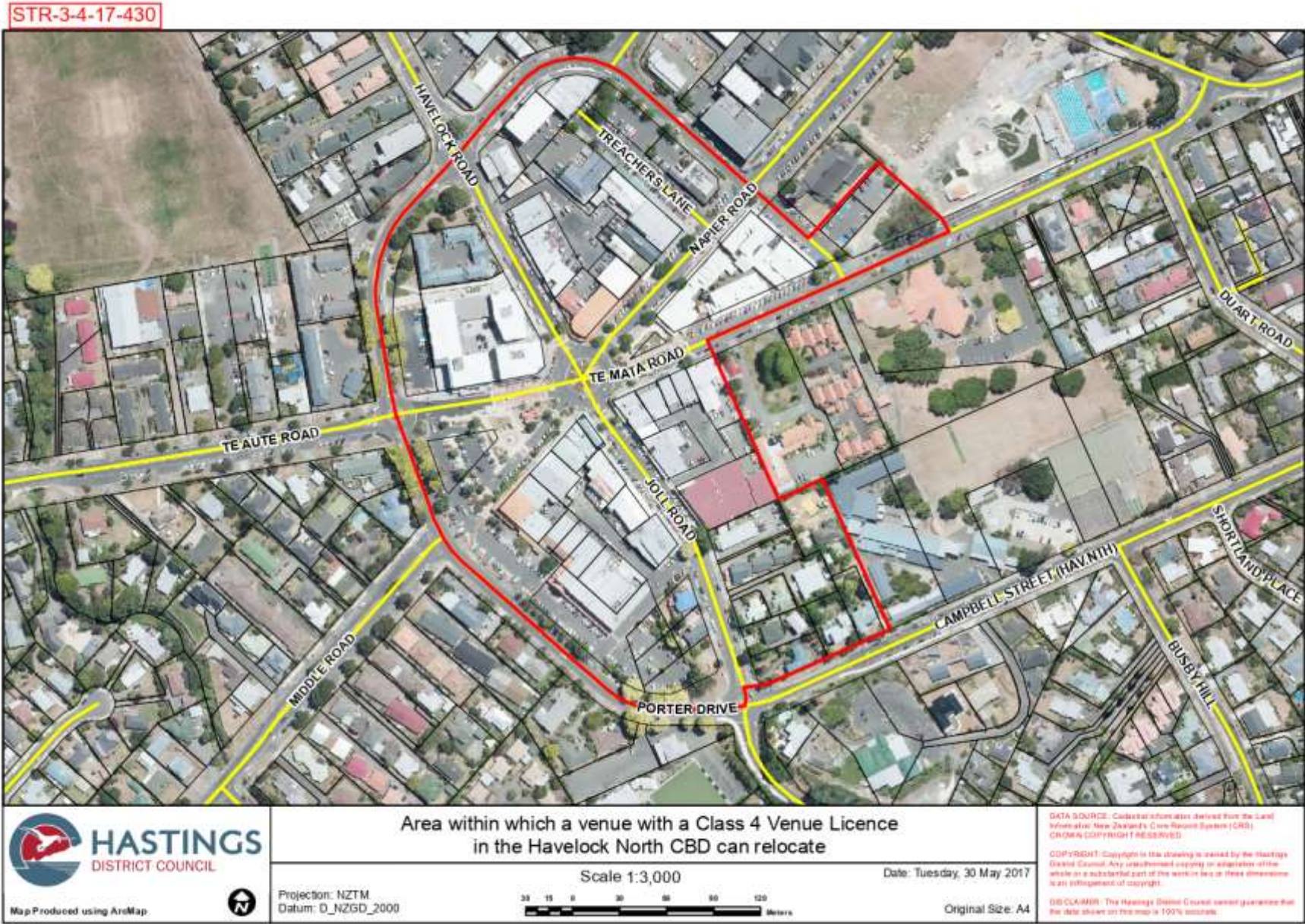
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**HASTINGS DISTRICT COUNCIL**  
207 Lyndon Road East, Hastings 4122 | Private Bag 9002, Hastings 4156  
Phone **06 871 5000** | [www.hastingsdc.govt.nz](http://www.hastingsdc.govt.nz)  
**TE KAUNIHERA Ā-ROHE O HERETAUNGA**

