

Exemptions and Objections Committee Agenda

Date: Tuesday, 16 October, 2018

Time: 1:00 pm

Location: Council Chamber
Forum North, Rust Avenue
Whangarei

Elected Members: Cr Greg Innes (Chairperson)
Her Worship the Mayor Sheryl Mai
Cr Shelley Deeming
Cr Sue Glen

For any queries regarding this meeting please contact
the Whangarei District Council on (09) 430-4200.

1. Declarations of Interest	
2. Apologies	
3. Confirmation of Minutes of Previous Exemptions and Objections Committee Meeting	
3.1 Minutes Exemptions and Objections Committee 1 August 2017	3
4. Decision Reports	
4.1 Submission Hearing - Relocation of Gaming Machines by RSA	5
5. Closure of Meeting	

Exemptions and Objections Committee – Terms of Reference

Parent Committee: **Planning and Development Committee**

Membership

Chairperson: Councillor Greg Innes

Members: Her Worship the Mayor Sheryl Mai
Councillors Shelley Deeming, Sue Glen

Meetings: As required.
The relevant legislative requirements shall be taken into consideration when setting meeting dates.

Quorum: **2**

Purpose

To hear and determine objections, appeals and applications in respect of the regulatory functions and responsibilities of Council.

Delegations

- Hear and decide s357 objections under the Resource Management Act where staff recommend decline.
- Determine and grant of Territorial Authority consents under S100 of the Gambling Act 2003 (as it relates to Class 4 Gambling Venues) and s65C of the Racing Act 2003 (as it relates to Board Venues).
- Determine applications for exemptions under the Fencing of Swimming Pools Act 1987.
- Consider objections relating to the classification of any dog as a dangerous dog under the Dog Control Act 1996.
- Power to consider an objection to classification as a menacing dog under s33A and s33C of the Dog Control Act 1996.
- Power to consider and determine an objection to any notice issued requiring abatement of a barking dog nuisance under s55 of the Dog Control Act 1996.
- Hear and determine appeals in respect of an invoice under Council's Development Contribution Policy (no ability to waiver).
- Hear and determine objections in respect to s120 of the Reserves Act 1977.
- Hear and determine statutory appeals or objections in respect to any matter where no specific delegation applies.

Item 3.1**Exemptions and Objections Committee Meeting Minutes**

Date: Tuesday, 1 August, 2017
Time: 9:30 a.m.
Location: Council Chamber
Forum North, Rust Avenue
Whangarei

In Attendance Cr Greg Innes (Chairperson)
Her Worship the Mayor Sheryl Mai
Cr Shelley Deeming
Cr Sue Glen

Also present: Cr Vince Cocurullo
Marguerite Hugo and Scott J

In attendance:

General Manager Planning and Development (Alison Geddes), Manager RMA Consents (Murray McDonald), RMA Planning Specialist (Lisa Doran) and Senior Democracy Adviser (Carolyne Brindle)

1. Declarations of Interest**2. Apology**
No apologies**3. Decision Reports****3.1 Objection to Resource Consents Costs**

Moved By Cr Greg Innes
Seconded By Cr Shelley Deeming

That pursuant to section 37A of the Resource Management Act 1991 the timeframes for accepting an objection to costs is extended beyond the 15 working days to allow the consideration of the objection.

Carried

The Chairman adjourned the meeting to enable the committee to deliberate in public excluded.

Following deliberations the committee resolved:

Moved By Cr Greg Innes

Seconded By Cr Shelley Deeming

That pursuant to section 357D of the Resource Management Act 1991, that the objection be dismissed and the total costs invoiced for the land use consent to erect and operate a digital billboard (LU1600020) are payable. The total outstanding amount to be paid is therefore \$1372.75 GST inclusive.

Carried

The Committee's written decision will be issued within 15 working days of the meeting.

4. Closure of Meeting

The meeting concluded at 9.50am.

