

Whangarei District Board Venue Policy

April 2013

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Introduction

In terms of section 65D of the Racing Act 2003 territorial authorities must adopt a TAB Board Venue policy for standalone “TABs” operated by the New Zealand Racing Board. The policy must specify whether or not new TAB Board Venues may be established in the district, and where they may be located.

The policy covers standalone TAB Board Venues, which are owned or leased by the New Zealand Racing Board. Council consent is not required under the Racing Act 2003 to establish a TAB facility in a bar, hotel or club. The purposes of the Racing Act 2003 is to provide effective governance arrangements for the racing industry, to facilitate betting on galloping, harness, and greyhound races, and other sporting events; and to promote the long-term viability of New Zealand racing.

Race and sports betting is not class 4 gambling. For class 4 gambling matters please see Council’s Class 4 gambling policy which is made under the gambling Act 2003. If a TAB Board Venue wishes to also host gaming machines a separate application must be made under Council’s Class 4 gambling policy and the TAB Board Venue must also meet the additional criteria set out in that policy.

Currently there is a single TAB Board Venue in the District located at Vine Street, Whangarei. The policy provides for the establishment of an additional TAB Board Venue in the District with the number of TAB Board Venues capped at two (2). Any application for consent under the policy to establish a new TAB Board Venue, including an application resulting from the need to relocate a venue must be publicly notified and determined at a Council hearing.

1 Objectives of the policy

- 1.1 To provide for Board Venues as required by the Racing Act 2003 including where they may be located.
- 1.2 To have regard to the social impact of gambling taking into consideration the cumulative effects of additional opportunities for gambling in the district.
- 1.3 To facilitate community involvement in decisions about the provision of Board Venues in the Whangarei District.

2 Establishment of Board venues permitted

- 2.1 Council will permit the establishment of Board venues with the total number of venues not to exceed two (2) venues in the District at any time.

3 Relocation of Board venues permitted

- 3.1 Council may permit a Board venue to re-establish at a new site where:
 - a Due to circumstances beyond the control of the owner or lessee of the Board 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; or
 - iii site redevelopment.

4 Where Board venues may be established or relocated

- 4.1 Any Board venue may be established in the District where it is a permitted activity under the Whangarei Operative District Plan or where resource consent to undertake the activity has been granted by Council but no case shall not be established in a Business 3 Environment.

5 The territorial authority consent process

- 5.1 Any application for consent under this policy to establish a new Board Venue, including an application resulting from the need to relocate a venue will be subject to public notification and determined at a Council hearing.

- 5.2 Council has delegated the power to consider and determine applications for Territorial Authority consent under the Racing Act 2003 to the Licensing Exemptions and Objections Committee and during the term of this policy may delegate such powers to such other committees as appropriate
- 5.3 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.
- 5.4 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.
- 5.5 The applicant and all submitters shall be advised of the decision, and the reasons for the decision, as soon as practicable.
- 5.6 In considering any application and submissions, the Committee shall have regard to provisions of the Racing Act 2003, objectives of this policy, and the criteria outlined in matters to be considered at hearing.
- 5.7 Notification of application
- 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.
 - d By notification in writing to any other person or party that Council considers necessary.
- 5.8 Matters to be considered in determining application
- 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 Board Venue Policy, and the purpose and intent of the Racing Act 2003.
 - d Any other matter that Council considers relevant and reasonably necessary to determine the application.
- 5.9 How an application is to be made
- 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 Names and date of birth of venue management staff
 - f Where the application relates to the establishment of a new Board venue the applicant must provide 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

- g Any other information that may reasonably be required to allow proper consideration of the application
- h Fees
- i Certificate of compliance under the Resource Management Act 1991 or a copy of the resource consent authorising the proposed activity under the Act.

6 Application fees

Council shall set fees from time to time, under authority of the Local Government Act 2002, and shall include consideration of:

- a The cost of processing any application, including any consultation, public notification and hearings involved.
- b The cost of triennially reviewing the Board Venue Policy including the cost of assessment of the effectiveness of the policy and the social impact of gambling in the District.
- c The cost of any inspection of premises should this be required of Council by the Department of Internal Affairs.

7 Promotion of gambling information to the community

7.1 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.

This policy was adopted by the Whangarei District Council on 24 April 2013

Policy review history

03 March 2004	First adoption – No new venues
04 October 2006	Amendment to allow Board venue to establish in Vine Street, Whangarei
03 October 2007	Reviewed Policy. Existing venues permitted to relocate under specific circumstances. Board venues permitted to establish with cap of two (2) venues
24 April 2013	Reviewed Policy. Separate Board Venue Policy adopted in terms of the Racing Act 2003 which retained provisions of 2007 policy relating to Board venues.