

# Council Policy

# Gambling Venues

# Policy

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## 1. INTRODUCTION

- 1.1. Kawerau District Council is required under the Gambling Act 2003 and the Racing Industry Act 2020 to adopt a policy for class 4 gambling venues and TAB venues. Due to the similarities between the requirements for these policies, and the ease for the community to locate all gambling information in one location, both policies have been consolidated into this Gambling Venues Policy.
- 1.2. The Gambling Act 2003 requires a Class 4 Venue policy to include:
  - a) whether or not class 4 venues may be established in the district and, if so, where they may be located; and
  - b) may specify any restrictions on the maximum number of gaming machines that may be operated at a class 4 venue; and
  - c) may include a relocation policy.
- 1.3. The Racing Industry Act 2020 requires a policy to include:
  - a) whether or not TAB venues may be established in the district and, if so, where they may be located; and
  - b) may specify any restrictions on the maximum number of gaming machines that may be operated at a class 4 venue; and
  - c) may include a relocation policy.
- 1.4. Prior to adopting a gambling venue policy, Council must give regard to the social impact of gambling within the district. Gambling has the ability to affect both the social and economic wellbeing of people within the community.
- 1.5. Council must balance the interests of community members that may experience harm from gambling, with those that generate income, and provide both employment and a funding stream for our local community groups and organisations. The balance sought provides for the minimisation of gambling harm while still enabling a level of social entertainment, enabling a safe and resilient community.

## 2. POLICY OBJECTIVE

- 2.1. To provide a framework for transparent and consistent decision making about class 4 gambling and TAB venues in the Kawerau District.
- 2.2. To contribute to the health and wellbeing of the Kawerau District community through:
  - a) controlling the growth of gambling across Class 4 and TAB venues, while allowing those who wish to participate, to do so;
  - b) minimising the harm caused by gambling through the means available to Council;
  - c) implement appropriate constraints to manage the number of gaming

- machines and venues; and
- d) reduce the exposure of gambling to persons under 18 years;

### 3. SCOPE

- 3.1. This policy applies to both Class 4 and TAB venues within the Kawerau District boundary.
- 3.2. This policy only covers standalone TAB venues and does not cover the installation of TAB terminals in premises not owned or leased by TAB NZ.

### 4. DEFINITIONS

**Class 4 Gambling** has the meaning set out in section 30 of the Gambling Act 2003.

#### Explanatory notes

Section 30 of the Gambling Act 2020, defines class 4 gambling as:

In this Act, class 4 gambling is gambling that satisfies the following criteria:

- (a) the net proceeds from the gambling are applied to, or distributed for, authorised purposes; and
- (b) either—
  - (i) no commission is paid to or received by a person for conducting the gambling; or
  - (ii) the only commission that is paid to or received by a person for conducting the gambling is a commission payment to a venue operator that complies with regulations made under [section 371\(1\)\(dd\)](#); and
- (c) there are game rules for the gambling; and
- (d) the gambling, and the conduct of the gambling, satisfies relevant game rules; and
- (e) either—
  - (i) the Secretary has categorised the gambling as class 4 gambling and not as another class of gambling; or
  - (ii) the gambling utilises or involves a gaming machine.

**Class 4 Venue** means a place used to operate class 4 gambling.<sup>1</sup>

**Club** means a voluntary association of persons combined for a purpose other than personal gain.<sup>2</sup>

**Council** means Kawerau District Council

**District** means Kawerau District

<sup>1</sup> Gambling Act 2002, section 4

<sup>2</sup> Gambling Act 2002, section 4

**Gaming Machine** has the meaning set out in section 4 of the Gambling Act 2003.

**Explanatory notes**

Section 4 of the Gambling Act 2003, defines gambling machines as:

- (a) means a device, whether totally or partly mechanically or electronically operated, that—
  - (i) is adapted or designed and constructed for gambling; and
  - (ii) is played or confers a right to participate, whether totally or partly, by the insertion of money into it or by the direct or indirect payment of money by any other means; and
- (b) includes a device for gambling that is conducted partly by a machine and partly by other means; and
- (c) includes a device, or type of device, that is declared to be a gaming machine by regulations made under [section 368](#); but
- (d) does not include—
  - (i) a device used only to draw a lottery; or
  - (ii) a random selection device used in a game of housie; or
  - (iii) a device used only to dispense tickets that is not capable of being used to decide the outcome of gambling; or
  - (iiia) a jackpot device that links a series of gaming machines and that can only be played through those gaming machines; or
  - (iv) a communication device that is used both to dispense tickets in and draw a lottery that is a sales promotion scheme; and
- (e) does not include a device, or type of device, that is declared not to be a gaming machine by regulations made under [section 368](#); and
- (f) does not include a device operated by the Lotteries Commission

**Operator** means a person that holds a class 4 operator's licence.

**Primary Activity** means the principal purpose of the venue and may include, but is not limited to, a pub, club, restaurant, and hotel. Gambling must not be the primary activity except in the case of a standalone TAB whose purpose is sports betting.

**TAB** stands for Totalisator Agency Board.

**TAB NZ** has the meaning set out in section 5 of the Racing Industry Act 2020.

**Explanatory notes**

Section 5 of the Racing Industry Act 2020, states:

TAB NZ means the body established by [section 54](#) to conduct racing betting, sports betting, or other racing or sports betting under this Act.

**TAB Venue** has the meaning set out in section 5 of the Racing Industry Act 2020.

**Explanatory notes**

Section 5 of the Racing Industry Act 2020, states:

TAB venue means premises owned or leased by TAB NZ and where the main business carried out at the premises is providing racing betting, sports betting, or other racing or sports betting services under this Act

**Venue Licence** means a class 4 venue licence issued by the Secretary for the Department of Internal Affairs.

## **5. ESTABLISHING A CLASS 4 VENUE**

- 5.1. Council will not issue consent for any new Class 4 venues to be established in the District. This has the effect of a sinking lid, in that when an existing venue closes, Council will not consent a new venue to be established.

## **6. MAXIMUM NUMBER OF GAMING MACHINES**

- 6.1. Council will not grant consent for any additional gaming machines in any Class 4 venues in the District.

## **7. ESTABLISHING A TAB VENUE**

- 7.1. Council will not issue consent for any new TAB venues to be established in the District.

## **8. RELOCATION VENUES**

- 8.1. Council may only consent to a relocation of an existing class 4 venue if in its sole discretion, believes that exceptional circumstances require relocation, such as but not limited to fire or natural hazards. Council may use its sole discretion in determining whether to grant consent for an application for relocation.
- 8.2. Any relocation must be within the central business area as set out in Schedule 1.
- 8.3. The number of class 4 gaming machines at the new premises must be the same or less than the existing class 4 venue.
- 8.4. Council will consider the following matters in determining a relocation application:
- a) proposed location of the venue;
  - b) proximity to land with sensitive activities such as kindergartens, early childhood centres, schools, places of worship, and other community facilities; and
  - c) the proximity to existing Class 4 venues.

## **9. APPLICATIONS**

- 9.1. All applications for Council consent under the Gambling Act 2003 and the Racing Industry Act 2020 must be made on the approved form and must provide to the satisfaction of Council:
- a) Name and contact details for the application;
  - b) Street address of the proposed premises;

- c) The names of all management staff;
  - d) A copy of the venue licence;
  - e) A copy of the gambling harm minimisation policy;
  - f) In the case of Class 4 venues, information to confirm gambling will not be the venue's primary activity (12 month financials or 12 month business plan/budget and site plan covering all activities proposed for the venue);
  - g) Detailed design and layout of venue;
  - h) Signed written approval from the verified property owner;
  - i) Other relevant information requested by Council or that the applicant wishes to provide.
- 9.2. All applications must be made by an existing Venue Operator, who will continue to operate the venue upon relocation.
- 9.3. A decision to consent the relocation of an existing venue under this Policy, will be made by Council, or under delegated authority, to the Regulatory and Services Committee.

## **10. APPLICATION FEES**

- 10.1. The application fee will be set by Council and may include the consideration of:
- a) The cost of processing the application;
  - b) The cost of monitoring consents to ensure compliance with conditions.
- 10.2. Council will review the application fee each year as part of its Schedule of Fees and Charges review.



## SCHEDULE 1 – CENTRAL BUSINESS DISTRICT

Kawerau's Central Business District