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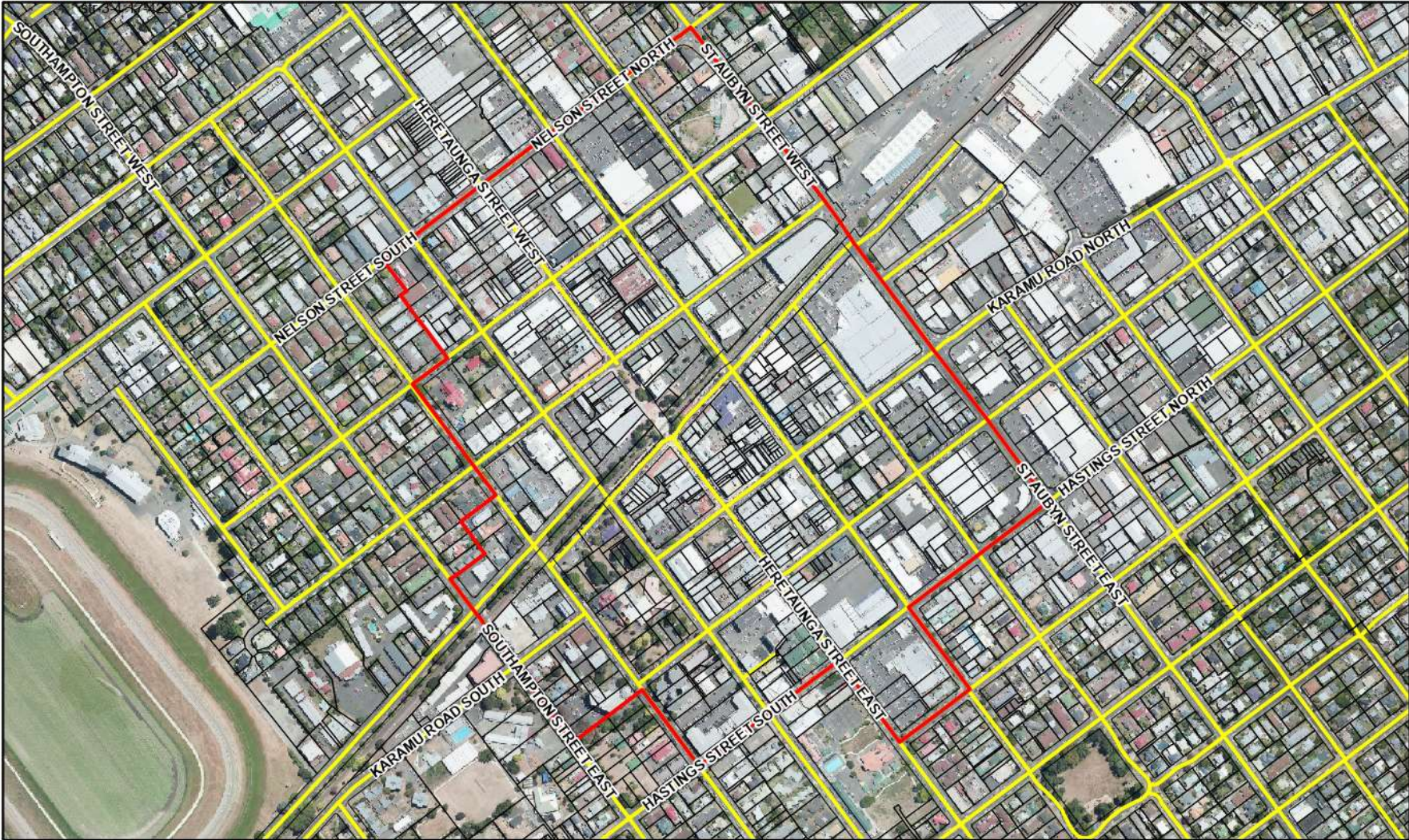








str-3-4-17-429



Map Produced using AroMap



Projection: NZTM  
Datum: D\_NZGD\_2000

Area within which a venue with a Class 4 Venue Licence  
in the Hastings CBD can relocate

Scale 1:7,000



Date: Tuesday, 30 May 2017

Original Size: A4

DATA SOURCE: Cadastral information derived from the Land Information New Zealand's Core Record System (CRS).  
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DISCLAIMER: The Hastings District Council cannot guarantee that the data shown on this map is 100% accurate.

