

TAB VENUE POLICY



1. INTRODUCTION

The Racing Industry Act 2020 came into effect on 1 August 2020. The Act requires Hastings District Council to adopt a TAB Venue policy for the Hastings District in accordance with the special consultative procedure set out in the Local Government Act 2002.

The TAB Venue policy must specify whether or not new standalone TAB venues may be established in the district and, if so, where they may be located. In adopting this policy Council must have regard to the social impact of gambling on the Hastings District community. The TAB Venue policy will be reviewed three years after it is adopted.

2. OBJECTIVES OF THE POLICY

The objectives of the Gambling Act 2003 are to control the growth of gambling and prevent and minimise the harm caused by gambling, including problem gambling. Beyond the objectives stated in the Act, the objective of the Hastings District Council's TAB Venue policy is:

- ***To control the growth of gambling within the scope of the Gambling Act 2003, while providing for the continued availability of sports or race betting within Hastings District in accordance with the purpose and intent of the Gambling and Racing Industry Acts.***
- ***The maximum number of TAB venues for the district will not exceed one.***

3. TAB VENUE CONDITIONS

Requirements applying to all new locations:

- (i) The venue premises shall not adjoin any educational facility, place of assembly, or licensed early childhood centre
- (ii) The principal entrance of the venue premises shall not be located closer than a 100 metre radius to any residentially zoned or suburban commercial zoned land
- (iii) The venue shall not be part of a place where another TAB venue, or a class 4 venue is located
- (iv) The venue premises shall not be within a 100 metre radius of the principal entrance of any other TAB venue, or class 4 gambling venue
- (v) The Board shall provide a declaration that the venue has approved problem gambling assessment tools, staff training programme, and procedures to reduce the likelihood of problem gambling, identify instances of problem gambling, and refer those identified to problem gambling treatment agencies, and any bar/self-bar procedures for problem gamblers
- (vi) The Board shall agree to participate in any freely available register of barred problem gamblers in the area
- (vii) Meeting application and fee requirements

4. WHERE TAB VENUES MAY BE ESTABLISHED

- (i) TAB venues may be established within the Hastings Central Commercial zone subject to meeting the other conditions of this Policy.
- (ii) TAB venues may be established in a Commercial Service zone, an Industrial zone or in Havelock North Retail Zone as defined in the Hastings District Plan or any subsequent changes, subject to meeting the other conditions of this Policy, and:
 - the area of the contiguous zone is larger than 4 hectares. For this purpose this shall be defined as:
 - the venue being within an allotment, or a cluster of allotments within the Commercial Service or in Havelock North Village Centre Zone and
 - the allotment or cluster of allotments having a minimum combined total area within an appropriate zone or zones of at least 4 hectares must be adjoining (sites separated only by road reserve or similar equivalent for the purposes of this policy are considered to be adjoining), and
- (iii) TAB venues may be established on land in the Rural zone or Plains Production zone as defined in the Hastings District Plan or any subsequent changes, subject to meeting the other conditions of this Policy, and:
 - The venue is a racecourse.

For the avoidance of doubt, due to the maximum of one TAB venue in the District no new TAB venue may be established unless any other existing TAB venue has been disestablished.

5. APPLICATIONS FOR TAB VENUE CONSENT

Applications for territorial authority consent must be made on the approved form and must provide:

- (i) name and contact details for the application, including the society name, the venue trading name(s), any other name(s) related to the venue, and the venue operator's name(s)
- (ii) street address of premises proposed for the TAB venue
- (iii) a specific legal description with deposited plan where required clearly identifying the area where the venue is proposed to be located;
- (iv) the names of management staff;
- (v) evidence of police approval for owners and managers of the venue;
- (vi) if not in the Central Commercial zone, evidence of the distance to the nearest residential zone, and to the nearest school, early childhood centre, kindergarten, place of worship or other community facility, and to other gambling venues;
- (vii) the Board must show that the possibility of people under the age of 18 years gaining access to the venue is minimal.
- (viii) other relevant information requested by the territorial authority, or that the applicant wishes to provide.

6. APPLICATION FEES

- (i) To be considered, a deposit in accordance with the Council's schedule for fees and charges must accompany the application.
- (ii) Actual and reasonable costs of processing the application, including but not limited to any notification, consultation, administration costs, and/or inspection, may be charged to the applicant.
- (iii) The deposit will be utilised to pay for costs and fees associated with the application, and any further costs or disbursements will be charged to the applicant in the event the deposit is exhausted. Any unused portion of the deposit will be refunded.
- (iv) All fees and costs must be paid in full prior to a consent being issued.

Hastings District Council TAB Venue Policy

Prepared by:	Environmental Policy Planning & Regulatory Services
Adopted by:	Hastings District Council
Dated:	8 December 2020
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DEFINITIONS

Adjoining: allotments sharing one or more common boundaries or separated only by a road reserve or similar equivalent

Allotment:

- 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:-
 - 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:-
 - 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.

Bounded by: sharing all or part of a property boundary

Hastings Central Commercial Zone: as defined in the Hastings District Plan and subsequent changes (see map, Appendix One)

Class 4 Gambling venue (Venue): A place located on one or more contiguous allotments at which gaming machines (also known as pokies) are located, or for the purposes of application at which it is proposed that gaming machines be located.

Educational Facility: means land and/or buildings used to provide regular instruction or training in accordance with a systematic curriculum by suitably qualified instructors, and includes schools, technical institutes, teachers colleges and universities, kura kaupapa (primary school), and kura maori (secondary school) and their ancillary administrative, cultural, health, retail and communal facilities.

Key persons: as defined in the Gambling Act 2003

Place: includes –

- a) a building, structure or tent whether fully or partly constructed; and
- b) a room in a building or structure; and
- c) a court or a mall; and
- d) land; and
- e) a vehicle, vessel, or aircraft; and
- f) a caravan or a trailer or other conveyance

Places of Assembly: means land and/or buildings used for the public and/or private assembly of people, primarily for worship, education, recreational, social, ceremonial, cultural, and spiritual activities for meditation, and functions of a community character. May include a church, church hall, church yard, and marae. Any charges for entry into or use of the facility may only be made by groups or organisations operating on a non-profit making basis.

Premises: Building in which a venue is located.

School / Licensed early childhood centre: As defined in sections 2 and 308 of the Education Act 1989 respectively

TAB venues (Venue): means premises that are owned or leased by the New Zealand Racing Board and where the main business carried on at the premises is providing racing betting or sports betting services under the Racing Act 2003 (the Act), including racecourses. It is noted that the Act specifies that this policy does not apply to TAB facilities that are part of another venue.

Zone: An area of the city, defined as a zone in the Hastings District Plan or any subsequent changes.