

Existing Venue Relocation Provisions – October 2017

Tararua District

3.3 Venue Relocation Policy

A new venue consent will be issued by Council in the following circumstances:

- a) Where the venue is replacing an existing venue within the district; and
- b) Where the existing venue operator consents to the relocation; and
- c) Where the proposed new location meets all the other requirements of this Policy.

In accordance with section 97A of the Gambling Act 2003, when consent is sought to relocate a venue under this relocation provision, the new venue may operate up to the same number of machines that was permitted to operate at the old venue immediately before the old venue licence is cancelled.

As set out in section 97A(2)(c) of the Gambling Act 2003, when the new venue is granted a new consent under this relocation policy, the old venue must be treated as if no class 4 venue licence had ever been held by any society for that venue. The old venue will therefore require a new consent from Council to continue to operate class 4 gambling machines and will be subject to all new consent requirements.

Ashburton

6. Transfer of existing class 4 gambling venue conditions

- 6.1. 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(s) that meets the requirements of this policy.
- 6.2. Generally the conditions to be met for a transfer of venue conditions to be considered, in addition to those contained elsewhere in this policy, are:
 - The existing physical venue must be ceasing to operate as licensed premises;
 - The new venue(s) must be in a similar geographic location as the existing venue. Venues will not be allowed to move from one town (e.g. Ashburton, Methven, Rakaia) within the District to another town under this provision;
 - The new venue(s) must be operated by the same corporate society operating the existing venue;
 - The new venue(s) will be permitted to have the same number of machines as the existing venue, subject to any restrictions applicable under the Gambling Act 2003;
 - The merging of existing venue conditions and transferred venue conditions is not permitted.
- 6.3. No venue will, under any circumstances, be permitted to operate more than 18 gaming machines at a single venue.

South Wairarapa

- 3.1 a) Council may permit a class 4 venue to re-establish at a new site where, due to extraordinary circumstances, the owner or lessee of the class 4 venue cannot continue to operate at the existing site. Examples of such circumstances include, but are not limited to, the following:
- i expiration of the lease; or
 - ii acquisition of property under the Public Works Act; or
 - iii site redevelopment

Central Otago

5. Relocation policy

- 5.1 An existing Class 4 gambling venue that relocates may be allowed up to the maximum number of gaming machines approved at the time of closing of the former venue, subject to meeting the other conditions of this policy.

Far North

The Far North District Council will accept applications for the relocation of existing machines to a new venue. The criteria for relocation are:

- (i) A venue licence was not held on 17th October 2001, but granted after that date, and before commencement of the Gambling Act 2003.

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- (ii) Where two or more clubs, with existing licenses, may legally merge, at which time the maximum number of machines should not exceed 18, and that the venue is suitably located to meet the criteria of this Policy.
- (iii) Where an existing business wishes to relocated from its current premises to a new venue within the District, and take all or fewer of its existing machines to those new premises, no machines may remain at the former venue.
- (iv) A new venue will not be considered if it is defined as a venue declared unfit under section 4 of the Gambling (Harm Prevention and Minimisation) Regulations 2004.
- (v) The intent to consider a relocation will be publically notified; including on the Council website
- (vi) New Class 4 gaming venues shall be in Commercial, Industrial, General Coastal Rural Living or Rural Production zones, or within sports clubs or public houses and shall be eligible for consent provided the venue is at least 100 metres from any Kindergarten, early childhood centre, school, place of worship, Marae, or other community facility, and 100 metres from a Residential, Coastal Residential, Coastal Living, Recreational Activities zones.
- (vii) If it is not practicable to apply a 100 metre proximity policy, then the distance becomes a discretionary condition. The Council will then make the decision.

Gisborne

5.1 Relocation of existing Class 4 venues permitted under specific circumstances

Council may permit an existing 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, the venue cannot continue to operate at the existing site. Examples of such include the following:
 - i. Expiry of lease;
 - ii. Acquisition of property under the Public Works Act 1981; and
 - iii. Site redevelopment.

Grey District

5. Relocation of Class 4 venues

- a) Council may permit existing Class 4 venues to re-establish at a new site in the same geographic area where:
 - i) Due to circumstances beyond the control of the owner or lessee of the premises in which the machines are located, the premises cannot continue to operate at the existing site. Examples of such circumstances include but are not limited to, the following:
 - Expiration of lease.
 - Acquisition of property under the Public Works Act.
 - Site development.
 - Natural disaster making the venue unusable.