Item 4

Attachment 3







STR-3-4-17-428





**HASTINGS**  
DISTRICT COUNCIL



Map Produced using ArcMap


Area within which a venue with a Class 4 Venue Licence  
at Stortford Lodge can relocate

Scale 1:3,000

Date: Friday, 26 May 2017

Original Size: A4

Projection: NZTM  
Datum: D\_NZGD\_2000



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Item 4

Attachment 4







Item 4

Attachment 5





# Statement of Proposal

## PROPOSED CLASS 4 GAMBLING VENUE POLICY & TAB VENUE POLICY



### 1. INTRODUCTION

- 1.1. The Gambling Act 2003 and the Racing Act 2003 requires all Territorial Authorities to develop a Class 4 Gambling and TAB Venue policy. The Hastings District Council adopted a Class 4 Gambling Venue Policy and TAB Venue policy in May 2004 and three yearly reviews were undertaken and completed in May 2007, September, August 2013 and May 2017 in accordance with the Gambling Act 2003 and Racing Act 2003.
- 1.2. The Class 4 Gambling Venue Policy and TAB Venue policies currently have the following objectives:
- To support the purpose and intent of the Gambling Act 2003.
  - To avoid the establishment of class 4 gambling activities in locations close to residential areas, public facilities or other identified land uses sensitive to gambling activities.
  - To avoid the proliferation of class 4 gambling venue strips or blocks within the city
  - To encourage responsible gambling practices and attitudes in class 4 gambling venues
  - To minimise the potential for new entrant problem gamblers by reducing accessibility to gambling venues
  - To reduce the exposure and risk of under-18 year old persons to gambling opportunities and the promotion of gambling
  - To ensure as far as practicable that actual and reasonable costs relating to venue consent applications are borne by the applicant(s)
  - To control the growth of gambling within the scope of the Gambling Act 2003, while providing for the continued availability of sports or race betting within Hastings District in accordance with the purpose and intent of the Gambling and Racing Acts.

### 2. REASON FOR PROPOSAL

- 2.1 Under the Gambling Act 2003 all Class 4 Gambling and TAB Venue policies must be reviewed on a three yearly basis. The current policies were adopted in May 2017 and are therefore due for review. The current policies can be viewed on the council website at <https://www.hastingsdc.govt.nz/assets/Document-Library/Policies/Gambling-Strategy/Class-4-Gambling-Venue-Policy.pdf?> and <https://www.hastingsdc.govt.nz/assets/Document-Library/Policies/Gambling-Strategy/Gambling-TAB-Venue-Policy-Final.pdf?>
- 2.2 Section 102(5A) of the Gambling Act provides that the first time a territorial authority commences a review of a policy after the [Gambling \(Gambling Harm Reduction\) Amendment](#)



[Act 2013](#) comes into force, the territorial authority must (and may at any other time) consider whether to include a relocation policy (as defined in [section 101\(5\)](#)) in its class 4 venue policy. As this review is the first review since the Amendment Act came into force on 14 September 2013, this review also considers the merits of a relocation policy.

- 2.3 This proposal provides for a continuation of the current policy option with some minor wording amendments to the existing Class 4 Gambling Venue and TAB Venue policies, mainly for consistency with the current form of the Gambling Act and for internal consistency. The capped policy for gaming machines is proposed to be retained with a reduction to the current number of machines operating in the district and the number of TAB venues is proposed to continue to be determined by the New Zealand Racing Board subject to the zone and locational requirements rather than having a cap on numbers or a sinking lid policy on TAB Venues.

- 2.4 The proposed amendments are as follows:

#### Class 4 Gambling Venue Policy

Clause 3 “Objectives of the Policy”.

- Remove reference to *City* and replace with *District*.

Clause 4(ii) “Establishment of Class 4 Machines and Venues”.

- Change the permitted number of gaming machines in the Hastings District from 293 to 278.

Clause 6 (iii) “Social impact consideration when applying to all class 4 gambling venues under this policy”.

- Remove reference to *liquor* and replace with *alcohol*.

Clause 7 (vii) “Where Class 4 Gambling Venues may be relocated”

- Remove reference to *liquor* and replace with *alcohol* and add *including licence number*.

Clause 8 (ii) “Hearing considerations”

- Add *social impact considerations*.

Clause 8 (vii) “Hearing considerations”

- Delete as this relates to the sinking lid.

Clause 9 (ii) “Application Fees”

- Include *in accordance with section 150 of the Local government act*.

Table reference to review date “Hastings District Council Class 4 Gambling Venue Policy”.

- Replace *Date by which review must be completed* and replace with *review date*.

#### TAB Venue Policy

Clause 4(i) “Where TAB venues may be established”

- Include *Hastings* to Central commercial zone.