Confirmed this 16th day of October 2018

Cr Greg Innes (Chairperson)

4.1 Relocation of gaming machines to 12-14 Hannah Street, Whangarei – Submission and determination hearing

Meeting: Exemptions and Objections Committee
Date of meeting: 16 October 2018
Reporting officer: Reiner Mussle (Manager, Health and Bylaws)

1 Purpose

To hear submissions on an application by the Whangarei Returned and Services Association Incorporated to relocate gaming machines to new premises and to consider and determine the application.

2 Recommendations

That the Committee:

- a) Receive the submissions made on the application by the Whangarei Returned and Services Association to relocate gaming machines to new premises and hear from those submitters wishing to be heard.

Following deliberations:

- b) Determines that the application from the Whangarei Returned and Services Association Incorporated to relocate nine gaming machines to 12 – 16 Hannah Street, Whangarei, be **either** granted or declined.

3 Background

On 26 June 2018, Council received an application from True Legal Limited (Jarrod True), as an agent acting on behalf of the Whangarei Returned Services Association Incorporated (Whangarei RSA) to relocate their nine (9) gaming machines from 9 Rust Avenue to 12-16 Hannah Street, Whangarei.

Council's Class 4 Gaming Venue Policy (the Policy) prescribes an application process, which includes a consultation requirement, to relocate class 4 venues.

The application fully complies with the Policy provisions in relation to the proposed location and the proposed reduction in the number of gaming machines from fourteen (14) to nine (9). The application was publicly notified, as required under the Policy. Council invited submissions on the proposal, between 22 August 2018 and 4pm on 20 September 2018.

4 Discussion

At the conclusion of the submission period, Council had received two (2) written submissions, both in support of the application. No submission in opposition to the application was received.

Both written submissions were received from True Legal Limited or Jarrod True on behalf of the applicant. These contain the following detail:

- (a) A submission from the Whangarei RSA providing further arguments why the application should be granted, including signed statements from six (6) nearby property owners in support of the relocation. This submission highlighted the wish of Chris Harold, club president and Jarrod True, club solicitor, “to make a presentation at the upcoming oral hearing” of the application.
- (b) 59 identical individual submission forms, facilitated and submitted as one, by Jarrod True on behalf of the club. All 59 forms are in support of the application, none of the individuals stated that they wished to be heard.

Copies of the submissions received are attached.

5 Next Steps

Councillors will hear the submitters, Jarrod True and Chris Harold on behalf of the applicant, in support of the application and consider the submissions.

Considering that the application fully satisfies the Policy provisions and not having attracted any matters in opposition, staff recommend that the application be granted.

6 Significance and engagement

The decisions or matters of this Agenda do not trigger the significance criteria outlined in Council’s Significance and Engagement Policy, and the public will be informed via the agenda publication on Council’s website

7 Attachments

- 1. Original application
- 2. Report on the application to the Planning and Development Committee meeting dated 16 August 2018
- 3. Council’s Class 4 Gaming Venue Policy

Under separate cover

- 4. Copies of all Submissions and associated documents
(documents can be viewed on council’s website or contact the Democracy Team)



Whangarei RSA's Submission in Support of the Relocation of 9 Gaming Machines

Relocation Supported

The Whangarei Returned and Services Association Inc ("the RSA") supports the proposal to relocate 9 of the existing 14 gaming machines from 9 Rust Ave, Whangarei to 12-16 Hannah Street, Whangarei.

Proposal Complies with the Policy

Council's policy expressly allows relocations. The application has been reviewed by senior council staff who have confirmed that the application meets the policy criteria.

Given that the policy allows for relocations, and the application meets the policy criteria, it is submitted that only in exceptional circumstances should such a relocation be declined. It is important that clubs and other venues that host gaming machines have commercial certainty and be able to make relocation decisions with confidence.

Care must be taken that the public hearing process does not evolve into a general debate about the merits of gaming machines and problem gambling. The current policy was developed after a full public consultation process. The policy allows relocations. Any debate regarding the merits of gaming machines and relocation policies in general should be reserved for the next full review of the gambling venue policy.

