

Allowance of Gambling Premises

(LPM's, Sports Betting Devices,
Bookmaking Premises,
Totalisators, etc.)

Policy Framework



**POLICY ON THE ALLOWANCE OF LIMITED PAYOUT MACHINES
AND SPORTS BETTING DEVICES AS WELL AS
BOOKMAKING PREMISES, TOTALISATORS AND OTHER SIMILAR
GAMBLING PREMISES**

I. Policy Objectives

To provide the George Municipal Council, the Council Committees and the Municipality's officials with guidelines that will assist in the processing and evaluation of land use applications relating to the allowance of Limited Payout Machines and Sports Betting Devices as well as Bookmaking Premises, Totalisators and Other Similar Gambling Premises on properties located within the George Municipal Area.

II. Statutory and Minimum Town Planning Requirements

1. Totalisators and Bookmaking Premises constitute a primary business activity that fall under:
 - a. Place of Assembly in the George Zoning Scheme and is thus a primary right under Business Zone;
 - b. Place of Assembly in the Wilderness Zoning Scheme and is thus a Consent Use right and not a primary right under the Business Zone;
 - c. Place of Entertainment in the Section 8 Zoning Scheme and is thus a Consent Use right and not a primary right under the Business Zone I
 - d. Business Premises in the Thembalethu Zoning Scheme and is thus a primary right under Business Zone;

The following land use applications must be submitted by the owner or operator to- and approved by- the Municipality before abovementioned gambling premises can be permitted:

- George Zoning Scheme: No application required for Business Zone properties and an application for Temporary Departure for all other zones;
 - Section 8 Zoning Scheme: Application for Consent Use for Business Zone I and Temporary Departure for all other zones;
 - Wilderness Zoning Scheme: Application for Consent Use for Business Zone and Temporary Departure for all other zones;
 - Thembalethu Zoning Scheme: No application required for Business Zone properties and Temporary Departure for all other zones;
2. Limited Payout Machines and Sports Betting Devices as well as other similar gambling premises constitute a secondary business activity that falls under:
 - a. Place of Amusement in the George Zoning Scheme for which the George Zoning Scheme does not make provision;
 - b. Place of Assembly in the Wilderness Zoning Scheme and is thus a Consent Use right and not a primary right under the Business Zone;
 - c. Place of Entertainment in the Section 8 Zoning Scheme and is thus a Consent Use right and not a primary right under the Business Zone

- d. Recreational Facility under the Thembalethu Zoning Scheme and thus a Consent Use right under Open Space Zone II;

The following land use applications must be submitted by the owner or operator to- and approved by- the Municipality before the above gambling premises can be permitted:

- George Zoning Scheme: Application for Temporary Departure for all zones;
 - Section 8 Zoning Scheme: Application for Consent Use for Business Zone I and Temporary Departure for all other zones;
 - Wilderness Zoning Scheme: Application for Consent Use for Business Zone and Temporary Departure for all other zones;
 - Thembalethu Zoning Scheme: Application for Consent Use on Open Space Zone II and Temporary Departure for all other zones;
3. All gambling premises are specifically defined as a Place of Entertainment in the draft George Integrated Zoning Scheme, 2014;
 4. An application for Limited Payout Machines or Sport Betting Devices can only be considered once the primary business right for the conducting of a Place of Assembly or Place of Amusement in the George Zoning Scheme, a Place of Assembly in the Wilderness Zoning Scheme, a Place of Entertainment in the Section 8 Zoning Scheme and a Business Premises or a Recreational Facility in the Thembalethu Zoning Scheme has been approved and/or implemented;
 5. Primary businesses where Limited Payout Machines and Sport Betting Devices will be considered include Totalisators, Bookmaking Premises, Night Clubs, Pubs, Public Bars, Taverns that are not located in residential areas, pool and billiard halls, social clubs and similar premises, including such premises that are located within large recreational, hotel and/or regional shopping complexes;
 6. A primary business right is considered to be implemented as soon as all necessary approvals, certificates and licenses required to operate the primary business are in place, including business licenses, Place of Entertainment Licenses, Liquor Licenses (if alcohol is consumed on site), ventilation certificates, food preparation certificates, and building plans for building including any additions and/or internal alterations, are in place;

III. Submission of a Land Use Application

1. Land Use applications to permit the primary business premises including a Totalisator and Bookmaking Premises only needs to comply with the minimum submission requirements as outlined on the Municipality's Land Use Application form being:
 - a. Surveyor-General Erf Diagram
 - b. Copy of title deed and/or a Conveyancer's Certificate (if applicable)
 - c. Mortgagee's (Bank) Consent (if applicable)
 - d. Power of Attorney (if the applicant is not the registered owner)
 - e. Locality Plan (A4)

- f. Site Development Plan (A4 or A3 size with contours, if necessary)
 - g. Complete motivation report (see minimum guidelines in paragraph 5 of application form submission instructions)
 - h. Certified 1:50 year flood-line certificate (if necessary)
 - i. Confirmation that an application in terms of the National Heritage Resources Act, 1999 or the National Environmental Management Act, 1998 is not required. (if requested)
 - j. Payment of applicable land application processing and advertising fees;
2. The following documentation shall, in addition to the documentation mentioned in (1.) above, be submitted with a Land Use application to permit more than 2 Limited Payout Gambling Machines and/or more than 1 Sports Betting Device:
- a. Locality Plan (A4 indicating other gambling premises within 200m and 1km of the premises)
 - b. Land Use Plan (A4 indicating the position of any community facilities, schools, religious buildings, social grant payout points, public transport interchanges, etc within 200m radius of premises)
 - c. Site Development Plan (A4 or A3 size indicating the position of the proposed machines on the premises)
 - d. Proof that the primary business right has been implemented (as outlined in the previous section)
3. A request for the Municipality's Consent to permit up to 2 Limited Payout Machines or 1 Sports Betting Device on a primary business premises will only need to be accompanied by the following:
- a. Covering letter with a short motivation
 - b. Locality Plan (A4 indicating other gambling premises within 100m and 1km of the premises)
 - c. Land Use Plan (A4 indicating the position of any community facilities, schools, religious buildings, social grant payout points, public transport interchanges, etc within 200m radius of premises)
 - d. Site Development Plan (A4 or A3 size indicating the position of the proposed machines on the premises)
 - e. Proof that the primary business right has been implemented (as outlined in the previous section)
 - f. Power of Attorney (if the applicant is not the registered owner)
 - g. Consent letters from the owners of abutting residential properties (if applicable)
 - h. Consent letters from any affected institution, community organization, government authority whose premises is located within 200m of the premises (if applicable);

IV. Location Criteria

A. The abovementioned gambling premises should be allowed in the following locations:

1. Within the Central Business Area of the town or suburb - George CBD, Pacaltsdorp CBD, Wilderness Village;

2. Along existing established activity corridors and main routes not located in residential areas - York Street (George) / Beach Road (Pacaltsdorp), CJ Langenhoven Street (George), Courtney Street / Knysna Road (George), Nelson Mandela Boulevard (previously Albert Street and Sandkraal Road), Wellington Street (George), George Road / Montagu Street (Blanco) and Voortrekker Road (Uniondale);
3. Within existing and established industrial areas - where night clubs and other recreational facilities have been approved;
4. Within regional commercial retail nodes (e.g Garden Route Mall / Eden Meander precinct), provided that the premises is located at least 200m from a social grant payout point ;
5. Within your larger neighbourhood shopping centres (e.g Redefine Boulevard, Heatherlands Spar, Thembaletu Square), provided that the premises is located at least 200m from a social grant payout point;
6. At main transport interchanges that is not utilised by lower income groups (e.g George Airport), provided that the premises is not located within the main terminal building;
7. Within large scale or regional tourist accommodation facilities (such as hotels and conference centres), provided that the premises is located within the bar / pub area or similar facility;
8. At private sports facilities (e.g. golf club houses of major golf courses and estates, polo fields, indoor sports arenas);

B. The abovementioned gambling premises should not be allowed:

1. On local convenience business properties and properties with inappropriate business zonings or temporary rights (e.g. corner shops, petrol stations, house shops, and house taverns located in residential areas);
2. Within 200m of established residential areas if valid objections have been received from the adjoining neighbouring property owners;
3. Within 200m of a public transport interchange that is utilised by lower income groups (e.g. main taxi ranks, bus terminus, train station);
4. Within 200m of an educational, health, religious or other public facility if valid objections have been received from said institution/ entity;
5. Within 200m of a social grant payout point;
6. At public sports and recreational facilities (e.g. short course golf courses, municipal sports fields, stadiums, skating and skate board parks);

7. Within all residential areas identified as having high levels of poverty (e.g. your township and subsidy housing areas);
8. In all rural areas unless the property constitutes a large scale or regional tourist accommodation facility;