Table reference to review date “Hastings District Council Class 4 Gambling Venue Policy”.

- Replace *Date by which review must be completed* and replace with *review date*.

2.5 Section 102(6) of the Gambling Act provides a policy does not cease to have effect just because it is being reviewed. Therefore, the current policy remains in place until a new policy is formally adopted.

### 3. WHAT IS THE PERCIEVED PROBLEM?

3.1 These policies provide criteria for processing consent applications for Class 4 Gambling and TAB Venues in the Hastings District. Controls and standards are prescribed as per the Gambling Act 2003 to help inhibit and diminish problem gambling.

3.2 The policy should be in line with the current version of the Gambling Act, which has been amended numerous times since the last review. The revised version of the policies aims to bring them inline with current legislation.

### 4. COUNCIL OBJECTIVES

4.1 The reviews of the policies under the provisions of the Gambling Act 2003 (the Act) and the Local Government Act 2002 are designed to ensure that Hastings District Council's policies continue to address identified problems and give effect to the following Council Objectives:

- Building safer communities.
- Develop a safe and vibrant city heart in the Hastings CBD.
- Provide resilient and adaptable social and recreational infrastructure and support services.

### 5. OPTIONS FOR ADDRESSING THE PROBLEM

5.1 The review of Hastings District Council's Class 4 Gambling Venue Policy and TAB Venue Policy has resulted in a recommendation for the retention of the May 2017 policy with amendments. A capped policy is proposed to be retained with exceptions for club mergers and relocations, and an open policy as outlined in section 2.4 for TAB Board venues subject to location requirements. Minor wording amendments are proposed to these existing policies to provide consistency with the Gambling Act and to provide further clarity and to simplify the existing wording.

5.2 The following options have been identified for consideration in terms of a capped versus sinking lid;

- Option One: New cap level of 278. This would be a reduction from 293 machines under the current policy. This means that gaming machines in the Hastings District will be maintained at the current level which would be at a ratio of 3.41 machines per 1,000 residents (retain relocation policy).
- Option Two: Current Cap level of 293 machines, making 15 gaming machines available for existing or new venues (retain relocation policy).



- Options Three: Sinking lid no new machines or venues will be permitted in the Hastings District. As machine are not utilised the number available drops (relocation policy).

5.3 A requirement of s 102(5A) of the Gambling Act is that Council consider whether to include a relocation policy (as defined in [section 101\(5\)](#)) in its policy. Section 101(5) defines a relocation policy as a policy setting out if and when the territorial authority will grant consent in respect of a venue within its district where the venue is intended to replace an existing venue (within the district) to which a class 4 venue licence applies. The current policy includes an exception from meeting parts of the policy if a venue is relocating, and allowed a maximum of 9 gaming machines at the new location. The amendments to the Gambling Act mean that the policy cannot provide how many machines are allowed, but rather the Act provides that the same number of machines can be operated at the new venue as the old venue.

## 6. ASSESSMENT OF OPTIONS

- 6.1 The current Class 4 Gambling Venue Policy and TAB Venue policy were adopted in May 2017. The proposed changes serve to update and amend these two policies to provide further clarity of these policies and to ensure consistency with the current Hastings gambling environment.
- 6.2 The 2017 review resulted in a change to the Hastings Class 4 Gambling Venue Policy from a sinking lid to a cap on the number of gaming machines (293).
- 6.3 According to the Department of Internal Affairs report on 29 July 2019 there are 17 venues operating gaming machines and 293 gaming machines may be operated (276 machines are currently being operated) in the District. In May 2016, the Department of Internal Affairs recorded 19 venues and 287 (293 without the need of territorial authority consent) gaming machines operating within the Hastings District. This formed the basis for the current cap number of 293 machines for the district.
- 6.4 The proposed cap of 278 gambling machines is based on the current number of machines that are permitted to operate without the need for territorial authority consent. This is the same approach that was taken at the previous review.

## 7. NEW ZEALAND BILL OF RIGHTS ACT 1990

- 7.1 The Council must determine whether the proposed Class 4 Gambling and TAB Venue policies give rise to any implications under the New Zealand Bill of Rights Act 1990 (BORA). Council's legal advice is that the restriction set out in the proposed Class 4 Gambling and TAB Venue policies do not impose any unreasonable limitations on any particular right set out in the BORA.

## 8. CONSULTATION

### 8.1 Submissions

As part of the special consultative procedure required by the Local Government Act 2002, Council wishes to hear from any person, group or business that would like to make a

submission on the proposed policies. Submissions may be lodged between 12 September and 11 October 2020.