Hamilton

4. Council will not grant consent for the establishment of any new Class 4 gambling venues or machines except in the following circumstance(s):
 - a. Where two or more private clubs merge and consolidate the operation of their Class 4 gambling activities at a single gambling venue that is located within a Gambling Permitted Area (Schedule 1); or
 - b. Relocation from a site within a Gambling Permitted Area to another site within the Gambling Permitted Areas will not be permitted except where:
 - i. Clause 12 applies; or
 - ii. The licensee's landlord has refused to renew the lease of the premises; or
 - iii. The building in which the venue is located is deemed under building legislation to be earthquake-prone, dangerous or insanitary; andThe society undertakes to permanently close an existing Class 4 gambling venue located inside of a Gambling Permitted Area as part of an application for new venue consent and the proposed new Class 4 gambling venue is located within a Gambling Permitted Area (outlined in Schedule 1).
 - c. Where a society undertakes to permanently close an existing Class 4 gambling venue located **outside** of a Gambling Permitted Area as part of an application for a new Venue Consent and the proposed new Class 4 gambling venue is located within a Gambling Permitted Area (outlined in Schedule 1).
5. This relocation policy only applies:
 - a. where the applicant surrenders the existing venue licence (with the Department of Internal Affairs) for the existing venue, and
 - b. the application meets all other provisions of this Policy.

Hasting

5. EXCEPTIONS FROM MEETING PARTS OF THE POLICY

5.1 Venue Relocation

- i) Council may grant consent under s 98(c) of the Act to a proposal to change the venue to which a class 4 venue licence currently applies, provided that the relocation of a venue to which a Class 4 Venue licence currently applies can only occur within the Hastings Central Commercial or the Havelock North Village Centre zones with the following exception:
 - That the existing venues at Stortford Lodge and Clive, can only relocate within the Stortford Lodge and Clive zones as defined in the attached maps or within the Hastings Central Commercial or Havelock North Village Centre zones.
- ii) In accordance with s 97A (2)(b) of the Act the maximum number of gaming machines permitted to operate at the new venue at the time when the new class 4 venue licence takes effect is the same as the maximum number of gaming machines permitted to operate at the old venue immediately before the licence relating to the old venue is cancelled.

Invercargill City

- (ii) Council may consent to the transfer of a licence for an existing venue to a new venue where the venue will be operated by the same corporate society provided that the maximum number of gaming machines which can be transferred to the new venue will be nine.

Kaipara

5.4 Relocation of existing Class 4 venues permitted under specific circumstances

Council may permit existing Class 4 venues to re-establish at a new site where:

- a) Due to circumstances beyond the control of the owner or lessee of the premises in which the machines are located, the premises cannot continue to operate at the existing site. Examples of such circumstances include but are not limited to the following:
 - Expiry of lease;
 - Acquisition of property under the Public Works Act; and
 - Site redevelopment.
- b) In the case of a club only, as defined in the GA 2003, Council will permit the relocation to a new site of a club, or where two or more existing clubs combine and a relocation is involved.

Lower Hutt

1.5 RELOCATION OF EXISTING VENUES AND MACHINES

Venues with more than nine machines may relocate from suburban areas without reducing the numbers of machines they operate.

Manawatu

- 3.2.6 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(s) that meets the criteria of existing policy.

Matamata-Piako

5.4 Relocation Policy

Council will consider granting consent for relocation of existing class 4 venues if;

- the premises cannot continue to operate at the existing site, examples of such circumstances include, but are not limited to natural disaster, fire, or the premises is unfit to continue to operate
- the premises wishes to move to a more appropriate venue within the same area.

When considering granting consent for relocation Council will take into consideration the social impact of gambling on high deprivation areas as well as all other considerations applicable for applying for a new licence.

Napier

5. Conditions for Consent

- 5.1. New or relocating venues may only be located within the following zones specified in the Napier City Council District Plan:
- i) Inner City Commercial Zone
 - ii) Art Deco Quarter
 - iii) Fringe Commercial Zone
 - iv) Ahuriri Mixed Used Zone
 - v) Main Industrial Zone
 - vi) West Quay Waterfront
 - vii) Taradale Suburban Commercial Zone (maximum of 3 venues)

Opotiki

8. Exceptional Circumstances

There may be circumstances such as but not limited to fire or flooding of an existing Class 4 Venue where Council may use its discretion to allow gaming machines to be replaced or relocated.

