

# Nelson City Council - Gambling Venue Policy 2018

## INTRODUCTION

The Gambling Act 2003 and the Racing Act 2003 require territorial authorities to have Class 4 and Totalisator Agency Board (TAB) venue policies. Nelson City Council adopted its first policy, which combined both statutory policies, in early 2004.

### Gambling Act

The purpose of the Gambling Act is to:

- *control the growth of gambling; and*
- *prevent and minimise the harm caused by gambling, including problem gambling; and*
- *authorise some gambling and prohibit the rest; and*
- *facilitate responsible gambling; and*
- *ensure the integrity and fairness of games; and*
- *limit opportunities for crime and dishonesty associated with gambling and the conduct of gambling; and*
- *ensure that money from gambling benefits the community; and*
- *facilitate community involvement in decisions about the provision of gambling.*

The Act requires territorial authorities to develop Class 4 and Totalisator Agency Board (TAB) venue policies in consultation with their communities. Class 4 gambling is the term used to describe non-casino gaming machines (pokies).

Under the Act, the Department of Internal Affairs is responsible for gaming licensing. Section 65(2)(b) provides that some applications to the Department for a Class 4 venue licence must be accompanied by territorial authority consent. The Council must consider an application for territorial authority consent in accordance with this policy (section 100).

The Act prescribes limits on the number of non-casino gaming machines in venues. The limits are:

- If the venue had a licence on 17 October 2001 a society can operate up to 18 gaming machines (section 92).
- If the venue had its licence granted between 17 October 2001 and the commencement of the Act it can operate up to 9 machines (section 93).
- Sections 92 and 93 can be overridden by Ministerial discretion of the territorial authority consents.
- If the venue is granted a licence after the commencement of the Act it can operate up to 9 machines (section 94).
- No society can operate more machines at a venue that were operated at the commencement of the Act unless the local authority consents to the increase.

The Gambling (Gambling Harm Reduction) Amendment Act 2013 introduced the requirement for territorial authorities to consider a 'relocation policy' at its next review. Relocation considers whether the territorial authority will grant consent for a venue within its district that requests to move to and operate from another site. The Council has considered the issue of relocation but opted not to include a relocation policy in the current Policy.

### Racing Act

The purpose of the Racing Act 2003 is to:

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

A territorial authority consent is required if the TAB proposes to establish a new venue (section 65D). The Council must consider an application for territorial authority consent in accordance with this policy (section 65C).

