



Statement of Proposal for the Manawatū District Council's Gambling Venues Policy

August 2024



Purpose

The purpose of this Statement of Proposal is to inform the Manawatū District community of the proposed changes to the Manawatū District Council's Gambling Venues Policy, to enable public participation and democratic decision-making.

Background

All Councils are required by the Gambling Act 2003 and the Racing Industry Act 2020 to have a policy relating to Class 4 gambling venues and TAB New Zealand (formerly the New Zealand Racing Board) venues in their District. The Manawatū District Council (Council) has a single policy (the "Gambling Venues Policy") that covers both. This Policy gives councils the ability to limit the number of gaming machines and New Zealand Racing Board venues, having regard to the social impact of gambling in the District.

Class 4 gambling covers gaming machines ("pokies") in venues that are not casinos. TAB venues are defined by the Racing Industries Act 2020 as "premises owned or leased by the TAB NZ and where the main business carried on at the premises is providing racing betting, sports betting, or other racing or sport betting services under this Act."

Council's Gambling Venues Policy sets out the restrictions that apply to gaming machines and TABs in the Manawatū District. These restrictions include proximity of gambling venues to sensitive activities and limits to the number of gaming machines that are permitted in each venue. The Policy identifies those instances when a consent is required, and outlines the information that must be submitted with an application.

The first Gambling Venues Policy was adopted by Council on 1 April 2004. Council is required by law to review its Gambling Venues Policy every three years. The last policy was adopted on 2 September 2021, so is now due for review.

This Statement of Proposal has been prepared in accordance with the requirements of Sections 83 and 87 of the Local Government Act 2002. It includes:

- The draft policy
- An outline of the reasonably practicable options, and an analysis of their advantages and disadvantages, and;
- A description of the consultation and submission process.

Only minor updates are proposed to the policy, as described in Table 1 below. Council wants to know if the policy reflects the current views of the Manawatū Community, or if we should make further changes to make it more effective.

The draft policy has been informed by a Social Impact Assessment on Class 4 Gambling. This Social Impact Assessment is available on Council's website ([link:](#)). Hard copies are available on request.



Key Findings of the Social Impact Assessment

The following paragraphs summarise the key findings of the Social Impact Assessment. This is a supporting document for this Policy review and is available on Council's "Make Your Mark on Manawatū" website, and is available in hard copy on request.

Currently there are five Class 4 Gambling venues operating a total of 90 gaming machines. Four of these venues are located in Feilding, and one in Rongotea. The number of machines increased from 81 to 90 in March 2023.

Existing Class 4 venues in Feilding are within the Feilding CBD. While this area has a high deprivation rating (9) this is considered to be the most appropriate location for Class 4 venues, given their separation from residential areas. The existing Class 4 venue in Rongotea is located in an area of moderate deprivation (4), close to the commercial centre.

There are no stand-alone TAB venues in the Manawatū District, only outlets that are associated with existing hotels and taverns. Two of these

outlets are located in Feilding and one in Rongotea. All TAB outlets are within venues that also have gaming machines.

Gaming machine proceeds for the Manawatū District sits at \$44 per capita, below the national rate of \$58 per capita (March 2024).

While the majority of gamblers are recreational gamblers, a small proportion of the population are classified as "problem gamblers". The Gambling Act 2003 defines a problem gambler as a person whose gambling causes harm or may cause harm. The number of problem gamblers in the Manawatū District peaked in 2020 with 188 new clients, reducing down to a total of 61 clients for the year ending June 2023.

The spike in new problem gambling clients in 2019 and 2020 has been attributed to counsellors based in Palmerston North from 2018 onwards that held events and visited Feilding during this period (pers. Comm. Problem Gambling Foundation 20/06/2024).

Societies that operate gaming machines in the Manawatū District awarded a total of \$2,309,760 in grants to a range of community groups, services, charities, and sporting groups in the Manawatū District in 2023.



