



**PROPOSED QUEENSTOWN LAKES DISTRICT  
CLASS 4 AND TAB GAMBLING VENUE POLICY**

**STATEMENT OF PROPOSAL**

## INTRODUCTION

- 1 Section 101 of the Gambling Act 2003 requires Territorial Authorities to adopt a Class 4 and TAB Gambling venue policy.

The policy

- a. Must specify whether or not Class 4 venues may be established in the district and, if so, where they may be located; and
- b. May specify and restrictions on the maximum number of gaming machines that may be operated at a class 4 venue; and
- c. May include a relocation policy.

In determining its policy the Council may have regard to any relevant matters, including:

- a. The characteristics of the district and parts of the district;
- b. The location of kindergartens early childhood centres, schools, places of worship, and other community facilities;
- c. The number of gaming machines that should be permitted to operate at any venue or class of venue;
- d. The cumulative effects of additional opportunities for gambling in the district;
- e. How close any venue should be permitted to be to any other venue;
- f. What the primary activity at any venue should be;
- g. An existing class 4 venue may relocate within the same district

- 2 The objectives of the policy are in place to:

- a) Ensure the Council and the community has influence over the provision of new gambling venues in the district;
- b) To control and manage the growth of gambling in the district;
- c) To allow those who wish to participate in electronic gaming machine and totalisator(TAB) gambling to do so within the district;
- d) To prevent and minimise the harm caused by gambling;
- e) To create an information flow so that the ongoing effects of gambling in the district may be assessed.

## **PROPOSAL**

- 3 The Council has undertaken a statutory review of the current policy, and has determined that the current policy should be revoked, and replaced with the proposed Queenstown Lakes District Council Class 4 and TAB gambling venue policy.
- 4 The proposed policy is intended to provide an element of protection to our expanding residential areas.
- 5 The proposed policy will continue the requirement under the current policy that Class 4 & TAB gambling venues may be established in the district subject to meeting the following criteria:
  - a. A full application is submitted and fees paid;
  - b. Proposed and existing venues are not located within 50metres of or adjacent to any school, early childhood centre, kindergarten, place of worship or other community facility. The applicant will be required to demonstrate that the proposed venue will not adversely impact on such institutions;
  - c. Not being located so as to provide for a concentration of gambling venues;
  - d. Not being a venue at which the primary activity is associated with family or children's activities;
  - e. The electronic gaming machines being located within the venue must not be visible from the street, or visible to underage patrons at the venue; and
  - f. No signage regarding either the provision of gaming machines or any prizes or jackpots available from gaming machines may be visible from any street or public place.
- 6 This Statement of Proposal has been prepared in accordance with the requirements of sections 83 and 86 of the LGA, and includes:

The reason for the proposal;

- a. Consideration of whether a bylaw is the most appropriate way to address the perceived problem;
- b. Consideration of any implications under the New Zealand Bill of Rights Act 1990;
- c. Consideration of whether the proposed policy is the most appropriate form of bylaw;
- d. A statement that the current policy is to be revoked; and
- e. A draft of the proposed policy.

## **REASON FOR PROPOSAL**

- 7 Council has reviewed the current policy, including a review of other territorial authority's policies and consider the proposed policy is the most appropriate means of protecting the public by:
  - a. Controlling the growth of gambling;
  - b. Preventing and minimising harm from gambling, including problem gambling;
  - c. Authorising some gambling and prohibit the rest;
  - d. Facilitating responsible gambling;
  - e. Limiting opportunities for crime or dishonesty associated with gambling and the conduct of gambling;
  - f. Ensuring that money from gambling benefits the community; and
  - g. Facilitating community involvement in decisions about the provision of gambling.

## **CONSIDERATION BY COUNCIL UNDER SECTION 101 of the Gambling Act 2003**

A residential condition will allow the council to restrict machines to the CBD areas which will

- a. Ensure the Council and the community has influence over the provision of new gambling venues in the district;
- b. To control and manage the growth of gambling in the district;
- c. To allow those who wish to participate in electronic gaming machine and totalisator (TAB) gambling to do so within the district;
- d. To prevent and minimise the harm caused by gambling;
- e. To create an information flow so that the ongoing effects of gambling in the district may be assessed.