Decision Criteria

Clauses 6.5 and 6.9 of the gambling venue policy set out the decision-making criteria. The clauses provide that the Committee shall have regard to the provisions of the Gambling Act 2003, the objectives of the gambling venue policy, the cumulative effects of additional gambling, and the potential impact of the venue on the character of the area. Each point is addressed in turn.

Gambling Act 2003 Provisions

Granting the application meets the purpose and intent of the Gambling Act 2003. The Gambling Act 2003 was expressly amended in September 2013 to encourage and facilitate

the relocation of existing venues. Section 97A of the Gambling Act 2003 now expressly deals with venue relocations.

The purpose of the Gambling Act 2003 is to:

- a. Control the growth of gambling; and
- b. Prevent and minimise harm from gambling, including problem gambling; and
- c. Authorise some gambling and prohibit the rest; and
- d. Facilitate responsible gambling; and
- e. Ensure the integrity and fairness of games; and
- f. Limit opportunities for crime or dishonesty associated with gambling and the conduct of gambling; and
- g. Ensure that money from gambling benefits the community; and
- h. Facilitate community involvement in decisions about the provision of gambling.

“Controlling the growth of gambling” is not a synonym for “reducing gambling”. Controlling the growth means to ensure that any expansion is not excessive. In the current case, no additional venue will be established, and the overall number of machines will reduce (14 machines down to 9 machines).

The harm from gambling will be minimised. The venue is a low turnover venue that has very high harm minimisation measures in place.

The machines will be operated in a club environment. Such an environment is recognised as being safer than the commercial bar environment. The culture that exists at the RSA is one of care and protection of the club’s members. The RSA will limit access to the premises to members and guests of members. This controlled access removes the ability to gamble anonymously. Club members are well known by the club staff. This makes it easier to identify a person who has a potential problem with their gambling and to intervene early.

The RSA has invested considerably in harm minimisation measures, including the ClubCare programme. The ClubCare programme is an industry-leading harm minimisation training package that was developed in conjunction with the Problem Gambling Foundation. The training includes a half-day training course.

The RSA staff attend the ClubCare face-to-face training annually. If a new RSA staff member is unable to immediately attend a half-day training session, the staff member undertakes the ClubCare online harm minimisation training course that has been developed as an intermediate step.

Granting the application will facilitate responsible gambling. The RSA has held a gaming licence for over 20 years without incident. The RSA is a very diligent and conscientious operator.

Granting the application will enable the RSA to continue to provide welfare support to its members and continue to provide a safe and welcoming place for social interaction, especially for the senior members of our community.

The gaming machines currently fund external grants such as the recent \$5,000.00 grant to Tikipunga High School to assist students with their trip to Vietnam; and internal grants such as funding for ANZAC and Amistice commemorations (wreaths, advertising, monument repair etc). Enabling the gaming machines to operate at the new premises will enable this community support to continue.

Policy Objectives

The application meets the objectives of the gambling venue policy. Relocations are expressly permitted in the policy. The objective to control the growth of gambling is met. Granting the application will result in the number of gaming machines in the district reducing by 5. No additional gaming venue will be created (an existing venue will simply relocate a short distance). The objective of minimising harm is met. As set out above, the RSA is a very responsible host. Granting the application accords entirely with the objective of allowing those who choose to use class 4 gaming machines to do so in a safe and well-managed environment.

The Cumulative Effects of Additional Gambling

The current 14-machine site is a mere 655 metres (as the crow flies) from the new site. The relocation will result in the number of gaming machines in the vicinity decreasing by 5. The application is a relocation application, rather than an application to establish an entirely new and additional venue in the district. There will be no adverse cumulative effect by allowing the relocation; quite the opposite.