Details of the policies can be viewed at:

- The Hastings District Council Lyndon Road East, Hastings.
- The Hastings, Flaxmere and Havelock North Libraries
- The Hastings District Council website: [www.myvoicemychoice.co.nz](http://www.myvoicemychoice.co.nz) where you can make an online submission.

Submissions may be lodged to the following address:

Class 4 Gambling and TAB Venue policies – Submissions  
Hastings District Council  
Private Bag 9002  
Hastings  
Attn: Junior Tuakana

Please ensure you include your contact details (name, phone, email, postal address), and whether or not you wish to speak to the Council at the hearing.

For further information contact **Junior Tuakana**:

*Phone:* 06 871 5000

*Email:* [juniort@hdc.govt.nz](mailto:juniort@hdc.govt.nz)





## CLASS 4 GAMBLING VENUE POLICY



### 1. INTRODUCTION

The Gambling Act 2003 was enacted on 18 September 2003. The Act requires Hastings District Council to adopt a Class 4 Gambling Venue policy for the Hastings District in accordance with the special consultative procedure set out in the Local Government Act 2002.

The Class 4 Gambling Venue policy:

- Must consider the social impacts of gambling within its district and specify whether or not class 4 venues may be established in the district, and if so, where they may be located.
- May specify any restrictions on the maximum number of gaming machines that may be operated at any gambling venue. The Gambling Act establishes a maximum limit of nine machines for new venues.
- May include a relocation policy

The Class 4 Gambling Venue policy will be reviewed every three years.

### 2. ANTICIPATED OUTCOMES

The adoption of Class 4 Gambling Venue policy will achieve the following outcomes:

- ***Harmful impacts of high risk forms of gambling on the Hastings District community will be avoided or minimised.***
- ***Class 4 gambling venue operators will be responsible gambling hosts.***
- ***Any new class 4 gambling venues shall be established within the Central Commercial zone, Havelock North Village Centre zone.***
- ***Class 4 gambling club venues can only relocate in a limited number of defined zones.***

### 3. OBJECTIVES OF THE POLICY

- To support the purpose and intent of the Gambling Act 2003.
- To avoid the establishment of class 4 gambling activities in locations close to residential areas, public facilities or other identified land uses sensitive to gambling activities.
- To avoid the proliferation of class 4 gambling venue strips or blocks within the cityDistrict

Commented [JT1]: For completeness

- To encourage responsible gambling practices and attitudes in class 4 gambling venues.
- To minimise the potential for new entrant problem gamblers by reducing accessibility to gambling venues.
- To reduce the exposure and risk of under-18 year old persons to gambling opportunities and the promotion of gambling.
- To ensure as far as practicable that the actual and reasonable costs relating to venue consent applications are borne by the applicant(s).

#### 4. ESTABLISHMENT OF CLASS 4 MACHINES & VENUES

Hastings District Council has a 'cap' approach to class 4 gambling. Therefore the Council will not grant consent where:

- (i) A proposal to establish a new Class 4 gambling venue is not within the Central Commercial zone, Havelock North Village Centre zone (as defined in the maps in this policy).
- (ii) The total number of gaming machines in the Hastings District exceeds ~~293278~~.

Commented [JT2]: Current machine numbers

#### 5. EXCEPTIONS FROM MEETING PARTS OF THE POLICY

##### 5.1 Venue Relocation

- i) Council may grant consent under s 98(c) of the Act to a proposal to change the venue to which a class 4 venue licence currently applies, provided that the relocation of a venue to which a Class 4 Venue licence currently applies can only occur within the Hastings Central Commercial or the Havelock North Village Centre zones with the following exception:
  - That the existing venues at Stortford Lodge and Clive, can only relocate within the Stortford Lodge and Clive zones as defined in the attached maps or within the Hastings Central Commercial or Havelock North Village Centre zones.
- ii) In accordance with s 97A (2)(b) of the Act the maximum number of gaming machines permitted to operate at the new venue at the time when the new class 4 venue licence takes effect is the same as the maximum number of gaming machines permitted to operate at the old venue immediately before the licence relating to the old venue is cancelled.

##### 5.2 Club Mergers

Council will consider an exception to Clause 4 above for the relocation or merger of clubs; as defined by the Act with existing class 4 machines, as outlined below:

- (i) When two or more clubs wish to merge physically and legally in terms of section 95 of the Gambling Act 2003, the maximum number of machines allowed will be the sum of the number of gaming machines specified in all the clubs Class

4 venue licences at the time of application with a maximum limit of 30 as provided in Section 95(4) of the Gambling Act 2003.