Summary of the Current Policy

Adopted 2 September 2021

Objectives

The Gambling Venue Policy has the following objectives:

1. To provide the Manawatū District Council and the community with influence over the location and operation of Class 4 gambling venues and TAB venues within the Manawatū District.
2. To provide opportunities for people to participate in machine gambling and betting on galloping, harness and greyhound races and other sporting events within the Manawatū District.
3. To ensure that the local community may continue to access funding from the proceeds of Class 4 gaming in the District.
4. To have regard to the social impact of gambling within the Manawatū District, including the cumulative effects of additional opportunities for gambling.
5. To minimise harm from gambling, including problem gambling.

Controls over Gambling Venues

The location of gambling venues is controlled in two ways - by District Plan zoning and through a separation distance rule

- Class 4 venues are permitted to locate within the Inner and Outer Business Zones within the Feilding CBD, in the Manfield Park Zone or within Entertainment Facilities on sites zoned Village with identified frontage under the Manawatū District Plan.
- The Policy and District Plan do not allow Class 4 venues to establish within Residential Zones.
- No Class 4 gambling venues may be established closer than 100 metres to the entrance of any school, early childhood centre, after school care facility, kindergarten, place of worship or other community facility.

In addition, the Policy requires that the primary purpose of any class 4 venue be for:

- The sale of liquor or the sale of liquor and food;
- A Chartered Club or Returned Services Association;
- Sporting activities; or
- The operation of the TAB

And not activities associated with family or children's activities.

Number of Gaming Machines

- The Policy limits the number of consenting gaming machines that may operate in the Manawatū District at 90. Note - as there are currently 90 gaming machines consented, no new gambling venues may establish unless one of the current gaming venues closes.
- All gambling venues in the Manawatū are currently operating with the maximum number of gaming machines under the policy, being 18 machines per venue.
- Any new venue can operate a maximum of 9 gaming machines.
- Clubs that merge would be allowed to increase the number of machines operated at a venue in accordance with section 95 of the Gambling Act 2003.
- Where an existing class 4 venue is ceasing to operate, Council may, at its discretion, allow the transfer of existing venue conditions to another location that meets the criteria of the Policy.

Applications

- All applicants must complete the required application form.
- Application fees are set by Council and reviewed from time to time with the intention of recovering full costs from the applicant and to assist Council in meeting its obligations under the Gambling Act 2003 and the Racing Industry Act 2020.

Options Considered

Council has considered the following options in relation to the number of gaming machines that may operate in the Manawatū District:

1. Retaining the status quo
 - a cap at 90 gaming machines
2. Increase the current cap
3. Change to a sinking lid policy.

Attachment 2 summarises the effects of these different options.

Council's preferred option for the draft Policy is Option 1, being the status quo, for the following reasons:

1. Existing societies operating gaming machines are able to operate as they do currently.
2. As there is no increase to the total number of gaming machines operating in the District, there is not expected to be any increase in adverse social impacts, including for problem gamblers.
3. Gambling venues provide entertainment and contribute to the vibrancy of town centres.
4. No change to the amount of grant funding available to those charities, community groups and sporting groups that rely on this funding.

Key Changes proposed to the 2021 version of the Policy

No significant changes are proposed to the 2021 version of the Policy as Council considers that the current policy is fit for purpose. The minor changes are summarised as follows:

1. Reformatting of the Policy, including changes to clause numbers, for consistency with Council's current formatting styles.
2. Replacing references to ensure that the dates within the policy reflect the most recent version and new clause numbering.
3. Insertion of place holders for the date that this new policy takes effect, and when the next review is due.
4. Changes to explanatory notes within Clause 4.1 for consistency with Council's current District Plan Review schedule, and to reference all upcoming plan changes that might impact on the Policy.
5. Changes to Officer references within the Policy (refer to Clause 5.5 and Footnote 7 in Attachment 1) for consistency with revised team roles and responsibilities.