Potential Impact of the Venue on the Character of the Area

The relocation of 9 gaming machines to 12-16 Hannah Street will not have any negative impact on the character of the area. The site is zoned Business 1 and is surrounded by commercial premises (car rental premises, a car audio store, a photocopy store, car insurance premises, a farming supplies store, car dealerships, and a plumbing supplies store). The site is also located close to the Police Station. The Police are RSA service members. The site is centrally located in the heart of the CDB, a considerable distance from residential areas. The proposed site is ideal from a town planning perspective.

Contact has been made with the occupiers of the neighbouring properties close to the Hannah Street site. None of the occupiers have indicated that the relocation of the RSA (including 9 of its gaming machines) will adversely impact on the character of the area. All the feedback received has been positive. Enclosed are signed statements from the occupiers of the

following properties confirming that the relocation of the RSA (with its gaming machines) will not negatively impact on the character of the local area:

- a. 5-13 Hannah Street (directly opposite the new RSA site);
- b. 19 Hannah Street (directly opposite the new RSA site);
- c. 23-27 Hannan Street;
- d. 31 Hannah Street;
- e. 42 Hannah Street; and
- f. 84 Walton Street.

The machines will not be visible or audible from the street. The machines will be contained within a discreet gaming room inside the premises. Access to the premises is limited to members and guests of members who are accompanied by a member. The RSA members and guests are accustomed to the machines at the club; the RSA has hosted gaming machines at its clubrooms for over 20 years.

There are no sensitive land use sites in close proximity to the new site.

Oral Hearing

The club wishes to make a presentation at the upcoming oral hearing. The presentation will be made by Jarrod True (club solicitor) and Chris Harold (club president).

19 September 2018

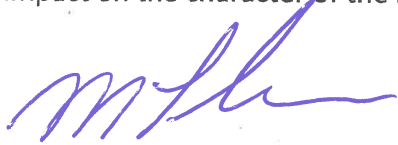
Jarrod True
Solicitor
027 452 7763
Jarrod.True@truelegal.co.nz

Chris Harold
President
027 497 4968
Chris@whangareirsa.co.nz

**Application to Relocate 9 Gaming Machines From 9 Rust Ave,
Whangarei to 12-16 Hannah Street, Whangarei – Whangarei
Returned and Services Association Inc**

I am an occupier of premises close to the new RSA site at 12-16 Hannah Street, Whangarei. I have no objection to the RSA relocating to the new site and bringing with it 9 gaming machines.

I do not consider that the relocation of the RSA (with its gaming machines) will negatively impact on the character of the local area.



Signed

Mark Lawrence CROMIE

Name

5-13 Hannah St

Address of nearby premises

2/Aug/2018

Date

**Application to Relocate 9 Gaming Machines From 9 Rust Ave,
Whangarei to 12-16 Hannah Street, Whangarei – Whangarei
Returned and Services Association Inc**

I am an occupier of premises close to the new RSA site at 12-16 Hannah Street, Whangarei. I have no objection to the RSA relocating to the new site and bringing with it 9 gaming machines.

I do not consider that the relocation of the RSA (with its gaming machines) will negatively impact on the character of the local area.

Bench

Signed

BRIAN BENCH Car Audio

Name

How
2A MEMORIAL DRIVE (19 Hannah St.)

Address of nearby premises

12.9.2008

Date

**Application to Relocate 9 Gaming Machines From 9 Rust Ave,
Whangarei to 12-16 Hannah Street, Whangarei – Whangarei
Returned and Services Association Inc**

I am an occupier of premises close to the new RSA site at 12-16 Hannah Street, Whangarei. I have no objection to the RSA relocating to the new site and bringing with it 9 gaming machines.

I do not consider that the relocation of the RSA (with its gaming machines) will negatively impact on the character of the local area.



Signed

Mark Laurance CROMIE

Name

Avis Budget 23/27 Hannah st

Address of nearby premises

2/8/18

Date

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Whangarei to 12-16 Hannah Street, Whangarei – Whangarei
Returned and Services Association Inc**

I am an occupier of premises close to the new RSA site at 12-16 Hannah Street, Whangarei. I have no objection to the RSA relocating to the new site and bringing with it 9 gaming machines.