V. Number of Premises per Property:

1. A gambling premises shall be considered to cover all buildings located on the property where such premises is located;
2. Two (2) Limited Payout Machines can be considered on any premises that complies with the abovementioned Application Submission and Location Criteria;
3. A maximum of 5 Limited Payout Machines or 1 Sports Betting Device may be allowed per premises;
4. Only 1 premises will be permitted per property in general. Application for an additional (e.g 2 Limited Payout Machine sites) or combined premises (e.g a bookmaking premises with 5 Limited Payout Machines) on the same property can however be applied for and considered on merit;
5. Multiple premises may only be considered on the same property within areas of high economic income such as the Central Business Areas, the regional commercial nodes and the established activity corridors, provided that such application complies with the Submission and Location Criteria as set out above and is not deemed to be an attempt by the owner to circumvent the Western Cape Gambling and Racing Board's rules in this regard and/or an attempt to incrementally increase the gambling component of the primary business;

VI. Total number and the distribution of facilities within the Municipal Area

1. Temporary Departure and Consent Use approvals for Limited Payout Machines and Sports Betting Devices as well as Bookmaking Premises, Totalisators and Other Similar Gambling Premises shall be granted to a specific owner or operator as well as to a specific property for a maximum period of 5 years;
2. The approval for these premises shall lapse if an application for extension of the approval is not received prior to the above 5 year period ending, or if the primary business closes, relocates and/or changes ownership;
3. The total number of Limited Payout Machines, Sports Betting Devices, Bookmaking Premises, Totalisators and Other Similar Gambling Premises, allowed within a specific area shall be decided on by the Western Cape Gambling and Racing Board in terms of their licensing processes. The Municipality will only apply the Location and Distribution Criteria as set out in the policy when deciding on the land use application;

4. The Council may declare that no more than 70 Limited Payout Machines may be permitted within the Municipal Area. When the 70 Limited Payout Machine ceiling is reached, the Municipal area shall be deemed to be saturated and no application for further Machines will be permitted;
5. Should Council make the above declaration, the owner or operator of the existing machines will only be able to apply to relocate the Machines to another property provided that the Application Submission and Location Criteria as set out in the policy is complied with;
6. Should the relocation of these Machines to the new property be granted, the approval granted on the old property shall automatically lapse;
7. The number of Gambling Premises allowed in the Municipal Area should be fairly distributed, in consideration of the Location Criteria as set out above. A higher ratio of Machines and Premises should be encouraged in the CBD areas and within the Regional Commercial Nodes (as these areas need to accommodate high order mixed business uses and activities), with lower ratios in the other permitted areas;
8. The concentration of Gambling Premises should be considered as follows:
 - a. Central Business Areas and Regional Commercial Nodes: 20 to 50 machines per 1km radius with no more than 3 similar premises allowed within 200m radius of each other;
 - b. Other areas: 10 to 20 machines per 1km radius with no more than 2 similar premises allowed within a 200m radius of each other.

VII. Level of Public Participation Required

The level of public participation should be determined on the basis of impact that the application will have on the surrounding area. It is therefore suggested that:

1. A request to allow up to 2 Limited Payout Machines on a primary business premises shall comply with Submission Criteria as set out in the policy guidelines (being the submission of consent letters from abutting residential neighbours and affected institutions and community organisations located within a 200m radius of the premises, if applicable). If the consent letters cannot be obtained, formal registered notices (30 day notice period) will be sent to these affected parties requesting their comment on the request;
2. Applications for 3 to 5 Limited Payout Machines or 1 Sports Betting Device on a primary business premises will only require formal registered notices to be sent to neighbouring property owners, the Ward Councillor and the Proportional Representative Councillor of the area, affected organisations and institutions located within a 200m radius of the premises and other commenting government departments or bodies such as a local resident's association;
3. All other applications will follow a formal land use application advertising process, being advertising in the press and Provincial Gazette as well as the

sending of formal registered notices to neighbouring property owners, the Ward Councillor and the Proportional Representative Councillor of the area, affected organisations and institutions located within a 200m radius of the premises and other commenting government departments or bodies such as a local resident's association;

VIII. Delegated Authority to Approve Applications

Up to 5 Limited Payout Machines or 1 Sports Betting Machine on a primary business premises provided that the application complies with the above policy guidelines and no objections have been received shall be delegated to the Directorate: Human Settlements, Land Affairs and Planning;

All other land use applications for Gambling Premises shall remain the delegation of the Planning Tribunal.