- (ii) For premises licensed after 17 October 2001, to which Section 96 of the Gambling Act 2003 applies, the maximum number of gaming machines allowed will be the number of machines specified in the class 4 venue licence (held immediately before an application under Section 96 is made) with a maximum limit of 18 as provided in Section 96(4) of the Gambling Act 2003.

#### 6. SOCIAL IMPACT CONSIDERATIONS WHEN APPLYING TO ALL CLASS 4 GAMBLING VENUES UNDER THIS POLICY

In addition to those conditions outlined in the Gambling Act 2003, Council shall have regard to the following:

- (i) The applicant shall provide a declaration that the gaming area in a venue will not have a separate entrance, separate name, or otherwise seem to be separate from the primary activity of the venue.
- (ii) The primary activity of the venue shall not be an activity associated with family or children's activities.
- (iii) The venue must have an 'on licence' or 'club licence' for the sale of ~~liquor~~ alcohol for consumption on the premises.
- (iv) The principal venue entrance shall not be located closer than a 100 metre radius of any educational facility, place of assembly, or licensed early childhood centre.
- (v) The principal entrance of the venue premises shall not be located closer than a 100 metre radius to any residentially zoned or suburban commercial zoned land.
- (vi) The venue premises shall not be within a 100 metre radius of the principal entrance of any other class 4 gambling venue or TAB venue.
- (vii) Meeting all application, declaration, and fee requirements.

Commented [JT3]: For completeness

#### 7. APPLICATIONS

Applications for territorial authority consent may be lodged at any time. Applications received by Hastings District Council under Clause 5.1 or 5.2 of the Policy will be assessed subject to the objectives of the Hastings District Council Class 4 Gambling Venue Policy, the purpose and intent of the Gambling Act 2003 and any other matter that Council considers relevant and reasonably necessary to determine the application.

Applications for consent must be made on the approved form and must provide to the satisfaction of Council:

- (i) name and contact details for the application, including the society name, the venue trading name(s), and other name(s) related to the venue, and the venue operators name



- (ii) street address of premises proposed for the Class 4 venue
- (iii) a specific legal description with deposited plan where required clearly identifying the area where the venue is proposed to be located
- (iv) the names of key persons at the society and venue
- (v) an audit assessment, from an independent Chartered Accountant holding a Certificate of Public Practice, of the business plan or budget for the establishment, covering at least 12 months, and clearly distinguishing the percentage of revenue to be derived from both gambling and other activities proposed for the venue, showing that the venue is clearly not to be used primarily for operating gaming machines
- (vi) 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
- (vii) details of ~~liquor alcohol~~ licence(s) applying to the premises including licence number
- (viii) Other relevant information requested by the territorial authority, or that the applicant wishes to provide.

Commented [JT4]: For completeness

## 8. DETERMINING APPLICATIONS

### Notification

Applications under Clause 5.1 of the Policy and/or applications which do not meet one or more of the conditions under clauses 6 of this policy will require a hearing and shall be publically notified.

Any application requiring a hearing shall be publicly notified as follows:

- in the public notice section of a local newspaper circulating within the city, within 15 working days of receipt of the application
- by way of a public notice displayed prominently in the window of the proposed venue for the period during which submissions are open
- by the direct notification in writing of all owners and residents of any property where any part of that property is located within 100m of the subject site
- By the direct notification in writing of any other person that Council may consider will be adversely affected by the granting of consent

### Hearings Considerations

The Hearings Committee will consider each application on its merits, judged against the following criteria:

- i) The extent to which the application meets the objectives of the Hastings District Council Class 4 Gambling Venue Policy, and the Purpose and intent of the Gambling Act 2003, and
- ii) The extent to which an application that does not meet a condition of clause 6, (Social impact considerations) is of a minor effect, and
- iii) The extent of the potential impact on the character of the zoned area/ locality, and

Commented [JT5]: For completeness

- iv) The potential cumulative effects of additional gambling in that locality, and
- v) Whether the venue has reasonable potential to have a negative effect on the operation, amenity, or reasonable enjoyment of residential and/or sensitive land uses in the locality, and
- vi) That when relocating the venue relinquishes the gaming machines tied to the current location, and
- ~~vii) The extent to which the relocated venue is giving effect to the sinking lid policy by resulting in a lesser number of machines overall, and~~
- ~~viii)~~vii) Any other matter that Council considers relevant and reasonably necessary to determine the application.