I do not consider that the relocation of the RSA (with its gaming machines) will negatively impact on the character of the local area.



Signed

Mark Laurence CROMIE

Name

31 Hannah st Mark CROMIE Holden

Address of nearby premises

2/8/2018

Date

**Application to Relocate 9 Gaming Machines From 9 Rust Ave,
Whangarei to 12-16 Hannah Street, Whangarei – Whangarei
Returned and Services Association Inc**

I am an occupier of premises close to the new RSA site at 12-16 Hannah Street, Whangarei. I have no objection to the RSA relocating to the new site and bringing with it 9 gaming machines.

I do not consider that the relocation of the RSA (with its gaming machines) will negatively impact on the character of the local area.


Signed

Tared Dennis Signs
Name

42 Hannah St
Address of nearby premises

12/09/18
Date

**Application to Relocate 9 Gaming Machines From 9 Rust Ave,
Whangarei to 12-16 Hannah Street, Whangarei – Whangarei
Returned and Services Association Inc**

I am an occupier of premises close to the new RSA site at 12-16 Hannah Street, Whangarei. I have no objection to the RSA relocating to the new site and bringing with it 9 gaming machines.

I do not consider that the relocation of the RSA (with its gaming machines) will negatively impact on the character of the local area.



Signed

Tony Bender

Name

84 WALTON ST.

Address of nearby premises

12 - 9 - 18

Date

BAYLEY REAL ESTATE

5.1 Application by the Whangarei Returned and Services Association Incorporated to relocate gaming machines to new premises

Meeting: Planning and Development Committee
Date of meeting: 16 August 2018
Reporting officer: Reiner Mussle (Manager Health and Bylaws)

1 Purpose

To notify Council that an application has been received from the Whangarei Returned and Services Association Incorporated (RSA) for the relocation of their gaming venue premises from 9 Rust Ave to 12-16 Hannah Street, in accordance with the provisions of Council's Class 4 Gambling Venue Policy 2013.

2 Recommendation

That the Planning and Development Committee notes the report on the application from the Whangarei Returned and Services Association Incorporated to relocate nine gaming machines to new premises.

3 Background

The RSA has operated from their current location at 9 Rust Avenue for many years. This operation includes gaming machines. Due to various circumstances, some of which are outside of its control, the RSA is now relocating to 12-16 Hannah Street. The RSA has advised that the relocation is currently scheduled for January 2019.

Council's Class 4 Gaming Venue Policy (the Policy) provides that a class 4 gaming venue may only be relocated to Business 1 or 2 or 4 Environment, as defined under the Whangarei Operative District Plan. The proposed new RSA site is in a Business 1 Environment and thus complies with this Policy.

The Policy also prescribes an application process, which includes a consultation requirement, to relocate class 4 venues. The RSA has submitted an application in accordance with these provisions.

The Policy delegates the associated hearings, deliberations and decision-making processes to the Exemptions and Objections Committee (EOC).

4 Discussion

This report notifies Council that the application has been received and outlines the prescribed consultation and decision-making processes.

The application will be publicly notified in accordance with the requirements of the Policy.

Written submissions will be invited over a period of not less than 20 working days during September and October. Submitters will be asked whether they wish to speak to their submissions at a hearing.

The EOC meeting to receive written submissions and hear any submitter will be scheduled for early or mid-October. This will be followed by a meeting to deliberate and decide on the application by the end of October 2018.

The Policy clearly prescribes the matters to be considered by the EOC in making their decision and a staff report will be provided on this to support the deliberations discussion.

4.1 Policy and planning implications

The application fully complies with the relevant Class 4 Gaming Venue Policy and as the premises are situated in a Business 1 Environment does not require any planning considerations.

