

POLICY	STATUS	AT	DATE	DOC ID
<i>Gambling Venues Policy</i>	<i>Draft</i>		<i>01/05/2026</i>	



ŌPŌTIKI DISTRICT COUNCIL

GAMBLING AND TAB VENUES POLICY

AMENDMENTS/REVIEW

No:	Amendment(s)/Review	Date	Carried out by / Authority
0.2	Inclusion of Racing Industry Act 2020	31/03/2026	Jessica Hunter
0.3	Reviewed	4/05/2026	Scott J

1. BACKGROUND

The Gambling Act 2003 requires Ōpōtiki District Council to have a policy that:

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

The Racing Industry Act 2020 requires territorial authorities to adopt a policy on TAB venues. The TAB venues policy must:

- Specify whether or not new TAB venues may be established in the territorial authority district and, if so, where they may be located.

In adopting both the Class 4 venues policy and a TAB venues policy, Council must consider the social impacts of gambling within the Ōpōtiki District. A social impact assessment completed in 2014 informed the development of this policy.

This policy applies to both Class 4 and TAB venues and is collectively referred to as the Gambling Venue Policy. Racing and sports betting, which are covered by the Racing Industry Act 2020, do not fall within this classification.

2. PURPOSE

To ensure Council and the community has influence over Class 4 gambling and the number of class 4 gambling machines in the Ōpōtiki District while:

- Considering the social impacts of gambling.
- Reducing the exposure and risk of exposure of people under 18 years of age to gambling opportunities and gambling promotion.
- Reducing the total number of licensed gaming machines in the District.
- Limiting the growth of gambling in the District.
- Preventing and minimising harm caused by gambling, including problem gambling.

Without limiting the provisions of the Gambling Act 2003, any application received by Council shall be assessed against this policy.

3. DEFINITIONS

Class 4 Gambling – defined in the Gambling Act 2003.

For clarity Class 4 Gambling is gambling that satisfies the following criteria:

- (a) the net proceeds from the gambling are applied to, or distributed for, authorised purposes; and
- (b) either –
 - (i) no commission is paid to or received by a person for conducting the gambling; or
 - (ii) the only commission that is paid to or received by a person for conducting the gambling is a commission payment to a venue operator that complies with regulations made under section 371(1)(dd); and
- (c) there are game rules for the gambling; and

- (d) the gambling, and the conduct of the gambling, satisfies relevant game rules; and
- (e) either –
 - (i) the Secretary has categorised the gambling as class 4 gambling and not as another class of gambling; or
 - (ii) the gambling utilises or involves a gaming machine.

Class 4 gambling venue – a place used to conduct Class 4 Gambling.

Gambling machine/gaming machine – defined in the Gambling Act 2003. For clarity it means a device, whether totally or partly mechanically or electronically operated, that is adapted or designed and constructed for use in gambling. It is also commonly known as a ‘pokie’.

TAB venue – Premises owned or leased by TAB NZ and where the main business carried on at the premises is providing race betting, sports betting, or other racing or sports betting under the Racing Industry Act 2020.

Council – Ōpōtiki District Council.

District – The area administered by Council.

Primary Activity: The activities primarily associated with and promoted by the venue.

4. POLICY

4.1. Where new Class 4 venues may be established

No new Class 4 venues may be established within the District. When an existing Class 4 venue closes, Council will not grant consent for another to be established.

4.2. Where new TAB venues may be established

No new TAB venues may be established within the District. When an existing TAB venue closes Council will not grant consent for another to be established.

4.3. Number of gaming machines to be allowed in the District

Venues with existing licensed gaming machines may be upgraded but permission for additional new gaming machines shall not be given.

4.4. Primary Activity of existing Class 4 gambling venues

The Primary Activity of any existing Class 4 gambling venue must be the sale of liquor and food under a liquor on-license (excluding bring-your-own licences), or the operation of a TAB NZ race and sports betting venue.

Gambling must not be the venue’s Primary Activity.

4.5. Merging of Clubs

New TAB venues may be combined with existing Class 4 gambling venues.

When two or more clubs holding Class 4 and/or TAB venue licences propose to merge into a single legal and physical entity, the following conditions apply:

- The place where the two venues are being merged to hold a current Class 4 venue licence; and
- The maximum number of gaming machines allowed to operate will be the sum of the number of gambling machines specified in all the corporates societies' Class 4 venue licences at the time of application, or 18 machines, whichever is the lesser.

4.6. Relocation of existing Class 4 gambling venues and machines

Under exceptional circumstances - such as natural hazards, climate change impacts, or fire – Council may, at its discretion, allow the relocation of existing Class 4 gambling venues and machines.

In considering relocation requests, Council will assess:

- The zoning of the proposed site;
- Proximity to sensitive land uses, including schools, medical facilities, community facilities, places of worship, MSD offices, and marae;
- Proximity to ATMs and existing Class 4 venues; and
- The Deprivation Index of the proposed location.

4.7. Conditions applying to all Gambling venues under this policy

Class 4 gambling venues must not advertise or refer to themselves using the word “casino”.

Class 4 gambling venues must not be visible from outside the venue or to passing pedestrians.

Class 4 gambling venues must not be associated with, or connected to, family-oriented or children's activities.

Class 4 gambling venues must not operate in premises where gambling is incompatible with other permitted activities within the approved zones.¹

5. APPLICATIONS FOR CONSENTS

Applications for Council consent under 4.5. of this policy may be lodged at any time and must include the following information:

- a) Name and contact details of the applicant clubs;
- b) Street address and legal description of the venue into which the clubs propose to merge;
- c) Copies of all current Class 4 venue licences held by all the merging clubs, confirming the number of gaming machines authorised at each venue;
- d) Information about the venue operator, including:
 - Police clearance for owners and managers;
 - Ownership of the premises;
 - Description of all business operating from the premises.
- e) Details and copies of:
 - Gambling Harm Minimisation Policy;
 - Host Responsibility policies and procedures;

¹ An area of the district, defined as a zone in the Operative Ōpōtiki District Plan 2021 or any subsequent amendments.

- Staff training programme.
- f) An audited 12-month business plan or budget that:
 - Covers both gambling and non-gambling activities;
 - Clearly distinguishes the percentage of revenue from gambling and other activities;
 - Demonstrates that the venue is not primarily used for operating gaming machines.
- g) A site plan detailing:
 - Each floor of the venue;
 - Areas for gambling and non-gambling activities;
 - The location and number of gaming machines.
- h) Details of any alcohol licence(s) applying to the premises.
- i) Details of any police attendance for public order or related issues at either of the existing premises
- j) Evidence of compliance with the Council's District Plan or a copy of the relevant Resource Consent.

Applications for Council consent under 4.6. of this policy may be lodged at any time and must include the following information:

- a) Name and contact details of the applicant;
- b) Street address and legal description of both the current venue and the proposed venue;
- c) A copy of the current Class 4 venue licence, confirming the number of gaming machines authorised;
- d) Information about the venue operator, including:
 - Police clearance for owners and managers;
 - Ownership of the premises;
 - Description of all business operating from the premises.
- e) Evidence of distance to nearby sensitive sites, including (but not limited to):
 - Schools and education facilities;
 - Medical centres;
 - Community facilities;
 - Places of worship;
 - MSD offices;
 - Marae.
- f) Evidence of distance to:
 - The nearest ATM(s);
 - Other existing Class 4 venues.
- g) Evidence confirming the Deprivation Index score of the proposed location;
- h) Details and copies of:
 - Gambling Harm Minimisation Policy;
 - Host Responsibility policies and procedures;
 - Staff training programme.
- i) An audited 12-month business plan or budget that:
 - Covers gambling and non-gambling activities;
 - Clearly separates projected revenue from gambling and other activities;
 - Demonstrates that gaming machines are not the primary activity of the venue.
- j) A detailed site plan showing:
 - All floors of the venue;
 - Areas for gambling and non-gambling activities;
 - Number and location of gaming machines.
- k) Details of any alcohol licence(s) applying to the premises.
- l) Details of any police attendance for public order or related issues at the existing venue.

- m) Evidence of compliance with the Council's District Plan or a copy of the relevant Resource Consent.

6. RELEVANT LEGISLATION

- Local Government Act 2002
- Gambling Act 2003
- Racing Industry Act 2020

7. FEES AND CHARGES

The applicant must meet the fees and charges requirements specified in Council's fees and charges schedule.

8. REVIEW

This policy must be reviewed every three years in accordance with the special consultative procedure prescribed in the Local Government Act 2002.