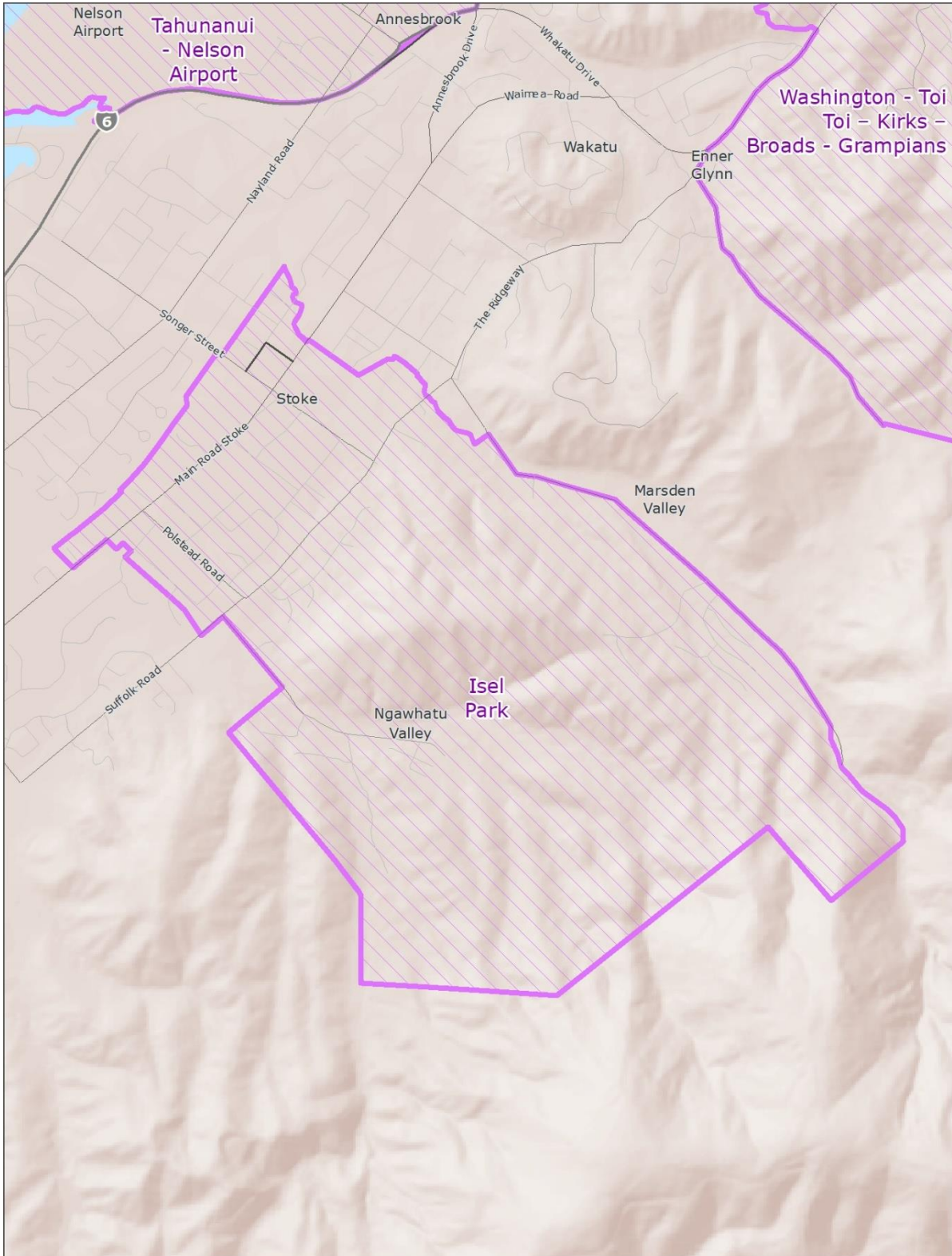
## NELSON CITY COUNCIL GAMBLING VENUE POLICY

<b>OBJECTIVE</b>		
To have regard to the social impact of gambling within the Nelson City Council district in determining applications for consent relating to Class 4 and TAB venues		
<b>Definitions</b>	<p><b>Class 4 Gambling Venues:</b> Venues where non-casino gaming machines or 'pokies' are operated and whose net proceeds are applied to or distributed for authorised purposes</p> <p><b>100 metre rule:</b> To be measured as a 100 metre radius from any public entrance to the venue</p>	
<b>Rules</b>		
1.1	<p><b>Class 4 Gambling Venues</b> may be established within the Nelson district subject to:</p>	<p>1.1.1 The applicant meeting the application and fee requirements</p> <p>1.1.2 The number of gaming machines within the venue being able to be met within the overall Nelson City cap (currently 162)</p> <p>1.1.3 The venue being sited in any land zone as included in the Nelson Resource Management Plan apart from land zoned Residential or Open Space and Recreation</p> <p>1.1.4 The venue not being sited in areas as identified in the attached maps, broadly being the mesh block areas of: Tahunanui (including the area zoned suburban commercial at the Tahunanui Rocks Road corner), Broads, Nelson Airport, Isel, Kirks, Grampians, Toi Toi and Washington</p> <p>1.1.5 The venue not being:</p> <ul style="list-style-type: none"> <li>- within 100 metres of any playground, kindergarten, early childhood centre, school, place of worship, or Automatic Teller machine</li> <li>- primarily associated with family or children's activities</li> </ul>
1.2	The total number of gaming machines in	1.2.1 The number of gaming machines within the venue application shall be able to be

	<p>operation in the Nelson district shall be capped at 162</p>	<p>met within the overall Nelson City cap. If the cap allows for consideration of a new venue application clauses 1.2.2 to 1.2.6 apply and need to be met</p> <p>1.2.2 New venues shall be allowed a maximum of no more than five gaming machines</p> <p>1.2.3 Existing venues with licences issued on or after 17 October 2001 shall be able to increase the number of machines operated in the venue to nine</p> <p>1.2.4 Existing venues with licences issued before 17 October 2001 shall be able to increase the number of gaming machines operated in the venue to 18</p> <p>1.2.5 Clubs licensed after 2001 shall be able to increase their machine numbers to a maximum of nine</p> <p>1.2.6 Where clubs will merge, the number of machines permitted will be considered on a case by case basis and will not exceed a maximum 30 machines per venue</p>
<p>1.3</p>	<p>Totalisator Agency Board (TAB) venues may be established in the Nelson district subject to:</p>	<p>1.3.1 The applicant meeting the application and fee requirements</p> <p>1.3.2 The venue being sited in any land zone included in the Nelson Resource Management Plan apart from land zoned Residential or Open Space and Recreation</p> <p>1.3.3 The venue being sited in areas as identified in the attached maps, broadly being the mesh block areas of: Tahunanui (including the area zoned suburban commercial at the Tahunanui Rocks Road corner), Broads, Nelson Airport, Isel, Kirks, Grampians, Toi Toi and Washington</p> <p>1.3.4 The venue not being within a 100 metres of any playground, kindergarten, early childhood centre, school, place of worship, or Automatic Teller machine</p>

### APPLICATION FEES

Application fees will be set by Council from time to time and shall include the cost of processing the new application. The Council will comply with section 150 of the Local Government Act 2002 in setting such fees.



