
Tuesday, 1 December 2020

Te Hui o Te Kaunihera ā-Rohe o Heretaunga
Hastings District Council: Council Meeting

Ngā Minitī

Open Minutes

Te Rā Hui:
Meeting date: **Tuesday, 1 December 2020**

Venue **Council Chamber
Ground Floor
Civic Administration Building
Lyndon Road East
Hastings**

Time start - end **9.05am to 5.07pm**

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Open Minutes

Kua Tae ā-tinana: **Chair - Tiamana:** Mayor Sandra Hazlehurst
Present: **Councillors - Ngā KaiKaunihera:** Councillors Bayden Barber, Simon Nixon, Peleti Oli, Ann Redstone, Sophie Siers, Geraldine Travers and Kevin Watkins
In the Gallery: Councillor Malcolm Dixon (all day), Councillor Alwyn Corban (afternoon).

Kua Tatū:
In attendance: Group Manager: Planning & Regulatory Services - John O'Shaughnessy
Environmental Policy Manager – Rowan Wallis
Environmental Planner (Policy) - Junior Tuakana
General Counsel – Scott Smith
Manager: Democracy & Governance - Jackie Evans
Democracy & Governance Advisor – Vicki Rusbatch
Democracy & Governance Advisor – Lynne Cox

Kei Konei:
Also present: Submitters:
Malcolm Dixon (Sub #5)
Angela Hunter, Havelock North Wanderers AFC (Sub #18)
Liz Read & Alison Prins, Graeme Dingle Foundation (Sub #13)
Rowan Manhire-Heath, HB District Health Board (Sub #10) and
Vicki Berkahn and others, Te Rangihaeata Oranga Trust (Sub #29)
Lyn (Sub #33); Heneriata Edmonds (Sub #42) and Cath Healey
James Ludlam and Ian Brown, Kia Toa Bowling Club (Sub #12 and Sub #19)
Jarrod True, Gaming Machine Association of NZ (Sub #1)
Tanya Piejus, NZ Community Trust (Sub #3)
Mary Hannan, Air Training Corps Youth Training Charitable Trust (Sub #38)
Ross Webb, East Coast Rowing (Sub #40)
Paula Snowden, Problem Gambling Foundation (Sub #44) via Zoom
Andrew Ayre, HB Motorcycle Club (Sub #9)
Jack Sanders, Sportslink (Sub #6)
Jay Campbell, HB Rugby Union (Sub #11)
Mark Sowman, First Light Community Foundation (Sub #8)
Jock Mackintosh, Mitre 10 Park (Sub #16)
Tony Goldfinch, The Lion Foundation (Sub #14)
Niall Miller, TAB New Zealand (Sub #46) via Zoom

1. **OPENING PRAYER - KARAKIA**

The opening prayer was given by Councillor Redstone.

2. **APOLOGIES & LEAVE OF ABSENCE - NGĀ WHAKAPĀHATANGA ME TE WEHENGĀ Ā-HUI**

Mayor Hazlehurst/Councillor Redstone

That apologies for absence from Councillor Corban (for the morning) and Councillors Harvey, Kerr, Lawson and O'Keefe be accepted.

CARRIED

Leave of Absence had previously been granted to Councillor Schollum.

3. **CONFLICTS OF INTEREST - HE NGĀKAU KŌNATUNATU**

Councillors Corban, Dixon, Harvey, Kerr, Lawson, O'Keefe and Schollum had previously declared conflicts of interest.

Councillor Barber's wife, Myra Barber had made a written submission (#47). Councillor Barber considered that he did not have a conflict of interest because Myra Barber had made the submission in her own right, as an individual, and the submission reflected her own personal views.

4. **CONFIRMATION OF MINUTES - TE WHAKAMANA I NGĀ MINITI**

There were no minutes to confirm.

5. **CLASS 4 GAMBLING AND TAB VENUE HEARINGS REPORT**

Document 20/773

Mayor Hazlehurst/Councillor Siers

That the Council accepts the late submission of TAB New Zealand (Niall Miller) (46) received 16th October 2020.

CARRIED

Oral submitters presented their submissions and responded to questions from the meeting:

Malcolm Dixon presented his submission (#5) made in a personal capacity, opposing the proposed "sinking lid" policy without a relocation policy.

Councillor Dixon remained at the meeting seated in the gallery.

Angela Hunter presented the Havelock North Wanderers AFC submission (#18) opposing the proposed “sinking lid” policy without a relocation policy.

Liz Read and Alison Prins presented the Graeme Dingle Foundation submission (#13) opposing the proposed “sinking lid” policy without a relocation policy.

Rowan Manhire-Heath presented the HB District Health Board submission (#10) jointly with Vicki Berkahn (and others) who presented the Te Rangihaeata Oranga Trust submission (#29) in support of the proposed “sinking lid” policy and removal of the relocation policy, and requested that the Council make further changes to the policy to control gambling. (Powerpoint Presentation CG-16-2-00417)

Lyn, a person affected by gambling harm, presented her submission (#33) in support of the proposed “sinking lid” policy and removal of the relocation policy.

