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Class 4 Gambling Venue Policy

Ko te Puutaketanga

Purpose

1. The purpose of this policy is to control the growth of Class 4 gambling venues.
2. To minimise the harm caused by Class 4 gambling.

Ko ngaa Whakamaaramatanga

Definitions

Term	Definition in this Policy
Adjacent	Allotments sharing one or more common boundaries.
Allotment	<ol style="list-style-type: none"> 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: - <ol style="list-style-type: none"> 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: - <ol style="list-style-type: none"> 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.
Class 4 gambling venue	A building located on one or more contiguous allotments at which gambling machines are located, or for the purposes of application at which it is proposed that gambling machines be located.
Gambling machine	As defined in the Gambling Act 2003.
Premises	A building in which a Class 4 gambling venue is located.
Private club	In this context, meeting the criteria of operating as a club as defined in Section 65 (3), in the Gambling Act 2003.
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 gambling machines.

Ko ngaa Tikanga Policy

3. To be considered for a venue consent under this Policy, the primary activity of a venue must be either for:
 - a) the sale of alcohol or, the sale of alcohol and food where the venue is subject to an on licence (but not being a bring-your-own licence) or club licence; or
 - b) the conducting of race and sports betting in standalone, alcohol free New Zealand Racing Board venues under the Racing Act, 2003 subject to compliance with s 33(3) of the Gambling Act 2003.
4. Council will not grant consent for the establishment of any new Class 4 gambling venues or machines except in the following circumstance(s):
 - a) Where two or more private clubs merge and consolidate the operation of their Class 4 gambling activities at a single gambling venue that is located within a Gambling Permitted Area (Schedule 1); or
 - b) Relocation from a site within a Gambling Permitted Area to another site within the Gambling Permitted Areas will not be permitted except where:
 - i. Clause 12 applies: or
 - ii. The licensee's landlord has refused to renew the lease of the premises; or
 - iii. The building in which the venue is located is deemed under building legislation to be earthquake-prone, dangerous or insanitary; and
 - iv. The society undertakes to permanently close an existing Class 4 gambling venue located **outside** of a Gambling Permitted Area as part of an application for new venue consent and the proposed new Class 4 gambling venue is located **within** a Gambling Permitted Area (outlined in Schedule 1).
 - c) Where a society undertakes to permanently close an existing Class 4 gambling venue located outside of a Gambling Permitted Area as part of an application for a new Venue Consent and the proposed new Class 4 gambling venue is located within a Gambling Permitted Area (outlined in Schedule 1).
5. This relocation policy only applies:
 - a) Where the applicant surrenders the existing venue licence (with the Department of Internal Affairs) for the existing venue; and
 - b) The application meets all other provisions of this Policy.

LOCATION RESTRICTIONS

6. If the proposed gambling venue premises is located **within the Central City**:
 - a) the premises must not be adjacent to an other Class 4 gambling venue or casino; and
 - b) must not be adjacent to any school, or early childhood centre; and
 - c) must not be closer than 100 meters (in a straight line) to any residentially or special character zoned land or community facilities zoned land as outlined in the Hamilton City Council Operative District Plan.
7. If the proposed gambling venue premises is located **outside of the Central City**:
 - a) the premises must not be within 50m (in a straight line) of the principal entrance of any other Class 4 gambling venue or casino; and
 - b) must not be adjacent to any school, or early childhood centre; and

- c) must not be closer than 100 metres (in a straight line) to any residentially or special character zoned land or community facilities zoned land as outlined in the Hamilton City Operative District Plan.

NUMBER OF MACHINES

8. On the relocation of a Class 4 gambling venue, the maximum number of machines permitted to operate at the new Class 4 gambling venue at the time when the new Class 4 gambling 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 (as prescribed in Section 97A of the Gambling Act 2003).
9. Two or more private clubs which merge may consolidate the number of gambling machines being operated at the merged private club venue to the lesser of:
 - a) 24 gambling machines; or
 - b) The sum of the number of gambling machines previously operated by each private club individually.

APPLICATION AND FEES

10. Applications for a Venue Consent must be made on the approved form.
11. Application fees and charges will be set annually through the Annual Plan (fees schedule) process.
12. Where a legally established venue is required to apply for a venue consent at a new site because its existing site has been rendered physically incapable of being reused for the purpose of the venue (meaning a fire, earthquake or similar event), Council will consider the application under clause 6 and 7 of the venue policy for venue consent. The consent shall allow for up to the number of gambling machines the venue was licensed for, immediately prior to the cessation of activity.

Ko ngaa Tohutoro **References**

13. The policy is made under the Gambling Act 2003.

SCHEDULE ONE – GAMBLING PERMITTED AREAS