### **IS THE PROPOSED POLICY THE MOST APPROPRIATE POLICY?**

- 8 The Council has considered the most appropriate way of addressing the issues described in the problem definition section above, the options available, and determined that the proposed policy is the most appropriate means for addressing the issues.
- 9 In considering whether the policy is the most appropriate, Council has considered the following options:
  - a. Option 1 – Proposed new venues must not be established in any **residential zone**
  - b. Option 2 – Status Quo

#### **Option 1 – Adopt the proposed policy as recommended by the community and services committee**

- 10 The advantage of this option is any proposed new venue must not be established in any residential zone
- 11 The residential condition will not affect any existing premises.

#### **12 Option 2 – Status Quo**

- 13 This option will continue to minimise adverse effects of gambling on the community
- 14 The policy does not protect residential areas from containing gaming premises. The number of machines will not reduce in our district.

## **ARE THERE ANY IMPLICATIONS UNDER THE NEW ZEALAND BILL OF RIGHTS ACT 1990?**

- 15 The proposed policy is consistent with the New Zealand Bill of Rights Act 1990 (NZBORA).

## **TIMETABLE FOR CONSULTATION**

16 The following dates represent the key times in the consultation programme:

- a. Council resolves to undertake public consultation regarding the proposed bylaw – 25<sup>th</sup> May 2017
- b. Advertisement in Otago Daily Times, Southland Times, Mirror and Wanaka Sun – between 27<sup>th</sup> May and 2<sup>nd</sup> June 2017.
- c. Submissions close on 30<sup>th</sup> June 2017.
- d. Submissions heard by a subcommittee of Councillors between **Monday 10<sup>th</sup> July and Friday 14<sup>th</sup> July 2017**.
- e. Council considers outcome of consultation process. Adoption of Queenstown Lakes District class 4 and TAB gambling venue policy – 28<sup>th</sup> July 2017
- f. Public notice of final decision (if Council resolves to adopt the policy) – 30<sup>th</sup> July 2017

17 The policy comes into effect subject to the above.

## **INSPECTION OF DOCUMENTS AND OBTAINING COPIES**

18 Copies of this Statement of Proposal and the proposed policy may be inspected, and a copy obtained, at no cost, from:

- a. either of the Council offices at 10 Gorge Road, Queenstown or the Wanaka Service Centre, 47 Ardmore Street, Wanaka;
- b. any Council library within the Queenstown Lakes District; or
- c. the Council website – [www.qldc.govt.nz](http://www.qldc.govt.nz)

## **RIGHT TO MAKE A SUBMISSION AND BE HEARD**

19 Any person or organisation has a right to be heard in regard to this proposal and the Council encourages everyone with an interest to do so.

20 The Council would prefer that all parties intending to make a submission:

- a. go to the Queenstown Lakes District Council Website: [www.qldc.govt.nz](http://www.qldc.govt.nz) or
- b. post their submission to: Regulatory Department, Queenstown Lakes District Council, Private Bag 50072, Queenstown 9348.

21 Submissions must be received by **Friday 30<sup>th</sup> June 2017**. The Council will then convene a hearing, which it intends to hold between **Monday 10<sup>th</sup> July and Friday 14<sup>th</sup> July 2017** at which any party who wishes to do so can present their submission in person. The Council will give equal consideration to written and oral submissions.

- 22 The Council will permit parties to make oral submissions (without prior written material) or to make a late submission, only where it considers that special circumstances apply.
- 23 Every submission made to the Council will be acknowledged in accordance with the LGA 2002, will be copied and made available to the public, and every submission will be heard in a meeting that is open to the public.
- 24 Section 82 of the LGA 2002 sets out the obligations of the Council in regard to consultation and the Council will take all steps necessary to meet the spirit and intent of the law.

#### **MAKING AN EFFECTIVE SUBMISSION**

- 25 Written submissions can take any form (e.g. Email, letter). An effective submission references the clause(s) of the draft policy you wish to submit on, states why the clause is supported or not supported and states what change to the clause is sought.
- 26 Submissions on matters outside the scope of the policy cannot be considered by the Hearings Panel.

Mike Theelen  
CHIEF EXECUTIVE

#### **APPENDIX 1 – Proposed Class 4 and TAB gambling venue policy**