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**Areas Excluded from New Gambling Venues**  
**Isel Park**  
 Gambling Venue Policy



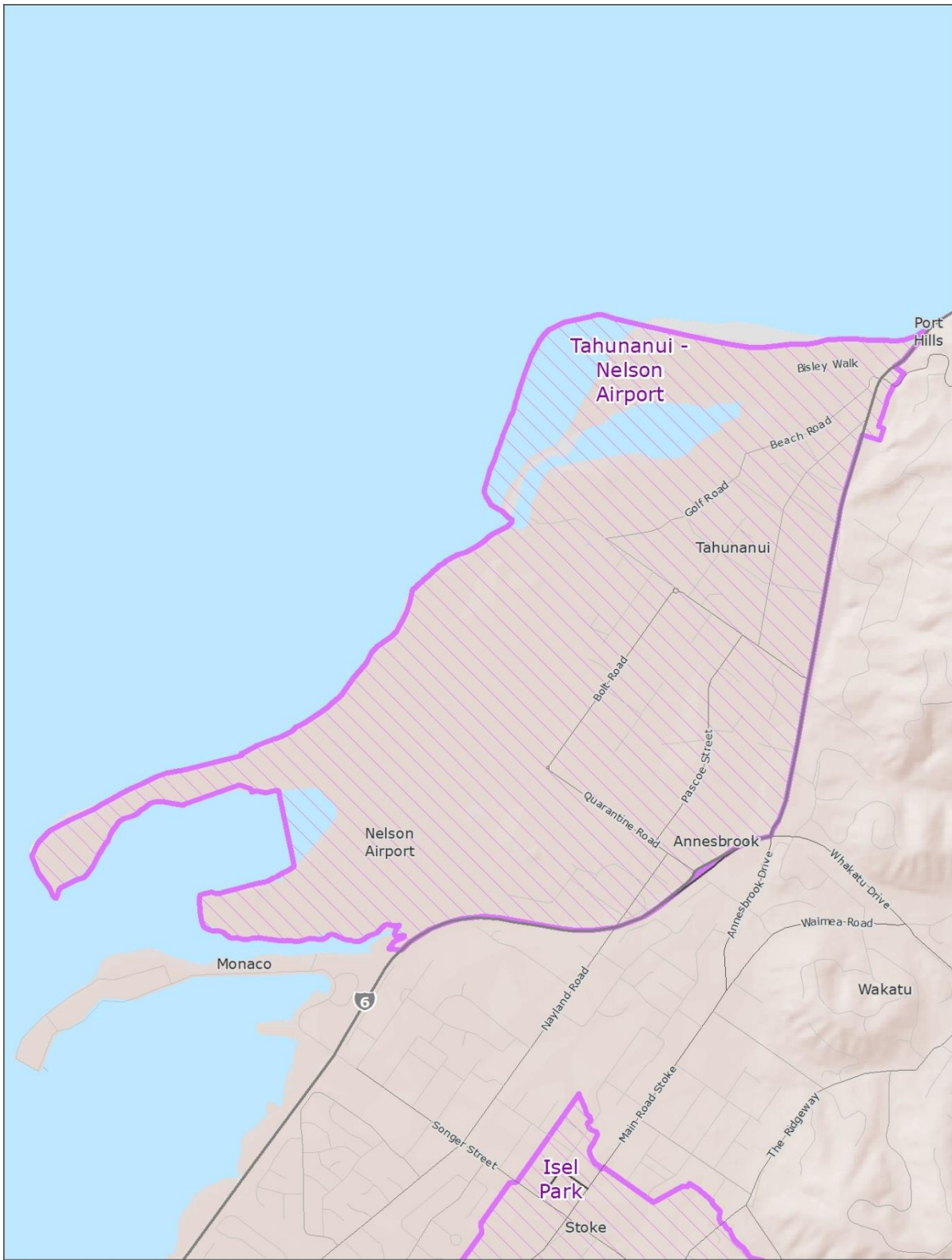
**Nelson City Council**  
 te kaunihera o whakatū