**Commented [JT6]:** Consistent with cap policy

#### 9. APPLICATION FEES

- (i) To be considered, a deposit in accordance with the Council's schedule of fees and charges must accompany the application.
- (ii) Actual and reasonable costs of processing the application, including but not limited to any notification, consultation, hearing, administration costs, and/or inspection, may be charged to the applicant in accordance with section 150 of the Local government act.
- (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. Any unused portion of the deposit will be refunded.
- (iv) All fees and costs must be paid in full prior to a consent being issued.

**Commented [JT7]:** For completeness

#### Hastings District Council Class 4 Gambling Venue Policy

**Prepared by:** Environmental Policy  
Planning and Regulatory Services

**Adopted by:** Hastings District Council

**Dated:** 24 May 2020

**Date by which review must be started** 24 May 2023  
**by Review Date:**

**Commented [JT9]:** To be updated once completed

**Commented [JT8]:** For completeness

**DEFINITIONS**

**Adjoining:** allotments sharing one or more common boundaries or separated only by a road reserve 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

**Central Commercial zone:** as defined in the Hastings District Plan and any subsequent changes (see map, Appendix One)

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

**Club:** a voluntary association of persons combined for a purpose other than personal gain.

**Gambling promotion signage:** branding or signage using the words casino or jackpot or any other words or images that convey the impression that a venue is a casino and accessible to the public

**Gaming machine:** refer to definition of 'Gaming Machine' in Gambling Act 2003

**Educational Facility:** means land and/or buildings used to provide regular instruction or training in accordance with a systematic curriculum by suitably qualified instructors, and includes schools, technical institutes, teachers colleges and universities, kura kaupapa (primary school), and kura maori (secondary school) and their ancillary administrative, cultural, health, retail and communal facilities.

**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 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 under 18 year old persons

**Key persons:** as defined in the Gambling Act 2003

**Place:** includes –

- a) a building, structure or tent whether fully or partly constructed; and



- b) a room in a building or structure; and
- c) a court or a mall; and
- d) land; and
- e) a vehicle, vessel, or aircraft; and
- f) a caravan or a trailer or other conveyance

**Places of Assembly:** means land and/or buildings used for the public and/or private assembly of people, primarily for worship, education, recreational, social, ceremonial, cultural, and spiritual activities for meditation, and functions of a community character. May include a church, church hall, church yard, and marae. Any charges for entry into or use of the facility may only be made by groups or organisations operating on a non-profit making basis.

**Premises:** Building in which a venue is located.

**Primary part of a venue's operation:** Area greater than 15% of floor space for gaming 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 gaming machines.

**TAB venues:** means premises that are owned or leased by the new Zealand Racing Board and where the main business carried out at the premises is providing racing betting or sports betting services under the Racing Act 2003 (the Act), including racecourses. It is noted that the Act specifies that this policy does not apply to TAB facilities that are part of another venue.

**Venue:** see Class 4 gaming venue.

**Zone:** An area of the city, defined as a zone in the Hastings District Plan or any subsequent changes.



## TAB VENUE POLICY



### 1. INTRODUCTION

A subsequent amendment to the Racing Act 2003 as a result of the Gambling Act 2003, came into effect on 1 August 2003. The Act requires Hastings District Council to adopt a Board (hereinafter referred to as TAB) Venue policy for the Hastings District in accordance with the special consultative procedure set out in the Local Government Act 2002.

The TAB Venue policy must specify whether or not new stand alone TAB venues may be established in the district and, if so, where they may be located. In the development of this policy Council must have regard to the social impact of gambling on the Hastings District community. The TAB Venue policy will be reviewed three years after it is adopted.

### 2. OBJECTIVES OF THE POLICY

The objectives of the Gambling Act 2003 are to control the growth of gambling and prevent and minimise the harm caused by gambling, including problem gambling. Beyond the objectives stated in the Act, the objective of the Hastings District Council's TAB Venue policy is:

- ***To control the growth of gambling within the scope of the Gambling Act 2003, while providing for the continued availability of sports or race betting within Hastings District in accordance with the purpose and intent of the Gambling and Racing Acts.***

### 3. TAB VENUE CONDITIONS

Requirements applying to all new locations:

- (i) The venue premises shall not adjoin any educational facility, place of assembly, or licensed early childhood centre
- (ii) The principal entrance of the venue premises shall not be located closer than a 100 metre radius to any residentially zoned or suburban commercial zoned land
- (iii) The venue shall not be part of a place where another TAB venue, or a class 4 venue is located
- (iv) The venue premises shall not be within a 100 metre radius of the principal entrance of any other TAB venue, or class 4 gambling venue
- (v) The Board shall provide a declaration that the venue has approved problem gambling assessment tools, staff training programme, and procedures to reduce the likelihood of problem gambling, identify instances of problem gambling, and refer those identified to problem gambling treatment agencies, and any bar/self-bar procedures for problem gamblers
- (vi) The Board shall agree to participate in any freely available register of barred problem gamblers in the area
- (vii) Meeting application and fee requirements



#### 4. WHERE TAB VENUES MAY BE ESTABLISHED

(i) TAB venues may be established within the Hastings Central Commercial zone subject to meeting the other conditions of this Policy.

Commented [JT1]: Consistent with Class 4 policy

(ii) TAB venues may be established in a Commercial Service zone, an Industrial zone or in Havelock North Retail Zone as defined in the Hastings District Plan or any subsequent changes, subject to meeting the other conditions of this Policy, and:

- the area of the contiguous zone is larger than 4 hectares. For this purpose this shall be defined as:
  - the venue being within an allotment, or a cluster of allotments within the Commercial Service or in Havelock North Village Centre Zone and
  - the allotment or cluster of allotments having a minimum combined total area within an appropriate zone or zones of at least 4 hectares must be adjoining (sites separated only by road reserve or similar equivalent for the purposes of this policy are considered to be adjoining), and

(iii) TAB venues may be established on land in the Rural zone or Plains zone as defined in the Hastings District Plan or any subsequent changes, subject to meeting the other conditions of this Policy, and:

- The venue is a racecourse.

#### 5. APPLICATIONS FOR TAB VENUE CONSENT

Applications for territorial authority 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 TAB venue
- (iii) a specific legal description with deposited plan where required clearly identifying the area where the venue is proposed to be located;
- (iv) the names of management staff;
- (v) evidence of police approval for owners and managers of the venue;
- (vi) if not in the Central Commercial zone, evidence of the distance to the nearest residential zone, and to the nearest school, early childhood centre, kindergarten, place of worship or other community facility, and to other gambling venues;
- (vii) the Board must show that the possibility of people under the age of 18 years gaining access to the venue is minimal.
- (viii) other relevant information requested by the territorial authority, or that the applicant wishes to provide.

**6. APPLICATION FEES**

- (i) To be considered, a deposit in accordance with the Council's schedule for fees and charges 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 inspection, 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. Any unused portion of the deposit will be refunded.
- (iv) All fees and costs must be paid in full prior to a consent being issued.

**Hastings District Council TAB Venue Policy**

**Prepared by:** Environmental Policy  
Planning & Regulatory Services

**Adopted by:** Hastings District Council

**Dated:** 24 May 2020

**Date by which review must be started** Review 24 May 2023

**date:**

Commented [JT2]: Consistent with Class 4

**DEFINITIONS**

**Adjoining:** allotments sharing one or more common boundaries or separated only by a road reserve 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

**Central Commercial Zone:** as defined in the Hastings District Plan and subsequent changes (see map, Appendix One)

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

**Educational Facility:** means land and/or buildings used to provide regular instruction or training in accordance with a systematic curriculum by suitably qualified instructors, and includes schools, technical institutes, teachers colleges and universities, kura kaupapa (primary school), and kura maori (secondary school) and their ancillary administrative, cultural, health, retail and communal facilities.

**Key persons:** as defined in the Gambling Act 2003

**Place:** includes –

- a) a building, structure or tent whether fully or partly constructed; and
- b) a room in a building or structure; and
- c) a court or a mall; and
- d) land; and
- e) a vehicle, vessel, or aircraft; and
- f) a caravan or a trailer or other conveyance

**Places of Assembly:** means land and/or buildings used for the public and/or private assembly of people, primarily for worship, education, recreational, social, ceremonial, cultural, and spiritual activities for meditation, and functions of a community character. May include a church, church hall, church yard, and marae. Any charges for entry into or use of the facility may only be made by groups or organisations operating on a non-profit making basis.

**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



**TAB venues (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), including racecourses. It is noted that the Act specifies that this policy does not apply to TAB facilities that are part of another venue.

**Zone:** An area of the city, defined as a zone in the Hastings District Plan or any subsequent changes.