Consultation Timeline

In making, amending, or revoking the policy, Council must use the Special Consultative Procedure set out in section 83 of the LGA 2002. Council has prepared and adopted the draft Policy for public consultation. Any person can make a submission on the draft Policy.

Please indicate whether you would like to speak to your submission and include your contact details. People who wish to be heard by Council will be given the opportunity to do so.

| Proposed Time-line | |
|--------------------------------|---------------------------------------|
| 22 August to 23 September 2024 | Open for submissions |
| 17 October | Hearing for those who wish to speak |
| 7 November | Deliberations on submissions received |
| 21 November | Final decisions on the policy |

Submissions can be made through the following channels:



Online

Complete the online submission form at:
INSERT LINK



Email us

Send your submission to:
submissions@mdc.govt.nz



In person

Drop your written submission into the Council office or the Manawatū Community Hub Library in Feilding.



Post

To: 'Gambling Venues Policy Review', Manawatū District Council, Private Bag 10001, Feilding 4743

Attachments

- Attachment 1 - Gambling Venues Policy
- Attachment 2 - Options considered by Council
- Attachment 3 - Submission form

Supporting Documents

- Assessment of the Social Impact of Gambling - 2024



Manawatū District Council's **Draft Gambling Venues Policy**

August 2024





Gambling Venues Policy

| | |
|-----------------------------------|------------------------------|
| Adopted: | xxxx |
| Date last reviewed / Reconfirmed: | 2 September 2021 |
| Next review due: | Xxxx (3 years from adoption) |
| Policy type: | Governance |
| Reviewer | GM People and Corporate |
| Policy version | Pxxx |

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1 Introduction

- 1.1 This Policy is prepared under Section 101 of the Gambling Act 2003 and Section 96 of the Racing Industry Act 2020. This legislation requires all territorial authorities to adopt policies on Class 4 gambling venues (gaming machine sites) and TAB venues, and to review those policies at least every three years. The Manawātū District Council's Gambling Policy was originally adopted by Council on 1 April 2004. This Policy replaces the Gambling Venue Policy that was made operative on 2 September 2021 and will take effect from xxx 2024.
- 1.2 The Gambling Act and Racing Industry Act give Councils the ability to limit the number of venues and gaming machines, having regard to the social impact of gambling in the District. In relation to a Class 4 gambling venue, a corporate society is required to apply to the Manawātū District Council for consent in the following circumstances:
- To increase the number of gaming machines that may be operated at a Class 4 venue
 - To establish a new Class 4 venue where a licence has not been held by any corporate society for the venue within the last 6 months; or
 - To change the venue to which a Class 4 venue licence currently applies.
- 1.3 Council consent is part of the licensing requirements of the Department of Internal Affairs.
- 1.4 In accordance with s93 of the Racing Industry Act 2020, a consent is required from the Manawātū District Council (Council) if TAB NZ (TAB) proposes to establish a TAB venue within the Manawātū District.

2 Purpose of these Acts

The Gambling Act 2003

- 2.1 The Gambling Act has eight purposes, with Councils being given the ability by Parliament to assist in achieving four of these, namely:
- Controlling the growth of gambling
 - Preventing and minimising harm from gambling, including problem gambling
 - Facilitating responsible gambling
 - Facilitating community involvement in decisions about the provision of gambling.

The Racing Industry Act 2020

- 2.2 The purposes of the Racing Industry Act 2020 are to –
- (a) Reform the law relating to New Zealand racing in order to –
- (i) Provide effective governance arrangements for the racing industry; and
 - (ii) Promote the long-term viability of New Zealand racing; and

- (iii) Facilitate betting on galloping, harness, and greyhound races, and other sporting events; and
 - (iv) Ensure that the value of racing property is retained in the industry and is used for maximum industry benefit; and
- (b) Prevent and minimise harm from gambling conducted under this Act, including harm associated with problem gambling.