 Areas excluded from new gambling venues

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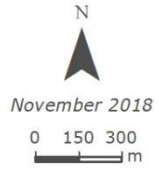
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**Areas Excluded from New Gambling Venues  
 Tahunanui - Nelson Airport**

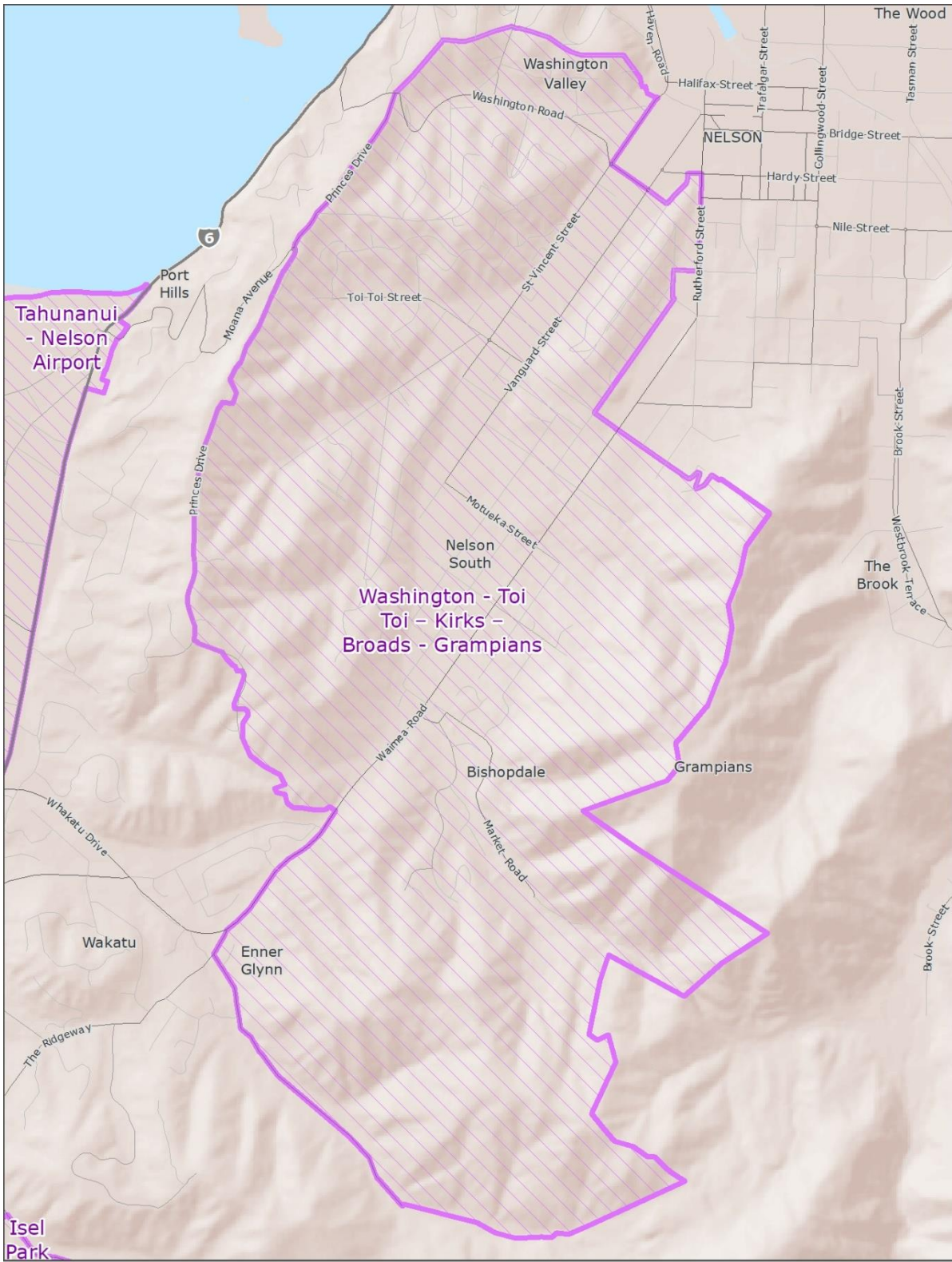
Gambling Venue Policy



 Areas excluded from new gambling venues



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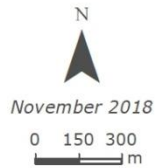
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**Areas Excluded from New Gambling Venues  
 Washington - Toi Toi - Kirks - Broads - Grampians**

Gambling Venue Policy



Areas excluded from new gambling venues



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