Palmerston North

4.3 Venues relocating to new premises

A Class 4 gambling licence holder who holds consent from the Council to operate gaming machines at a venue in Palmerston North may apply for consent to relocate all the gaming machines at that venue to a new venue in Palmerston North, if the licence holder can satisfy the Authorised Council Officer that they are required to relocate to the new venue through events beyond their control.

An application for consent under this section must provide all the required information, and meet all the necessary requirements of this policy, as if it were a new application for consent under this policy.

Any consent granted under this section shall not permit the consent holder to operate a greater number of machines at the new venue than were operating at the existing venue.

For the avoidance of doubt, an application for consent under this section may be permitted even if the overall cap on the total number of class 4 gambling machines in Palmerston North specified in clause 4.1 of this policy has been reached or exceeded.

Porirua

Relocation Policy

A class 4 gambling venue may relocate to the City Centre or Industrial Zones as defined under the Porirua City District Plan, and Tenancy 7, 69 A Discovery Drive, Whitby, Porirua, also known as 'The Co-Op Kitchen & Bar'. A venue that relocates may have the same number of gaming machines as were at the original venue.

If a venue wants to relocate, it must apply for consent from Porirua City Council. It must then apply to the Department of Internal Affairs (DIA) for the appropriate licences.

An application for consent to relocate may only be made with the agreement of the operator of the current venue.

The venue that previously held a venue licence will be treated as if no class 4 venue licence had ever been held by any gaming society for that venue. This will mean that, if a society wants to put gaming machines or a TAB at that venue, it must apply for consent from Porirua City Council. It would then need to apply to the Department of Internal Affairs (DIA) for the appropriate licences.

Selwyn

6 Venue Relocation

- a) A new venue consent will be issued by the Council in the following circumstances:
 - i) Where the venue is intended to replace an existing venue with the district; and
 - ii) Where the proposed new location meets all the other requirements of this policy.
- b) The new venue will be permitted to have the same number of machines as the existing venue.

South Taranaki

3.0 Exceptions to the Policy

- 3.1 Clubs that relocate may be allowed up to the maximum number of gaming machines approved at the time of closing the former premises.

South Waikato

4. Reestablishment of premises

Reestablishment of premises on an approved site after such circumstances, but not limited to, as fire, natural disaster, upgrade or expansion would not require site location reapproval.

Southland District

- (b) Council will consent to the transfer of a licence from an existing venue to a new venue where the venue will be operated by the same corporate society, and subject to a social impact study. The maximum number of gaming machines permitted to operate at the new venue, at the time when the new Class 4 venue licence takes effect, is the same as the maximum number of gaming machines permitted to operate at the old venue, immediately before the licence relating to the old venue is cancelled.

Taupo

7. Relocation of existing Class 4 gambling venues

- 7.1 An existing Class 4 venue may relocate provided it is relocating to or within the Taupō, Turangi and Mangakino Town Centres (as defined on the maps in this policy).
- 7.2 Class 4 venues that relocate may be allowed up to the maximum number of gaming machines approved at the time of closing of the former venue, subject to meeting the other conditions of this policy.

Tauranga

5.8 Relocation

Applications to relocate an existing Class 4 or TAB Venue will be considered a new application for consent.

Council may consider granting consent for relocation of existing class 4 venues if the premises cannot continue to operate at the existing site.

Examples of such circumstances include but are not limited to the following:

- due to a natural disaster or fire, the licensed premises is unfit to continue to operate;
- the property is acquisitioned under the Public Works Act 1981;
- expiration of lease; or
- site redevelopment.

Thames-Coromandel

3.3 Relocations of class 4 venues

Council will consider granting consent for relocation of existing class 4 venues if the premises cannot continue to operate at the existing site. Examples of such circumstances include but are not limited to the following:

- due to a natural disaster or fire, the licensed premises is unfit to continue to operate;
- the property is acquisitioned under the Public Works Act 1981;
- expiration of lease;
- site redevelopment.

In considering an application for class 4 venue relocation, Council will give regard to the proposed location of the new venue and its proximity to

- early childhood centres/kindergartens, schools, kohanga reo, and playgrounds, and
- other licensed class 4 venues and TAB venues

at the time of application.

Thames-Coromandel District Council - Class 4 Gambling Venue Policy and Board Venue Policy - August 2015

The number of class 4 gaming machines at the new premises must be the same or less than the existing class 4 venue.

Upper Hutt

7 Transfer of existing Class 4 Gambling Venue conditions

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(s) that meets the criteria of the existing policy

Generally, the conditions to be met for a transfer of venue conditions to be considered, in addition to those contained elsewhere in this policy, are:

- the existing venue must be ceasing to operate as a Class 4 Gambling venue;
- the new venue must be operated by the same corporate society operating the existing venue;
- the new venue must be in a similar geographic location as the existing venue;
- the new venue will be permitted to have the same number of machines as the existing venue, subject to any restrictions applicable under the Gambling Act 2003; and
- the merging of existing venue conditions and transferred venue conditions is not permitted.

Waikato District

2.8. Relocation Policy

2.8.1. Council will grant consent in respect of a venue where the venue is intended to replace an existing venue within the district to which a class 4 venue licence applies only in the following circumstances:

- (i) The proposed new venue has been newly constructed or refurbished for the purposes of the primary activity of the venue;
- (ii) Any club or two or more clubs merging that propose moving to newly constructed or refurbished premises must be relocated within the same community of interest as the original club or clubs;

- (iii) For any other venue the proposed new venue must be located in an area with a deprivation index at least the same or lower than the existing venue.

Waipa District

8. Relocation Policy

- 8.1. Where an existing Class 4 Gambling Venue is ceasing to operate, the Council or its delegated officer may, at its or their own discretion, allow the transfer of existing venue conditions to another location(s) that meets the criteria of the existing policy.
- 8.2. Generally, the conditions to be met for a transfer of venue conditions to be considered, in addition to those contained elsewhere in this policy, are:
- (a) the existing venue must be ceasing to operate as a Class 4 Gambling venue;
 - (b) the new venue must be operated by the same corporate society operating the existing venue;

- (c) the new venue will be permitted to have the same number of machines as the existing venue, subject to any restrictions applicable under the Gambling Act 2003; and
- (d) The merging of existing venue conditions and transferred venue conditions is not permitted.

Waitaki

7 Relocation of existing licensed premises

Council may permit existing Class 4 venues to reestablish at a new site where, due to circumstances beyond the control of the owner or lessee of the premises in which the machines are located, the premises cannot continue to operate at the existing site. Examples of such circumstances include, but are not limited to, the following:

- Expiration of lease
- Acquisition of property under the Public Works Act
- Site redevelopment.

Where a venue relocates, the vacated site will not be granted another Class 4 licence.

The new site must meet all of the other conditions set out in this policy.

Waitomo

4.17 Relocation of Class 4 Venues

- 4.18 Notwithstanding other conditions in this policy, where a legally established venue applies for consent to relocate to a new site, WDC will consider such application on the same basis as a new venue application, with the exception that such venue may relocate and retain the pre-existing number of gaming machines to such new site. That exception will be subject to the requirement that the total number of machines in the District remains within the overall district cap of 77 machines.

Wanganui

6. Venues Relocation Policy

- 6.1. Applications to relocate an existing Class 4 Gambling Venue will be considered a new application for consent. The application will follow the process detailed in Appendix II.
- 6.2. A Class 4 Gambling Venue licence holder in Wanganui may apply for consent to relocate the gaming machines from that venue to a new venue in Wanganui provided that –
- The licence holder can satisfy the Authorised Officer of Council that they are required to relocate to the new venue due to the existing venue becoming untenable; and
 - The venue is a permitted activity under the Wanganui District Plan or where a resource consent to undertake the activity has been granted by Council;
- 6.3. A consent issued under this section shall only permit the consent holder to operate up to the same number of machines at the new venue that were operating at the previous venue;
- 6.4. The applicant has the right to appeal this decision. The appeal process is detailed in Appendix II.

Wellington

5. RELOCATION CLASS 4 VENUES

This relocation policy sets out when the Council will grant consent in respect of a venue that replaces an existing venue. The effect of this relocation policy is prescribed in section 97A of the Gambling Act 2003.

Any class 4 (NCGM) venue may be relocated provided:

- it relocates to the Central Area Zone; or
- it relocates to an area identified as a “centre”, but excluding Neighbourhood Centres, in the Wellington District Plan; and
- the NCGMs in the new venue would not result in more NCGMs in a zone than is allowed under section 4 of this policy.

Western Bay of Plenty

5.4 Relocation of existing Class 4 gambling venues

Council permits the relocation of Class 4 Gambling Venues subject to meeting the location requirements outlined in clause 5.3.