3 Objectives of this Policy

3.1 This Gambling Venue Policy has the following objectives:

1. To provide the Manawatū District Council and the community with influence over the location and operation of Class 4 gambling venues and TAB venues within the Manawatū District.
2. To provide opportunities for people to participate in machine gambling and betting on galloping, harness and greyhound races and other sporting events within the Manawatū District.
3. To ensure that the local community may continue to access funding from the proceeds of Class 4 gaming in the District.
4. To have regard to the social impact of gambling within the Manawatū District, including the cumulative effects¹ of additional opportunities for gambling.
5. To minimise harm from gambling, including problem gambling.

4 Class 4 Gambling Venues

General

4.1 An applicant for Council consent under this policy must:

- a) Meet the application requirements specified in this policy;
- b) Meet the fee requirements specified in this policy; and
- c) Meet the requirements of Clauses 4.12 and 4.13 below.

Permitted Locations

Note: *It is acknowledged that the Manawatū District Plan is being reviewed sectionally (by Zone Chapter). It is noted that the Inner Business, Business, Rural, Village Zones and the Recreation Zone will be subject to a future Schedule 1 process under the Resource Management Act 1991. Consequently, the existing Zone provisions referred to in clauses 4.4 and 4.5 below may be updated, modified or deleted.*

¹ Section 96(4)(a) of the Racing industry Act 2020 and Section 101(4)(d) of the Gambling Act 2003 require Territorial Authorities to have regard to the cumulative effects of additional opportunities for gambling in the District.

Prior to Plan Change 46 (PC46), the District Plan did not specifically provide for Class 4 gambling venues in the Village Zones but such facilities were generally provided as part of a “tavern,” “place of assembly” or “restaurant.” The definition of “place of assembly”² was replaced by “Community Facilities” and the definition of “Restaurant”³ was replaced by “Entertainment Facilities” through PC46.

The District Plan definition of “Entertainment Facilities” includes “casino and electronic gaming facilities.” However, the operative rules in the older Business Zone provisions and the Village Zone have not yet been amended to reference these new definitions that were introduced through PC46. The older Business Zone and Village Zone Rules will be reviewed through future plan changes.

The definition of ‘Entertainment Facility’ may also be reviewed as part of a review of Inner Business Zone provisions of the District Plan (scheduled for 2024/2025).

- 4.2 No Class 4 gambling venue may be established closer than 100 metres to the entrance to any school, early childhood centre, after school care facility, kindergarten, place of worship or other community facility.⁴
- 4.3 Class 4 gambling venues may be established within the Inner and Outer Business Zones within the Feilding CBD and in the Manfeild Park Zone, as defined in the Manawatū District Plan, subject to meeting the general conditions of this policy, and the requirements of Clauses 4.12 and 4.13 below.
- 4.4 Class 4 gambling venues are permitted to establish as ancillary activities within venues that primarily function as Entertainment Facilities on sites zoned Village with identified frontage under the Manawatū District Plan⁵, subject to:
- a) Compliance with standards for permitted and controlled activities in the District Plan; and
 - b) Meeting the general conditions of this policy; and
 - c) the requirements of Clauses 4.12 and 4.13 below.
- 4.5 Class 4 gambling venues may be established in sports clubrooms on sites zoned Recreation under the Manawatū District Plan, subject to:
- a) Obtaining a Discretionary Resource Consent; and
 - b) Meeting the general conditions of this policy; and
 - c) the requirements of Clauses 4.12 and 4.13 below.
- 4.6 Class 4 gambling venues may not be established in any zone other than as specified above.
- 4.7 No gaming machines shall be sited so that they are wholly or partly visible from the street or footpath outside the premises.

² The District Plan definitions of “Place of Assembly” included “land and/or buildings which are used by people to assemble for ...entertainment...and includes any such premises which are licensed under the Sale of Liquor Act.”

³ The definition of “restaurant” included “restaurant premises with an on licence under the Sale of Liquor Act.”

⁴ The 100 metre distance is measured from the edge of the building that houses the Class 4 venue in a straight line in all directions. This clause does not apply to Class 4 Venues located in the Feilding CBD.