5 Significance and engagement

The decisions or matters of this Agenda do not trigger the significance criteria outlined in Council's Significance and Engagement Policy, as the Class 4 Gaming Venue Policy stipulates how and with whom we need to publicly consult, in addition to this Agenda publication on the website, Council News, Facebook or any other channel you currently use to inform customers.

6 Attachments

1. The RSA relocation application
2. The Whangarei District Council Class 4 Gambling Venue Policy

Whangarei District Council Class 4 Gambling Venue Policy

April 2013

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Introduction

The Gambling Act 2003 overhauled legislation relating to gambling. A key change for local authorities was a requirement that they must establish a Class 4 Gambling venue Policy adopted by special consultative procedure. Council is required to review this policy every three years. Class 4 gambling relates to pokie machines and an application to the Department of Internal Affairs for a new venue licence under the Gambling Act 2003 must be accompanied by consent from Council. Consideration of such an application by Council must be in terms of the Class 4 Gambling Venue Policy. This policy has been developed, amended and reviewed in accordance with 101 of the Gambling Act 2003.

This policy provides that Council will not consent to the establishment of new class 4 gambling venues with the exception of specific situations where venues need to relocate or in the case of clubs, combine and relocate. There will be no increase in the number of machines at a venue as the result of any relocation and the policy also prevents venues operating prior to the commencement of the Gambling Act 2003, from increasing machine numbers. Any application for consent under the policy to establish a new class 4 venue, resulting from the need to relocate a venue must be publicly notified and determined at a Council hearing.

1 Objectives of the policy in so far as promoted by the Gambling Act 2003

- 1.1 To control the growth of class 4 gambling in the Whangarei District.
- 1.2 To minimise the harm caused by class 4 gambling in the Whangarei District.
- 1.3 To facilitate community involvement in decisions about the provision of class 4 gambling in the Whangarei District.
- 1.4 To allow those who choose to use class 4 gaming machines may do so in a safe and well managed environment.

2 Establishment of class 4 venues be not permitted

- 2.1 Save for as provided in clause 3 of this policy Council will not permit the establishment of new class 4 gambling venues in the Whangarei District.

3 Relocation of class 4 venues

- 3.1 Council may permit a class 4 venue to re-establish at a new site where:
 - a Due to circumstances beyond the control of the owner or lessee of the class 4 venue or 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.
 - b In the case of a club only, as defined in the Gambling Act 2003, Council will permit the relocation to a new site of a club, where two or more existing clubs legally and physically combine into one.
- 3.2 Any permission to establish any new class 4 venue under this clause will be subject to the following conditions:
 - a Except as provided for in 3.1 (b) above the venue operator of the business at the new site shall be the same as the venue operator at the site to be vacated.
 - b The number of gaming machines permitted to operate at the new venue will not exceed the number permitted to be operated at the existing site with a maximum of nine machines as provided by Section 94 of the Gambling Act 2003. In the case of clubs which combine in terms of Section 95 of the Gambling Act 2003 the number of gaming machines permitted will not exceed the sum of the number of gaming machines specified in all of the corporate societies class 4 venue licences at the time of application with a maximum limit of 30.

In the case of clubs which combine to form a new club and to which Section 96 of the Gambling Act 2003 applies the number of gaming machines permitted to operate at the new venue will not exceed the sum of the number of gaming machines specified in all of the corporate societies class 4 licences at the time of application but must not in any case exceed 18 machines.

4 Where class 4 gambling venues may be established on relocation

- 4.1 Any class 4 venue may only be established in a Business 1, Business 2 or a Business 4 Environment as defined under the Whangarei Operative District Plan.