Heneriata Edmonds, a person affected by gambling harm, presented her submission (#42) in support of the proposed “sinking lid” policy and removal of the relocation policy.

James Ludlam presented the Kia Toa Bowling Club submission (#12) opposing the proposed “sinking lid” policy and removal of the relocation policy. Ian Brown supported the Bowling Club submission and spoke to his own submission (#19) opposing the proposed policies.

*The meeting adjourned for morning tea at 10.40am
And reconvened at 10.55am*

Jarrold True presented the Gaming Machines Association of NZ submission (#1) opposing the proposed policies. (Powerpoint presentation CG-16-2-00418)

Tanya Piejus presented the NZ Community Trust submission (#3) opposing the proposed policies. (Powerpoint presentation CG-16-2-00419)

Mary Hannan presented a submission (#38) on behalf of the Air Training Corps Youth Training Trust opposing the proposed policies.

It was noted that Megan Burney had requested that the Sundevils Swim Team submission (#15) be taken as a written submission.

Ross Webb presented his submission (#40) on behalf of East Coast Rowing, opposing the proposed policies.

Paula Snowden presented the Problem Gambling Foundation submission (#44) via Zoom. The submission supported the proposed policies and sought further measures to control gambling. (Powerpoint presentation CG-16-2-00414)

*The meeting adjourned for lunch at 12.05pm
And reconvened at 1.18pm*

Councillors Corban and Dixon were present in the gallery for the remainder of the meeting.

Andrew Ayre presented the HB Motorcycle Club submission (#9) opposing the proposed policies.

Jack Sanders presented the Sportslink submission (#6) opposing the proposed policies.

Jay Campbell presented the HB Rugby Union submission (#11) opposing the proposed policies.

Mark Sowman presented the First Light Community Foundation submission (#8) opposing the proposed policies. (Powerpoint presentation CG-16-2-00416) He advised of a correction to the last bullet point on slide 4 – Problem Gambling services are funded by an industry levy paid to the Ministry of Health. This is in the region of **\$20m** (not \$29m as shown on the slide).

Jock Mackintosh presented the Mitre 10 Park submission (#16) opposing the proposed policies. (Powerpoint presentation CG-16-2-00413)

Tony Goldfinch presented the Lion Foundation submission (#14) opposing the proposed policies. (Powerpoint presentation CG-16-2-00412)

Niall Miller presented the TAB New Zealand submission (#46) via Zoom opposing the proposed Class 4 venue policies and supporting the rollover of the existing Class 4 and TAB Venue policies. (Powerpoint presentation CG-16-2-00415)

Mayor Hazlehurst drew the meeting's attention to the written submissions as follows:

The Cru Bar and Level 1 (Steven Carey) (#2)
Myra Barber (#4)
Clubs Hastings (Jackie Wells) (#7)
Sundevils Swim Team (Megan Burney) (#15)
Grassroots Trust Central Limited (Sean Hannan) (#17)
Tania Smith (#20)
Lianne Goodwin (#21)
Robert Ansell (#22)
Aaron Edmonds (#23)
Art Hawke's Bay (Tim Ormond) (#24)
Richard Kettle (#25)
Cranford Hospice (Janice Byford-Jones) (#26)
Cath Healey (#27)
Benjamin Molineaux (#28)
Teena Moody (#30)
Christina McBeth (#31)
Jim Stevenson (#32)
Lisa Tamati (#34)
Arts Inc. Heretaunga (Andy Heast) (#35)
Thompson Hokianga (#36)
Art Hawke's Bay (Hans Doevendans) (#37)
Trojans Swim Club (Ben Hutton) (#39)
Anita Nelson (#41)
David Harding (#43)
Hawke's Bay Golf Club (Alan McDonald) (#45)

*The meeting adjourned for afternoon tea at 3.10pm
And reconvened at 3.35pm*

Environmental Planner (Policy) Junior Tuakana provided responses to questions raised earlier in the day.

The meeting was referred to the tabled legal opinion (CG-16-2-00423) on section 314 of the Gambling Act 2003 – Regulations relating to gaming machines in Class 4 venues. (S314 had been raised by submitter as a potential way of reducing the number of gambling machines in the District.)

In response to a question from the meeting, General Counsel Scott Smith explained that all of the options were open to Council – the decision was solely within Council’s discretion provided it was within the law.

It was noted that gaming machines could only be removed through a sinking lid policy.

The decisions made at this meeting would be incorporated into the Class 4 Gambling Venue and TAB Venue Policies for ratification at the Council Meeting to be held on 8 December 2020.