⁵ Refer to the list of Permitted Activities in operative Rule B2 2.1.1 B as at the time this policy was drafted.

Relocation Clause

- 4.8 Where an existing Class 4 gambling venue is ceasing to operate, the Council may, at its own discretion, allow the transfer of existing venue conditions to another location that meets the criteria of existing policy.

Applications

- 4.9 Applications for Council consent must be made on the approved form and must provide:
- a) Name and contact details of the corporate society applying for the new or amended Class 4 venue licences;
 - b) Street address of premises proposed for the licence;
 - c) Proposed trading name (if any) and ownership details for the premises;
 - d) Number of gambling machines to be installed;
 - e) Details on the frequency of distribution of gaming funds to the community;
 - f) Whether the premises is within 100 metres of the entrance way to any school, early childhood centre, kindergarten, after school care facility, place of worship or other community facility;
 - g) Proximity of the premises to other licenced Class 4 venues;
 - h) Evidence that the premises are authorised under the Sale and Supply of Alcohol Act 2012 for the sale of alcohol for consumption on the premises;
 - i) A site plan covering both gambling and other activities proposed for the venue, including details of each floor of the venue;
 - j) Evidence of police approval for owners and managers of the venue; and
 - k) Evidence of the primary purpose of the venue.

Numbers of Gaming Machines Allowed

- 4.10 Subject to the restriction on number of machines in clause 4.11 below:
- a) New venues shall be allowed a maximum of 9 gaming machines;
 - b) Existing venues with licences issued prior to 17 October 2001 shall be allowed to increase the number of machines operated at the venue to a maximum of 18.
 - c) Existing venues, with licences issued after 17 October 2001 and operating fewer than 9 gaming machines, shall be allowed to increase the number of machines operated at the venue to 9.
 - d) Clubs that obtained a venue licence after 17 October 2001 may apply under section 96 of the Act to operate up to 18 machines.
 - e) Clubs that merge shall be allowed to increase the number of machines operated at a venue in accordance with section 95 of the Gambling Act 2003.
- 4.11 No new consents will be granted where granting of the consent would result in the total number of machines with consent to operate in the district exceeding 90.

Primary Activity of Class 4 Gambling Venues

- 4.12 The primary activity of any Class 4 gambling venue shall be:
- a) For the sale of liquor or the sale of liquor and food;
 - b) For a Chartered Club or Returned Services Association,
 - c) For sporting activities, or
 - d) For the operation of the TAB.

- 4.13 The primary activity of any Class 4 gambling venue shall not be one which is associated with family or children's activities.

Notification of Changes

- 4.14 The consent holder shall notify the Manawatū District Council of any changes in the Society or Trust who operate the machines at the Class 4 venue.

Decisions by the Manawatū District Council

- 4.15 Decisions must be issued within 30 working days of receipt of the application and shall specify the number of machines permitted and their location.

Application Fees

- 4.16 Application fees will be set by the Manawatū District Council from time to time, pursuant to Section 150 of the Local Government Act 2002, and shall include consideration of:
- a) The cost of processing the application, including any consultation involved;
 - b) The cost of monitoring provision of information;
 - c) The cost of an initial review after one year of any new class 4 gambling venue and thereafter triennially.

5 TAB Venues

- 5.1 New TAB venues may be established in the Manawatū District within the Inner or Outer Business Zones (Feilding CBD) or the Manfeild Park Zone subject to being no closer than 100 metres to the entrance to any school, early childhood centre, after school care facility, kindergarten, place of worship or other community facility.⁶
- 5.2 The number of gaming machines at any such venue is subject to Clauses 4.10 and 4.11 above.