5 Restrictions on the maximum number of machines that may be operated at a class 4 venue

- 5.1 Council will not consent to any increase in the number of class 4 gambling machines operated at each venue, specifically:
- a Where the holder of a class 4 venue licence existing on the 17 October 2001 wishes to increase the number of machines by application under section 92 of the Gambling Act 2003 then the maximum number of machines permitted is the number of machines currently held by the holder as a condition of licence.
 - b For premises licensed after 17 October 2001, to which section 93 of the Gambling Act 2003 applies, club applicants in terms of which section 96 of the Gambling Act 2003 applies, the maximum number of machines permitted is the number of machines currently held by the holder as a condition of licence.
 - c Where two or more clubs or societies legally and physically combine in terms of section 95 of the Gambling Act 2003, the maximum number of machines permitted will be the sum of the number of gaming machines specified in all of the corporate societies class 4 venue licences at the time of application with an maximum limit of 30 as provided in section 95 (4) of the Gambling Act 2003.

6 The territorial authority consent process

- 6.1 Any application for consent under this policy to establish a new class 4 venue resulting from the need to relocate a venue will be subject to public notification and determined at a Council hearing.
- 6.2 Council has delegated the power to consider and determine applications for Territorial Authority consent under the Gambling Act 2003, to the Licensing Exemptions and Objections Committee and during the terms of this policy may delegate such powers to such other committees as appropriate.
- 6.4 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.
- 6.5 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.
- 6.6 The applicant and all submitters shall be advised of the decision, and the reasons for the decision, as soon as practicable.
- 6.7 In considering any application and submissions, the Committee shall have regard to provisions of the Gambling Act 2003, objectives of this policy, and the criteria outlined in matters to be considered at hearing.
- 6.8 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.

6.9 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 Council Class 4 Gambling Venue Policy and the purpose and intent of the Gambling Act 2003..
- d Any other matter that Council considers relevant and reasonably necessary to determine the application.

6.10 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 In respect of a class 4 venue details of gambling equipment and the number of machines that the applicant intends to operate
- g In respect of a class 4 venue information demonstrating that the primary activity for the venue will not be the operation of gambling machines
- h In respect of a class 4 venue details of the liquor licence/licenses applying to the venue
- i Where the application relates to the establishment of a new class 4 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
- j Any other information that may reasonably be required to allow proper consideration of the application
- k Fees
- l Certificate of compliance under the Resource Management Act 1991 or a copy of the resource consent authorising the proposed activity under the Act.

6.11 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 class 4 gambling 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 the 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. Sinking lid policy from 2007 carried through into 2013 policy relating to Class 4 Gambling venues specifically in terms of the Gambling Act 2003. Board Venue Policy likewise adopted as separate policy in terms of the Racing Act 2003.

RESOLUTION TO EXCLUDE THE PUBLIC

That the public be excluded from the following parts of proceedings of this meeting.

The general subject of each matter to be considered while the public is excluded, the reason for passing this resolution in relation to each matter, and the specific grounds under Section 48(1) of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution are as follows:

1.	The making available of information would be likely to unreasonably prejudice the commercial position of persons who are the subject of the information. {Section 7(2)(c)}
2.	To enable the council (the committee) to carry on without prejudice or disadvantage commercial negotiations. {(Section 7(2)(i))}.
3.	To protect the privacy of natural persons. {Section 7(2)(a)}.
4.	Publicity prior to successful prosecution of the individuals named would be contrary to the laws of natural justice and may constitute contempt of court. {Section 48(1)(b)}.
5.	To protect information which is the subject to an obligation of confidence, the publication of such information would be likely to prejudice the supply of information from the same source and it is in the public interest that such information should continue to be supplied. {Section 7(2)(c)(i)}.
6.	In order to maintain legal professional privilege. {Section 2(g)}.
7.	To enable the council to carry on without prejudice or disadvantage, negotiations {Section 7(2)(i)}.

Resolution to allow members of the public to remain

If the council/committee wishes members of the public to remain during discussion of confidential items the following additional recommendation will need to be passed:

Move/Second

"That _____ be permitted to remain at this meeting, after the public has been excluded, because of his/her/their knowledge of Item _____.

This knowledge, which will be of assistance in relation to the matter to be discussed, is relevant to that matter because _____.

Note:

Every resolution to exclude the public shall be put at a time when the meeting is open to the public.