


GAMBLING AND TAB VENUE POLICY  DUNEDIN kaunihera CITY COUNCIL a-rohe o Ōtepoti			
Approved by:	Council		
Sponsor:	General Manager Business and Community Engagement		
Department responsible:	Governance		
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PURPOSE

The Gambling Act 2003 requires territorial authorities to have a policy stating if it will allow new non-casino gambling venues and machines ("pokies") in its district and, if so, where they may be situated. The policy can also limit the number of gaming machines (GM) at those locations.

The Racing Industry Act 2020 also requires territorial authorities to adopt policies on New Zealand Racing Board venues (TAB) within its district.

The Dunedin City Council combined the two so there is a single *"Gambling and TAB Venue Policy"*.

The Gambling (Gambling Harm Reduction) Amendment Act 2013 introduced section 101(5) into the substantive Act which requires territorial authorities to consider a 'relocation policy' which is to set out if, and when, it will grant consent for a venue within its district where the venue is intended to replace an existing venue to which a class 4 venue licence applies.

SCOPE

This policy applies to all venues that have been granted a new class 4 gambling licence within the Dunedin City Council district since 18 October 2001.

The policy was approved following the special consultative procedure detailed in section 83 of the Local Government Act 2002. This allowed people and organisations with an interest in the development of the policy to consider the proposal and make submissions. A hearings sub-committee was appointed to consider all submissions and to report back to Council.

DEFINITIONS

"Class 4 Gambling" is defined in the Gambling Act 2003 as:

- (a) gambling that is not gambling of another class and that satisfies the following criteria:
 - (i) the net proceeds from the gambling are applied to or distributed for *authorised purposes*;
 - (ii) no commission is paid to, or received by, a person conducting the gambling; the gambling satisfies relevant game rules; and
- (b) gambling that utilises or involves a *gaming machine*; or
- (c) gambling categorised by the Secretary [for Internal Affairs] as class 4 gambling.

"**Class 4 Gambling Venue**" is a place used to conduct class 4 Gambling.

"**Gaming Machine**" means a machine used in *Class 4 Gambling Venues* and are often referred to as 'pokies'.

"**Natural Disaster**" means a major adverse **event** resulting from the **natural** processes of the Earth; examples include floods, hurricanes, tornadoes, volcanic eruptions, earthquakes, tsunamis, and other geologic processes.

"**Near to or Adjacent to**" means being within **100m** of the nearest boundary to the sensitive site.

"**TAB**" for the purposes of this policy is a New Zealand Racing Board Venue which, pursuant to the Gambling Act 2003, must be treated as a *Class 4 Gambling Venue*.

POLICY

1 Policy details

- 1.1 The aim of the Gambling and TAB Venue is to:
- 1.1.1 Prevent and minimise the harm caused by gambling to the community; and
 - 1.1.2 Ensure the views of the Dunedin City Council and the community are reflected in the provisions of the policy; and
 - 1.1.3 Allow those who wish to participate in class 4 gambling in the community to do so safely and responsibly.

1.2 Rules

- 1.2.1 The Dunedin City Council will not grant consent for the establishment of any new class 4 gambling venues.
- 1.2.2 The Dunedin City Council will not grant consent to allow an increase in the number of GMs in an existing class 4 gambling venue.
- 1.2.3 Council may permit the **relocation of existing class 4 venues** where the premises cannot continue to operate at that site. Examples of such circumstances include the following:
 - 1.2.3.1 Fire
 - 1.2.3.2 Natural disaster.
- 1.2.4 Any application to relocate a current venue will be considered on a case by case basis and permission will be at the discretion of the Council. Any new location will be subject to the following:
 - 1.2.4.1 The venue operator of the new location shall be the same as the former location.
 - 1.2.4.2 The maximum number of GMs shall not exceed the number approved at the former location and subject to any restrictions applicable under the Act.
 - 1.2.4.3 The new location must not be in any **residential zone** or **recreational area**; or near to or adjacent to any school, early childhood facility, place of worship, or other community facility; or in the South Dunedin sinking lid area defined as Area 1 in the Gambling and TAB Venue Policy adopted on 19 August 2013.

Relevant Legislation:	Gambling Act 2003; Racing Industry Act 2020
Associated Documents:	