Application Requirements

- 5.3 Applications for Manawatū District Council consent must be made on the approved form and must provide:
- a) Name and contact details of the applicant
 - b) Street address of premises proposed for the Board venue;
 - c) Proposed trading name and ownership details for the premises;
 - d) Evidence that the premises are authorised under the Sale and Supply of Alcohol Act 2012 for the sale of alcohol for consumption on the premises, or be a NZ Racing Board venue;
 - e) A site plan covering both gambling and other activities proposed for the venue, including details of each floor of the venue;
 - f) Evidence of police approval for owners and managers of the venue;
 - g) Evidence of the primary purpose of the venue; and
 - h) A declaration that the purpose of the premises is not to provide family or children's activities.

⁶ The 100 metre distance is measured from the edge of the building that houses the Board venue in a straight line in all directions.

Decisions by the Manawatū District Council

- 5.4 Must be issued within 30 working days of receipt of the application to both the Board and the Secretary of Internal Affairs. Applications will be dealt with, and decisions made, by the Authorised Council Officer⁷.
- 5.5 The applicant may appeal a decision made under this policy. Appeals will be considered by the Chief Executive in consultation with the General Manager – Community.

Application Fees

- 5.6 Application fees will be set by the Manawatū District Council from time to time, pursuant to Section 150 of the Local Government Act 2002, and shall include consideration of:
- a) The cost of processing the application, including any consultation involved;
 - b) The cost of monitoring provision of information;
 - c) The cost of an initial review after one year of any new Board venue and thereafter triennially.

⁷ The Authorised Council Officer shall be the Compliance and Planning Manager or other authorised officer.

Attachment 2 - Options considered by Council

| Option | Positive Effects | Neutral Effects and Safeguards | Negative Effects |
|--|---|--|--|
| Retaining Status Quo – Cap at 90 gaming machines | <p>No reduction on the amount of money currently available to charities and community groups in the District.</p> <p>Societies that own the gaming machines are able to continue to operate as they do currently.</p> | <p>Number of venues is unchanged.</p> <p>At the cap now.</p> <p>No ability for new venues to establish or for existing venues to increase their numbers.</p> | <p>Continuing to have 90 gaming machines in the district operating could have adverse social impacts.</p> |
| Increase the current cap | <p>Opportunity for new venues to establish – with economic and entertainment benefits</p> <p>Funding for grants may increase.</p> | <p>All existing venues are already at their gaming machine maximum</p> <p>The District Plan and Policy control where new venues can locate.</p> | <p>Negative social impacts, especially for problem gamblers.</p> |
| Change to a sinking lid policy | <p>If existing venues close or choose to no longer provide gaming machines then the number of machines will reduce in this district, this will reduce access for problem gamblers.</p> | <p>Unless an existing venue closes or chooses to no longer provide gaming machines, there will be no change in the number of machines.</p> | <p>Should gaming machines reduce residents who are not problem gamblers would have reduced access for entertainment. Funding for grants may also be reduced.</p> |



Manawatū District Council

Gambling Venues Policy

Feedback Form

Te Puka whakahoki Kōrero mai

Please provide your feedback by 4pm 23rd September 2024

Submitter Details Please fill in all fields with *

*Full name of submitter: _____

Postal Address: _____

_____ Postcode: _____

*Phone (day): _____ Mobile: _____

*Email: _____

*Is your feedback on behalf of an organisation? Yes No

(If yes, this confirms you have the authority to submit on the organisations' behalf)

*Name of Organisation: _____

I would like to speak to Council in person about my feedback Yes No

I would like to present in my own language, which is: _____

If you would like to present in NZ Sign Language, please let us know so that we can make translation arrangements with you.

Privacy Statement: All submissions are treated as public information and are included in papers available to the public and media, and on our website.

You may request that your name and contact details be withheld from general publication by ticking this box. Please note that if you wish to speak to your submission at the Hearing your name (but not your contact details) will be published within the Council Agenda.

Which of the three options do you support?

The effects of each option are outlined in the table in Attachment 2.

Option A

Retaining Status Quo – Cap at 90 gaming machines

Council's preferred option

Option B

Increase the current cap

Option C

Change to a sinking lid policy