Councillor Nixon/Councillor Redstone

- A) That the Council receives the report titled Class 4 Gambling and TAB Venue Hearings Report.
- B) That in accordance with Section 83 of the Local Government Act 2002 the Council receive the submissions of;
- The Gaming Association of New Zealand (Jarrod True) (1)
 - The Cru Bar and Level 1 (Steven Carey) (2)
 - New Zealand Community Trust (Tanya Piejus) (3)
 - Myra Barber (4)
 - Malcolm Dixon (5)
 - Sportslink (Jack Sanders) (6)
 - Clubs Hastings (Jackie Wells) (7)
 - First Light Community Foundation (Mark Sowman) (8)
 - Hawke’s Bay Motorcycle Club (Maria Beal/Andrew Ayre) (9)
 - Hawke’s Bay District Health Board (Patrick Le Geyt/Rowan Manhire-Heath) (10)
 - Hawke’s Bay Rugby Union (Jay Campbell) (11)
 - Kia Toa Bowls Club (James Ludlam/Ian Brown) (12)
 - Graeme Dingle Foundation HB (Alison Prins/Liz Read) (13)
 - The Lion Foundation (Tony Goldfinch) (14)
 - Sundevils Swim Team (Megan Burney) (15)
 - Mitre 10 Park (Jock Mackintosh) (16)
 - Grassroots Trust Central Limited (Sean Hannan) (17)
 - Havelock North Wanderers AFC (Angela Hunter) (18)
 - Ian Brown (19)
 - Tania Smith (20)
 - Lianne Goodwin (21)
 - Robert Ancell (22)
 - Aaron Edmonds (23)
 - Art Hawke’s Bay (Tim Ormond) (24)
 - Richard Kettle (25)
 - Cranford Hospice (Janice Byford-Jones) (26)

- Cath Healey (27)
- Benjamin Molineaux (28)
- Te Rangihaeata Oranga Trust (Vicki Berkahn) (29)
- Teena Moody (30)
- Christina McBeth (31)
- Jim Stevenson (32)
- Lyn (33)
- Lisa Tamati (34)
- Arts Inc. Heretaunga (Andy Heast) (35)
- Thompson Hokianga (36)
- Art Hawke's Bay (Hans Doevendans) (37)
- Air Training Corps Charitable Trust (Mary Hannan) (38)
- Trojans Swim Club (Ben Hutton) (39)
- East Coast Rowing (Ross Webb) (40)
- Anita Nelson (41)
- Heneriata Edmonds (42)
- David Harding (43)
- Problem Gambling Foundation Group (Paula Snowden) (44)
- Hawke's Bay Golf Club (Alan McDonald) (45)
- TAB New Zealand (Niall Miller) (46)

CARRIED

Councillor Redstone/Councillor Siers

- C) That pursuant to Section 102 of the Gambling Act 2003, Council adopt the Class 4 Gambling Venue 'sinking lid' with no relocation policy for Flaxmere and 'capped' policy at (currently 283 machines) with relocation policy for the rest of the District.

(Subsequently replaced by the Substantive Motion)

Amendment

Councillor Barber/Councillor Travers

- C) That pursuant to Section 102 of the Gambling Act 2003, Council adopt the Class 4 Gambling Venue 'sinking lid' Policy with relocation policy exclusive to the licence holder to cover upgrade, merger, fire and/or natural disaster with location controls similar to the existing relocation policy.
- D) That the Council lobby the Government within 2021 to regulate the online gambling industry to reduce problem gambling.

The Amendment was PUT and

CARRIED

Substantive Motion

- C) That pursuant to Section 102 of the Gambling Act 2003, Council adopt the Class 4 Gambling Venue 'sinking lid' Policy with relocation policy exclusive to the licence holder to cover

upgrade, merger, fire and/or natural disaster with location controls similar to the existing relocation policy.

- D) That the Council lobby the Government within 2021 to regulate the online gambling industry to reduce problem gambling.

CARRIED

Councillor Nixon/Councillor Redstone

- E) That the Council resolve to adopt the Class 4 Gambling Policies with amendments.
- F) That pursuant to Section 97 of the Racing Industry Act 2020, Council adopt the TAB Venue Policy as proposed in the Statement of Proposal.
- G) That an application lodged with the Council 17 November 2020 will be assessed against the Class 4 gambling policy that applied at the date.
- H) That the amendments made at the meeting be incorporated into the class 4 gambling policy and TAB venue policy and brought back to Council for ratification.

CARRIED

6. 2020 MEETING SCHEDULE CHANGES

(Doc 20/1025)

Mayor Hazlehurst/Councillor Nixon

That Council note that the Council Meeting to be held on 8 December 2020 will now start at the earlier time of 10.30am.

CARRIED

7. MINOR ITEMS - *NGĀ TAKE ITI*

There were no additional business items.

8. URGENT ITEMS - *NGĀ TAKE WHAKAHIHIRI*

There were no extraordinary business items.

The meeting closed at 5.07pm

Confirmed:

Chairman:

Date: