

Tuesday, 30 March 2021

Te Hui o Te Kaunihera ā-Rohe o Heretaunga

Hastings District Council

Hearings Committee Meeting

Kaupapataka

Open Agenda

Loading Ramp (Application for four additional gaming machines)

Te Rā Hui:
Meeting date: **Tuesday, 30 March 2021**

Te Wā:
Time: **9.30am**

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

Te Hoapā:
Contact: **Democracy and Governance Services
P: 06 871 5000 | E: democracy@hdc.govt.nz**

Te Āpiha Matua:
Responsible
Officer: **Group Manager: Planning & Regulatory Services - John
O'Shaughnessy**

**Watch Council meetings
streamed live on our website
www.hastingsdc.govt.nz**

HASTINGS DISTRICT COUNCIL
207 Lyndon Road East, Hastings 4122 | Private Bag 9002, Hastings 4156
Phone **06 871 5000** | www.hastingsdc.govt.nz
TE KAUNIHERA Ā-ROHE O HERETAUNGA

Hearings Committee – Terms of Reference

Fields of Activity

The Hearings Committee is established to assist the Council by hearing and determining matters where a formal hearing is required in respect of a planning or regulatory function of the Council, including under the provisions of the:

- Resource Management Act 1991
- Building Act 2004
- Health Act 1956
- Dog Control Act 1996
- Litter Act 1979
- Hastings District Council Bylaws
- Local Government Act 1974
- Local Government Act 2002; and
- Hastings District Council Class 4 Gambling Venue Policy.

Membership - Up to 12 Hearings Commissioners (comprising at least 7 elected members of Council and up to 3 externally appointed Independent Hearings Commissioners)

- Chair appointed by Council from the membership including externally appointed members.
- Deputy Chair appointed by the Council from the membership including externally appointed members.
- Under section 39B of the Resource Management Act, the Chair must be accredited, and unless there are exceptional circumstances, appointees on hearings panels must have accreditation to make decisions on;
 - Applications for Resource Consents.
 - Notice of Requirements given under section 168 or 189.
 - Requests under clause 21(1) of Schedule 1 for a change to be made to a Plan.
 - Reviews of Resource Consents.
 - Applications to change or cancel Resource Consent Conditions.
 - Proposed Policy Statements and plans that have been notified.
 - Any hearing of an objection under section 357C.

Quorum*

- a) For Hearings other than Council Initiated Plan Change hearings, a maximum of three members including the Chair (or Deputy Chair, in the Chair's absence) to meet for any one hearing.
 - b) For Council Initiated Plan Change hearings, all members may attend and take part in the decision-making process unless the Chair exercises the power of delegation to assign any function, power or duty of the Hearings Panel to any one or more Commissioners.
 - c) For Hearings other than Council Initiated Plan Change hearings the quorum shall be two members.
 - d) For Council Initiated Plan Change Hearings, the quorum shall be three members.
 - e) Members to sit on any hearing other than a Council Initiated Plan Change Hearing shall be selected by agreement between the Chair (or Deputy Chair, in the Chair's absence) and the Group Manager: Planning and Regulatory Services.
1. For the purpose of hearing any objection in respect of the matters detailed under the Dog Control Act 1996 the Hearings Committee will consist of any three members selected by the Chair.

Tuesday, 30 March 2021

Te Hui o Te Kaunihera ā-Rohe o Heretaunga

Hastings District Council: Hearings Committee Meeting

Kaupapataka

Open Agenda

Panel Members Rostered on for this hearing:

Chair: George Lyons (Commissioner Chair - External appointee)

Councillor Wendy Schollum and Peter Kay (External appointee member)

Alternate Member (if required): Councillor Eileen Lawson

Ngā mema o te Komiti

Committee Members:

Other Hearings Committee Members (not rostered on for this hearing): Councillors Bayden Barber (Deputy Chair), Alwyn Corban, Tania Kerr and Sophie Siers

Robin Hape - Heretaunga Takoto Noa Māori Standing Committee appointee

Vacancy – 1 member

Apiha Matua

Officer Responsible:

Group Manager: Planning and Regulatory Services - John O'Shaughnessy

Reporting Planner

Team Leader, Environmental Planner – Megan Gaffaney

*Te Rōpū Manapori me te
Kāwanatanga*

Democracy

Governance Services

Christine Hilton (Ext 5633)

Te Rārangī Take

Order of Business

Apologies & Leave of Absence – *Ngā Whakapāhatanga me te Wehenga ā-Hui*

- 1.0** At the close of the agenda no requests for leave of absence had been received from the panel members appointed to this hearing.
-

Loading Ramp, 8 Treacher's Lane, Havelock North - Territorial Authority Consent - Application for Class 4 Gambling Venue, To Establish An Additional **2.0** Four Gaming Machines (RMA20200256)

DOCUMENTS CIRCULATED FOR HEARING - COMPILED AS TWO SEPARATE DOCUMENTS

<u>Document 1</u>	The covering administrative report	Pg 1
Attachment 1	Hearing Report	Pg 3
Attachment 12	Minutes of Class 4 Policy Review – as part of Council meeting on 1 December 2020 (Agenda Item 5, part G of resolution on Page 7 is relevant to this hearing)	Pg 29

The Application and Submissions can be viewed on the Council website.

Tuesday, 30 March 2021

Item 2

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

Te Rārangi Take

Report to Hearings Committee

Nā:
From: **Christine Hilton, Democracy and Governance Advisor**

Te Take:
Subject: **Loading Ramp, 8 Treacher's Lane, Havelock North - Territorial Authority Consent - Application for Class 4 Gambling Venue, To Establish An Additional Four Gaming Machines (RMA20200256)**

1.0 Purpose and summary - *Te Kaupapa Me Te Whakarāpopototanga*




- 1.1 This is a covering report relating to a hearing to be held on Tuesday, 30 March 2021 which addresses a Territorial Authority Consent application to establish an additional four gaming machines at the Loading Ramp, 8 Treacher's Lane, Havelock North.

This agenda and attachment document can be viewed on the Council website.

2.0 Recommendations – *Ngā Tūtohunga*

- A) That the covering report titled Loading Ramp, 8 Treacher's Lane, Havelock North - Territorial Authority Consent - Application for Class 4 Gambling Venue, To Establish An Additional Four Gaming Machines (RMA20200256), the hearing report and associated attachments, dated 30 March 2021, be received.

Attachments:

	Hearing Report	99926#0374	
	RMA20200256 Application For Class 4 Gambling Venue - 9 Gaming Machines	99926#0323	Document 2
	Completed information - application accepted ref 99926#0335	99926#0371	Document 2

D⇒	Submission - Pamela & Peter Marshall	99926#0344	Document 2
E⇒	Submission - Macklock Properties Ltd	99926#0345	Document 2
F⇒	Submission - Lowmac Properties Ltd	99926#0346	Document 2
G⇒	Application Public Notice Loading Ramp	99926#0340	Document 2
H⇒	Covering email and two sheets - DIA Class 4 venues in operation table	99926#0370	Document 2
I⇒	Further Information Request Letter (1)	99926#0328	Document 2
J⇒	Further information request letter (2)	99926#0333	Document 2
K⇒	Further Information Request Letter (3)	99926#0335	Document 2
L⇩	Minutes of Class 4 Policy Review 1 December 2020 (Agenda Item 5, part G of resolution on Page 7 is relevant to this hearing)	99926#0373	

Item 2

**HEARING REPORT FOR CLASS 4
GAMBLING VENUE CONSENT UNDER
THE GAMBLING ACT 2003**

Application Received: 17/11/2020	PID: 99926 RMA20200256
Applicant:	<i>The Lion Foundation (2008) Ltd C/- Samantha Alexander</i>
Address of Site:	8 Treachers Lane, Havelock North 4130
Legal Description:	Lot 1 DP 380096 (RT 320992)
Zoning:	Retail Zone - Havelock North Village Centre
Proposal:	To increase the number of Class 4 Gambling machines for the Loading Ramp, to provide an additional 4 machines to the already operating 5 Machines.
Gambling Act 2003 Provisions:	Section 98(a)
Report Prepared By:	Megan Gaffaney

1. OVERVIEW

The Hastings District Council Class 4 Venue Policy ('Policy') considers the social impacts of gambling within the district and specifies if venues can be established, where they can be located and restrictions on the maximum number of gaming machines that may be operated within the Hastings District. The Policy also identifies circumstances where exceptions apply, such as for the relocation of machines or when clubs are being merged. The Policy includes anticipated outcomes and objectives, and it identifies the information to be included in an application and the matters to be considered when assessing an application. It also establishes the parameters for when public notification of an application is required.

The Lion Foundation ('Applicant') has applied to increase the number of gaming machines currently being operated at The Loading Ramp to 9, being an increase of 4.

At the time Council accepted the application, the Policy had a 'Cap' approach to Class 4 Gambling whereby Council may grant consent for up to a total number of 293 gaming machines in the Hastings District. The total number of gaming machines in operation in this district presently is 283. The Department of Internal Affairs latest information confirms availability within

99926#0365

the Cap for additional machines, therefore this application was accepted for consideration.

This report is written with reference to, the Policy as adopted on 28 May 2017, and the Gambling Act 2003 ('the Act'). It should be noted that the Policy was reviewed in 2020 and amended to a 'Sinking Lid' approach ('Reviewed Policy' adopted by Council 8th December 2020). However, as part of adopting the Reviewed Policy, the Council resolved "That an application lodged with the Council 17 November 2020 will be assessed against the Class 4 gambling Policy that applied at the date".¹

The increase in Class 4 gambling machines at the Loading Ramp premises at 8 Treachers Lane, Havelock North requires consent from the Council under Section 98(a) of the Gambling Act 2003.

Section 100 of the Act requires Council to consider and determine an application for a territorial authority consent in accordance with its Class 4 Venue Policy and then either grant a consent with or without a condition specifying the maximum number of gaming machines that may be operated at the venue (but with no other condition), or not grant a consent.

Under Clause 6 of the Policy, applications which do not meet one or more of the conditions are required to be publically notified and require a hearing. This application was required to be publically notified and have a hearing because it does not comply with Clauses 6 (iv), (vi) and (vii) of the Policy.

The application was publically notified on 28th November 2020. A total of 3 submissions were received, all of which were in opposition to the proposal.

The Applicant has approval for 5 machines at this venue from Hastings District Council granted in 2017 under RMA20170377.

It also has a licence for up to five (5) machines at this venue from the Department of Internal Affairs pursuant to Section 67 of the Gambling Act 2003. A copy of the DIA licence is provided with the application.

While the application does not meet Clauses 6(v) - (vii) the assessment in this report is that the proposal is consistent with the anticipated outcomes and objectives of the Policy.

This report recommends that the application for territorial authority consent is granted for an additional four (4) Class 4 Gaming Machines.

¹ [Minutes of Council Meeting - 1 December 2020](#)

2. THE PROPOSAL

The proposal is an application by the Applicant to Hastings District Council for consent approval to allow four (4) additional gaming machines at the Loading Ramp, 8 Treachers Lane, Havelock North under the Hastings District Council Class 4 Gambling Venue Policy. There are current 5 gaming machines in operation at the site. This would bring to total to nine (9) gaming machines.

The area of the venue that the additional gaming machines would occupy is shown as a red hatched area on the application plan, drawing No. CO1.

The non-compliances with the Policy which triggered a requirement for public notification of the application are detailed as follows:

Clause 6 (iv) *The principal venue entrance shall not be located closer than a 100 metre radius of any educational facility, place of assembly, or licensed early childhood centre.*

The principal venue entrance is located closer than a 100 metre radius to the Havelock North Playcentre, located at 29 Porter Drive, Havelock North

Clause 6 (vi) *The venue premises shall not be within a 100 metre radius of the principal entrance of any other Class 4 gambling venue or TAB venue.*

The venue premises is located within a 100 metre radius of the principal entrance of Turk's Bar, 5 Napier Road, Havelock North which operates 18 Class 4 Gaming Machines and operates a TAB.

Clause 6 (vii) *Meeting all application, declaration, and fee requirements*

The application does not meet Policy's Application Requirement clause 7(v) for an audit assessment from an independent Chartered Accountant holding a Certificate of Public Practice of the business plan or budget for the establishment, covering at least 12 months, and clearly distinguishing the percentage of revenue to be derived from both gambling and other activities proposed for the venue, showing that the venue is clearly not to be used primarily for operating gaming machines.

3. HISTORY

The Applicant has approval for the five (5) gaming machines currently licenced and operating at this venue. Approval was granted by Hastings District Council pursuant to its Class 4 Gambling Venue Policy in 2017 under RMA20170377. The original application was for 9 machines however the 2017 application was submitted at the same time as one by the Hastings RSA to increase the number of gaming machines at the Elbowroom Sports Bar by 4 (from 14 to 18). As there was only room for a total of 9 new machines under the Policy Cap, the Hearings Committee effectively shared the allowable allocation of machines within the Cap between the two venues

resulting in the Loading Ramp receiving approval for 5 machines and the Elbow Room received approval for 4 machines under RMA20170375.

4. APPLICANT'S LETTERS IN SUPPORT

The Applicant, The Lion Foundation and proposed venue operator, Mark Stewart have provided emails and letters in support of the proposed activity as part of the application. The application is attached to this report.

5. SITE AND SURROUNDING ENVIRONMENT

The Loading Ramp is located at 8 Treachers Lane, Havelock North (Lot 1 DP 380096) within the Retail Zone - Havelock North Village Centre of the Hastings District Plan (refer Image 1 below). The Loading Ramp is an existing bar and restaurant and is currently licensed for Class 4 Gaming Machines, as of 7 August 2020. Treachers Lane accesses a Council Carpark and a small number of commercial businesses. Treachers Lane connects to both Porter Drive and Napier Road.

The venue is located within 100 metres of the Havelock North Play Centre, 29 Porter Drive (an early childhood centre) and within a 100 metre radius of Turks Sports Bar, located at 5 Napier Road which is both a Class 4 Gambling Venue and TAB Venue. It is also noted that the principal venue entrance is within 100 metres (approximately 93 metres) of residentially zoned land (road reserve - Napier Road) but greater than 100 metres from the closest residential site which is occupied by a Church and not resided upon.

The site plan shows where the machines are to be located within the building (in an area of approximately 34m²), the plan also shows the bar area, dining areas, outdoor room, deck and courtyard as well as the administrative and office areas, access and storage and ablutions areas of the venue.



Image 1: Zoning Map of Subject Site (8 Treachers Lane, The Loading Ramp site is outlined in red)

The Havelock North Village Centre environment is made up of a number of different District Plan zones including:

- Havelock North Village Retail zone (in which the Loading Ramp is located)
- Havelock North Village Business Zone
- Havelock North Village Mixed Use Zone
- Open Space and Residential Zone

Predominantly the surrounding area is made up of businesses, including retail and hospitality and commercial service businesses.

6. NATURE OF CONSENT REQUIRED

Section 98 of the Gambling Act 2003 sets out when territorial authority consent is required.

98 When territorial authority consent required

A territorial authority consent is required in the following circumstances:

- (a) *If a corporate society proposes to increase the number of gaming machines that may be operated at a Class 4 venue (whether by way of an application for, or amendment to, a Class 4 venue licence, and whether or not in association with an application for ministerial discretion under section 95 or 96);*

- (b) *If a corporate society applies for a Class 4 venue licence and a Class 4 venue licence has not been held by any corporate society for the venue within the last 6 months:*
- (c) *If a corporate society proposes, in accordance with a relocation Policy of the territorial authority, to change the venue to which a Class 4 venue licence currently applies.*

Territorial authority consent is required under 98(a) above as the Applicant seeks to provide an additional 4 machines to the already operating five (5) machines at 8 Treachers Lane, Havelock North resulting in a total 9 gaming machines at this venue should the application be approved. This application is not in association with an application for ministerial discretion under section 95 or 96.

In terms of the Policy, the application does not meet Clause 6(v), (vi) and (vii) of the Policy which the Council is required to have regard to:

The non-compliances are detailed as follows:

Clause 6 (iv) The principal venue entrance shall not be located closer than a 100 metre radius of any educational facility, place of assembly, or licensed early childhood centre.

The principal venue entrance is located closer than a 100 metre radius to Havelock North Playcentre, 29 Porter Drive, Havelock North

Clause 6 (vi) The venue premises shall not be within a 100 metre radius of the principal entrance of any other Class 4 gambling venue or TAB venue.

The venue premises is located within a 100 metre radius of the principal entrance of Turk's Bar, 5 Napier Road, Havelock North which operates 18 Class 4 Gaming Machines and operates a TAB.

Clause 6 (vii) Meeting all application, declaration, and fee requirements

The application does not meet the requirements of clause 7(v) of the Policy for an audit assessment from an independent Chartered Accountant holding a Certificate of Public Practice, of the business plan or budget for the establishment, covering at least 12 months, and clearly distinguishing the percentage of revenue to be derived from both gambling and other activities proposed for the venue, showing that the venue is clearly not to be used primarily for operating gaming machines.

7. ADEQUACY OF THE APPLICATION

Section 99(2) of the Gambling Act requires that the application for territorial authority consent must be accompanied by the information required by the territorial authority to enable it to consider the application properly.

Clause 7 of the Policy sets out the information requirements to be provided with the application. The following information was provided with the application.

- (i) Name and contact details for the application, including the society name, the venue trading name(s), and other name(s) related to the venue, and the venue operators name.

Applicant: The Lion Foundation (2008) Ltd
Trading Name: Carma Bars Limited
Contact: c/-Samantha Alexander, Level 2 Customhouse,
50 Anzac Ave, Auckland 1010

- (ii) Street address of premises proposed for the Class 4 Venue:

8 Treachers Lane, Havelock North

- (iii) A specific legal description with deposited plan where required clearly identifying the area where the venue is proposed to be located.

Lot 1 DP 380096 (RT: 320992)

- (iv) The names of key management person at the venue have been provided is listed below.

Venue Key Person - Mark Stewart

- (v) An audit assessment, from an independent Chartered Accountant holding a Certificate of Public Practice, of the business plan or budget for the establishment, covering at least 12 months, and clearly distinguishing the percentage of revenue to be derived from both gambling and other activities proposed for the venue, showing that the venue is clearly not to be used primarily for operating gaming machines. This information is requested to enable an assessment as one of the mechanisms to determine of the primary activity of the venue.

Some financial information was provided with the application but this information was incomplete and not from an independent Chartered Accountant holding a Certificate of Public Practice. Three letters were sent to the Applicant outlining the information required by the Policy, dated 30th June 2020, 20th July 2020 and 6th November 2020, however this information was not forthcoming. With further prompting

on 17th November 2020 the Applicant confirmed by email the following:

- Current venue turnover from trading income (food / beverage sales) per week;
- Current venue payments (weekly) from the gambling operation are less than 5% of the aforementioned turnover.
- The best estimate in respect of the percentage of income from the gambling operation is that the revenue from the gaming operation will not exceed 10% of the venues turnover on an annual basis.

With this information provided, 6 months having passed, and realising that the required information was unlikely to be provided, at this point, the application was agreed to be received and that it would be a matter for the Hearings Committee to decide upon as part of the hearing of the application.

- (vi) A site plan covering both gambling and other activities proposed for the venue, including details of each floor of the venue, and clearly showing where the machines are to be located and the size of the area the machines will be within.

An adequate site plan has been submitted, the site plan shows where the machines are to be located within the building (in an area of approximately 34m²), the plan also shows the bar area, dining areas, outdoor room, deck and courtyard as well as the administrative and office areas, access and storage and ablutions areas of the venue. As shown below:

8. NOTIFICATION ASSESSMENT

Under Clause 8 of the Policy an application made under Clause 5.1 of the Policy and/or applications which do not meet one or more of the conditions under clause 6 of the Policy must be publically notified and a hearing must be held.

Clause 5.1 of the Policy relates to Venue Relocation and is therefore not relevant to this application.

As noted above, the application did not meet a number of the conditions under Clause 6 and therefore it was publicly notified on Saturday 28th November 2020. This included the public notice appearing in Hawke's Bay Today on Saturday 28th November 2020 as well as on Hastings District Council My Voice My Choice website. Individual notification letters were also set to the owners of any property which is located within 100 metres of the subject site and to a number of organisations who may have an interest in Class 4 Gaming Machine applications.

9. SUBMISSIONS

A total of 3 submissions were received by Council by 5pm on Monday 30th November 2020 (the close of submissions). All of these 3 submissions were in opposition to the application.

A summary of the submissions by the submitters is set out below. Please note that this table is only a summary of the key issues raised in submissions. Please refer to the full set of submissions as required. These submissions are attached to this report as Attachments.

10. ISSUES RAISED:

The following matters were raised by the submissions:

Submitter 1: Pamela Marshall and Peter Marshall

Matters Raised:

Opposes the application.

Their submission applies to all parts of the application. They opposed the original application (2017) and stated then that this would be a foothold for further applications. Their submission states this has come to pass.

Decision Sought: Decline application

Submitter 2: Lowmac Properties Ltd

Matters Raised: Oppose the application.

The location does not comply with the Hastings District Council Class 4 Gambling Venue Policy. The submitter supports the Councils Sinking Lid Policy on Gambling Machines.

Decision Sought: Decline application

Submitter 3: Macklock Properties Ltd

Matters Raised: Oppose the application.

The location does not comply with the Hastings District Council Class 4 Gambling Venue Policy. The submitter supports the Councils Sinking Lid Policy on Gambling Machines.

Decision Sought: Decline application

Clause 4 Establishment of Class 4 Machines and Venues, and Clause 5 – Exceptions:

As noted above, at the time it adopted the Revised Policy, the Council resolved that this Application would continue to be assessed under the Policy, which applied at the time the application was accepted for processing.

The Policy (as opposed to the Revised Policy) adopts a 'Cap' approach to Class 4 gambling venues and gaming machines. Clause 4 of the Policy states that council will not grant consent where:

- A proposal to establish a new Class 4 gambling venue that is not within the Central Commercial zone, Havelock North Village Centre zone (as defined by the maps in the Policy);
- The total number of gaming machines in the Hastings District exceeds 293.

The only exceptions to Clause 4 are set out in Clause 5. Clause 5.1 outlines the exceptions which relate to venue relocations (for venues not defined as a Club under the Gambling Act 2003) and 5.2 which accommodates club relocations and club mergers. As this application is not for a venue relocation or a club merger, these exceptions are not relevant to this application.

This application is made under Clause 4 of the Policy:

- In terms of Clause 4(i) above, the venue is located within the Havelock North Village Centre Retail Zone; and
- In terms of Clause 4(ii) above, there is currently space under the Hastings District Council 'Cap' of 293 machines for 10 more gaming machines to establish within the District.

As the application is not precluded by Clause 4 of the Hastings District Council Class 4 Gambling Venue Policy, the application can be considered by Council and be either approved or declined.

The application therefore falls to be assessed having regard to clauses 6 & 7, 8, and the Anticipated Outcomes and the Objectives of the Policy in Clauses 2 & 3 (respectively).

Anticipated Outcomes and the Policies
(Cl 2 & 3 of the Class 4 Gambling Venue Policy).

Having assessed the application against these outcomes and policies it is considered that the proposal is consistent with the Anticipated Outcomes and Objectives of the Policy in that:

Harmful impacts of high risk forms of gambling on the Hastings District community will be avoided or minimised.

The Policy allows additional gaming machines and new venues to establish (within the Cap) within Hastings District, but it does not allow the growth of gambling through more machines than that which were allowed to operate when the Policy was adopted (293). Class 4 gambling is an existing activity at the Loading Ramp. The proposal, if granted, will not result in an increase in the number of gaming venues that currently exist within the Hastings District and will result in an increase in the number of machines which is still below the allowable Cap in the Policy. Harm minimisation policies have been prepared for the venue staff and comprehensive harm minimisation training is required of the staff at the Loading Ramp with 6 monthly refresher training see Attachments. Approving the application will not 'avoid' harmful impacts of high risk gambling, but the harm minimisation policies and staff training will assist in minimising them.

Class 4 gambling venue operators will be responsible gambling hosts.

The gambling venue operator is an experienced hospitality host and has experience as a gambling host at this venue. There is no known evidence of problems in relation to its operation at this venue under this host. This has been verified by HDC Environmental Health. It is considered that with the required harm minimisation training and the harm minimisation policies in place the venue staff will be responsible hosts.

The Lion Foundation submitted a Harm Minimisation Policy & Policy for Minimising Risk of Underage Gambling, April 2019 along with additional material for Council approval. These documents are attached.

Overall, the application is considered to meet this outcome.

Any new Class 4 gambling venues shall be established within the Retail Zone, Havelock North Village Centre.

This outcome is met as the proposal is for the establishment of a new venue within the Havelock North Village Centre Retail Zone.

Class 4 gambling club venues can only relocate in a limited number of defined zones.

This outcome is not relevant to the application as the proposal is not a relocation another venue.

To support the purpose and intent of the Gambling Act 2003.

The purpose of this Act 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.*

It is considered that the proposed increase in gaming machines at the Loading Ramp will overall be consistent the purpose and intent of the Gambling Act 2003 outlined above. The purpose and intent of the Gambling Act 2003 was considered by the Hearings Committee for the Class 4 Gambling Venue Policy in 2017 when it was determined that the Policy would change from a "Sinking Lid" Policy to a "Cap". The 2020 Gambling Venue Policy review public notification resulted in 46 submissions with 16 in support and 29 opposed the changes. Council heard these submissions and decided to adopt a Sinking Lid Policy instead of a Cap. However as noted above this current application must be assessed under the 2017 policy (cap).

The Cap was set at the level of gaming machines that were currently operating or could operate within the District at that time without first obtaining Territorial Authority Consent. Since that time, there has become Capacity within the Cap for 9 machines to be licenced to a venue. The application increases the number of machines in operation the district by 4 (within the identified Cap quantity) though it does not represent a "growth" in venues within the District at the time the Cap was set under the 2017 Policy.

The Act seeks to prevent and minimise harm from gambling, including problem gambling. Councils can help to prevent and minimise harm from gambling by considering the social impacts of gambling on sensitive areas as set out above. The Loading Ramp venue is located within the Havelock North Village Centre Retail Zone which is one of the few areas identified within the Policy in which a new or relocated venue may be established.

Although the venue is located within an appropriate zone, it is within 100 metres of an early childhood centre, 100 metres of another Class 4 Gambling and TAB venue, and it is located within 100 metres of residentially zoned land (although it is noted that no residentially zoned site is within 100 metres of the Loading Ramp rather it is part of the legal road zoned residential which falls within 100 metres of the principal venue entrance). It is noted that no site within the Havelock North Village Centre Zone would fall outside of the 100

metre setback from all of these social considerations - please refer to the below images which help to demonstrate this.



Image 2: Havelock North Zoning Map

In terms of the distance from the early childhood centre, the Loading Ramp will be approximately 87 metres from the Havelock North Play Centre. The existing buildings on Porter Drive help to screen the Loading Ramp from the early childhood centre and further the 'Pokie Room' will be located within the existing building with no separate entrance.



Image 3: Geographical relationship between Loading Ramp and Havelock North Playcentre

Historically, Havelock North Village Centre had two gambling venues at Turk's Sports Bar and The Happy Tav. The Happy Tav, which had 18 gaming machines in operation, closed in 2014 and the site redeveloped, leaving one gambling venue for a period of time. Gambling machines were not re-established at the Tav site.

Three years later, in 2017, the Lion Foundation received Council approval to establish the Loading Ramp as a Class 4 venue with 5 machines. This application now seeks approval for 4 more machines.

As mentioned above, the venue is located within 100 metres of Turk's Sports Bar at 5 Napier Road which is also a Class 4 Gambling Venue and TAB venue. Walking distance between the two principal venue entrances is approximately 100 metres.



Image 4: Geographical relationship between Loading Ramp and Turks Bar

The next closest venue is the Havelock North Club which is approximately 306 metres in straight line distance from Turk's Sports Bar and 370 metres in straight line distance from the Loading Ramp. The Havelock North Club is a membership-based club.

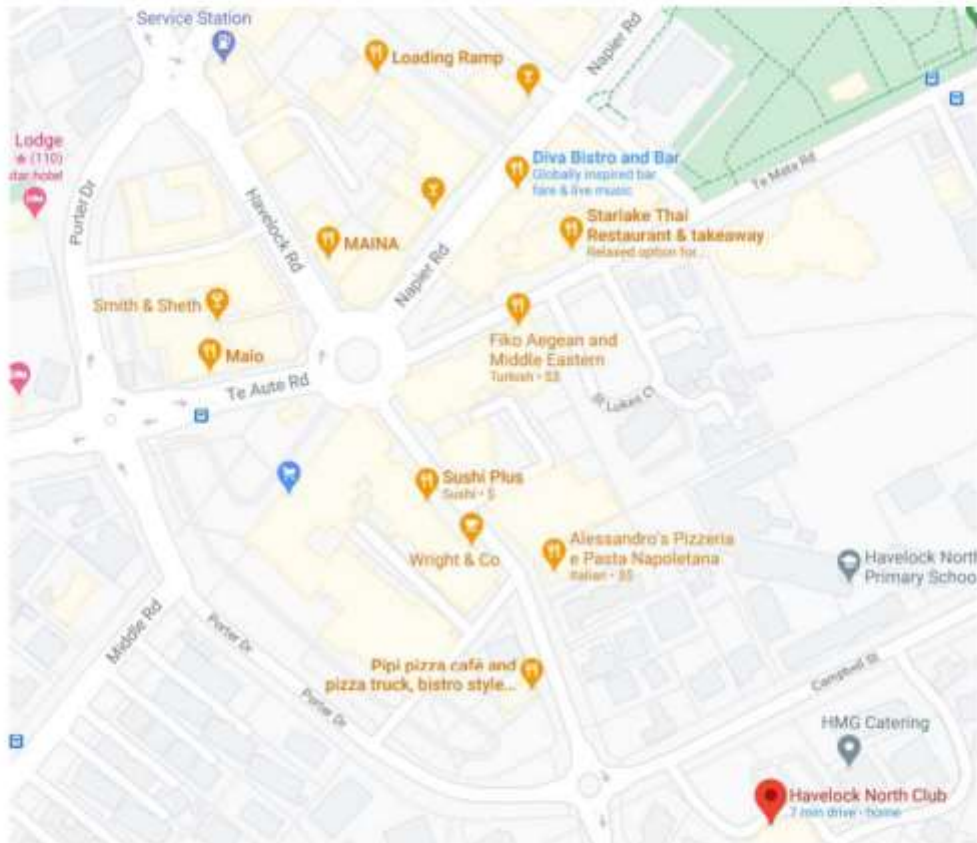


Image 5: Geographical relationship between Loading Ramp and Havelock North Club

The 3 submissions have raised general objections to the proposal in its entirety seeking that it be declined. These submitters also objected to the 2017 application to establish the venue for gaming machines. The Marshall's current submission states that it (2017 application) would be a foothold for further applications and that this has come to pass.

The Policy authorises some gambling within the District within the Cap of 293 machines. There is currently Capacity for 10 machines to establish. It is important to note that this application will be the last one to be assessed under the Cap Policy, and the Revised Policy, with a Sinking Lid, will apply thereafter.

In terms of (d), (e) and (f) above, the Gambling Act 2003 sets out rules and requirements for licence holders to ensure this purpose of the Gambling Act is met.

In terms of (g) above, the Applicant states that the money earned from the gaming machines at the venue will contribute to community funding for the Hastings District. The DIA Class 4 Venue Licence issued to Carma Bars Limited, Mark Stewart authorised the venue for the sole objective of distribution proceeds from gambling to the following authorised purposes:

- Charitable purposes: non-commercial purpose benefitting the community, sport, relief of poverty, scholarships, cultural or philanthropic activities or group and generally to be distributed within the local community in which funds are raised, with exception to grants for National Societies or Agencies.

The application states:

"we anticipate an increase of approximately \$150,000 per annum in Authorised Purposed funds for distribution to the Hastings community from the gaming machines at the Loading Ramp. In 11 months (1 April 2019 – 29 February 2020), grants in excess of \$500,000 were distributed to organisations within the territorial authority area. This amount excludes any grants attributed to the grants to organisations impacted nationally."

To avoid the establishment of Class 4 gambling activities in locations close to residential areas, public facilities or other identified land uses sensitive to gambling activities.

The principal venue entrance of the Loading Ramp is located within 100 metres of a Residential Zone and this zoning pertains to legal road, being Napier Road. The closest residentially zoned Site, which is 14 Napier Road is approximately 111 metres from the principal venue entrance and it is noted that this site is not used for residential purposes rather it is occupied by a church as shown below:



Image 6: Geographical relationship between Loading Ramp and St Columba's Church, 14 Napier Rd

It is also noted that the site is located in close proximity to the Havelock North Mixed Use Zone, which falls within the definition of commercial zone within the Hastings District Plan which allows for residential activities to establish (subject to meeting all necessary requirements).

With regard to the specific 'sensitive' land uses nearby it is noted that the venue is screened from the early childhood centre by existing buildings on Porter Drive and that gambling will be undertaken within the existing Loading Ramp building. It does not have a separate entrance. The presence of the existing and proposed gambling machines at this venue will not be visible from the exterior of the building.

The proposed venue is located within 100 metres of another gambling and TAB venue but this is not considered to be a sensitive land use.

While the venue is in close proximity to a land use sensitive to gambling activities it is not considered that the application is contrary to this objective for the reasons given above.

To avoid the proliferation of Class 4 gambling venue strips or blocks within the city.

The Loading Ramp is within a 100 metre radius of Turk's Sports Bar, a Class 4 Gambling Venue and TAB venue that is also located within the Havelock North Village Centre Retail Zone. The two venues are approximately 25 metres apart in straight line distance and approximately 99 metres in walking distance. The next closest venue is the Havelock North Club which in straight line distances is approximately 306 metres from Turk's and 370 metres from the Loading Ramp.

Given that only two venues are located within the Havelock North Village Centre Zone and that the next closest venue is over 300 metres away it is considered that a proliferation of Class 4 gambling venue strips or blocks will be avoided.

To encourage responsible gambling practices and attitudes in Class 4 gambling venues.

The application states that:

"The staff at the Loading Ramp undergo harm minimisation training (including refresher training) on a regular basis. We (The Lion Foundation) will also work closely with the local problem gambling service provider to ensure a safe, responsible gaming environment for all Customers."

They have also stated that customers and venue staff have access to the lion foundation website with up-to-date information regards gambling and links to gambling support providers. The staff have customised venue portal access with the latest information and guidance material published by the Health Protection Agency (HPA). A copy of the harm minimisation documents submitted are attached.

Overall, it is considered that the application achieves this objective.

To minimise the potential for new entrant problem gamblers by reducing accessibility to gambling venues.

The application is for additional machines, it will be within the allowable Cap and does not introduce a new venue to the District. The Loading Ramp has been in operation as a hospitality venue for about 10 years in Havelock North.

In viewing the the layout of the building it is evident that the physical space designated for the gaming machines is a minority in relation to the remainder of the building which is used for hospitality purposes, as shown on the attached layout Plan provided by the Applicant. To visit the gaming machine room one would need to enter the building from the entrance off Treachers Lane, walk through the main hospitality area / bar / seating through to the far side of the building, past the reception and into the Gaming Room. This space is discretely located and appear ancillary to the primary hospitality use of the venue. The application is considered to be not inconsistent with this objective. The gaming room size of 34m² is significantly smaller than the area allocated to the bar and dining area as shown in the hatched area below:



The 'Loading Ramp Harm Minimisation & Policy for Minimising Risk of Underage Gambling, April 2019' details the law in relation to underage gambling, what the venue's responsibilities are, what powers the venue has and what the penalties are for breaching these sections relating to underage gamblers. The Policy states that no single control in itself will provide absolute assurance that minors are not accessing or attempting to access the gaming room to play machines. Therefore, a mix of controls are provided that are applicable to all venues and then to the individual venue. This document is attached and forms part of the Harm Minimising Policy.

To ensure as far as practicable that actual and reasonable costs relating to venue consent applications are borne by the applicant(s).

21

have paid this fee and any additional fees for assessing this application will be invoiced to the applicant once a decision has been made.

11. HEARING CONSIDERATIONS

Clause 8 of the Hastings District Council's Class 4 Gambling Venue Policy sets out that the Hearings Committee will consider each application on its merits, judged against the criteria which is set out below. For each criteria below the considerations are discussed below.

i) *The extent to which the application meets the objectives of the Hastings District Council Class 4 Gambling Venue Policy, and the Purpose and intent of the Gambling Act 2003*

This is discussed under Section 29 above. Overall, I consider the application meets the object of the Hastings District Council Class 4 Gambling Venue Policy and the Purpose and intent of the Gambling Act 2003.

ii) *The extent to which an application that does not meet a condition of clause 6, is of a minor effect*

The application does not meet Clause 6(v), (vi) and (vii), these clauses are discussed above. The principal venue entrance is approximately 87 metres from the Havelock North Play Centre which is an early childhood centre. This is considered to be minor for the following reasons:

- the Class 4 gambling machine room (gaming room) can only be accessed from the interior of the Loading Ramp
- the separation distance
- the venue is screened and separated by other buildings on Porter Drive
- the only residentially zoned land within 100 metres is legal road
- the closest residentially zoned site is 14 Napier Road is not used for residential purposes and occupied by the St Columba's Presbyterian Church building.

The venue is in close proximity to Turk's Sports Bar which is a Class 4 gambling and TAB venue. This is considered to be of a minor effect given that there will not increase the number of two gambling venues in Havelock North Village or the wider district should consent be granted.

iii) *The extent of the potential impact on the character of the zoned area/locality*

It is considered that the application will not have an impact on the character of the Village Centre. It is an area specifically identified in the Hastings District Council's Class 4 Gambling Venue Policy as suitable for gambling activities. The proposed gaming machines will be located with the existing machines in a purpose built gaming room, a separate space within existing bar/restaurant venue. Access to the gaming room is internal to the building. It does not have a separate/ independent entrance. There are no external

changes anticipated to the Loading Ramp as a result of the application to increase the number of machines.

iv) *The potential cumulative effects of additional gambling in that locality*

Increasing the number of machines by 4 is not inconsistent with the Policy as it is within the Cap and therefore any cumulative effects are anticipated within this Policy direction. While it would increase the number of machines in operation in the district it does not result in a new or additional venue in the locality. The Venue and licenced operator runs the venue within the scope of its Harm Minimisation Policy. The harm minimisation policies provides a number of methods to identify problem gamblers and how to deal with them. This is the last increase in the number of machines able to be approved, given the Revised Policy has now been adopted by Council. It is considered that potential cumulative effects of additional gambling can be mitigated.

v) *Whether the venue has reasonable potential to have a negative effect on the operation, amenity, or reasonable enjoyment of residential and/or sensitive land uses in the locality.*

The Loading Ramp venue is not considered to have a negative effect on the operation, amenity or reasonable enjoyment of the Havelock North Play Centre which is considered to be the only 'sensitive' land use in the locality. The venue is not in close proximity to any residentially zoned site (although it is acknowledged that it is within 100 metres of a residential zone) and close to the mixed use zone in which residential units may establish within the Village Centre environment.

Gaming machines are not an inherently a noisy activity, and as identified in the Harm Minimisation Policy submitted with the application, intoxicated people are not permitted to play on the gambling machines. Overall, it is considered that the gambling activity will not negatively affect the reasonable enjoyment of the sensitive land use in the locality.

vi) *That when relocating the venue relinquishes the gaming machines tied to the current location*

This criterion is not relevant as the application is not for a venue relocation rather it is for the establishment of 4 additional machines at the venue.

vii) *The extent to which the relocated venue is giving effect to the Sinking Lid Policy by resulting in a lesser number of machines overall*

As above, this application is not for a relocated venue nor does Council still have a Sinking Lid Policy.

viii) *Any other matter that Council considers relevant and reasonably necessary to determine the application.*

The Gambling Act 2003 requires that Territorial Authority Class 4 Gambling Venue Policies must consider the social impact of gambling within the territorial authority's district and specify whether or not Class 4 venues may be established in the district and, if so, where they may be located.

The Council adopted the Policy in May 2017 pursuant to which this application is assessed. The Policy allows for applications to be made by a venue to increase the number of machines they may operate.

Within Havelock North, the Policy restricts the location of 'new' venues and 'relocated' venues to within the Havelock North Village Centre Zone.

The Policy also requires that among other things an assessment is undertaken on the following social impact considerations:

- The proximity of the venue from any educational facility, place of assembly, or licensed early childhood centre.
- The proximity of the venue to any residentially zoned or suburban commercial zoned land.
- The proximity of the venue to any other Class 4 gambling venue or TAB venue.

These matters have all been discussed above. It is noted that all these matters must be considered but that they are not determinative of the Council's final decision.

It is noted that when taking all the setbacks into consideration (the 100 metre setback from any educational facility, place of assembly, or licensed early childhood centre; the 100 metre setback from residentially zoned or suburban commercial zoned land; and the 100 metre setback from any other Class 4 gambling venue or TAB venue) there is no land within the Havelock North Village Centre Zone in which a new venue could establish or an existing venue relocate to which would not be inconsistent the above social impact considerations.

12. RECOMMENDATION

Under sections 98(a) of the Gambling Act 2003, I recommend that this publicly notified application for territorial authority consent is granted for four (4) additional Class 4 Gaming Machines at the Loading Ramp venue, 8 Treachers Lane, Havelock North, bringing the total number of authorised machines to nine (9).

This report and recommendation prepared by:

Name: Megan Gaffaney

Title: Team Leader Environmental Policy

Signed:



Date: 10/03/2021

Report approved for release to the Hearings Committee:

Name: Caleb Sutton

Title: Environmental Consents Manager

Signed:



Date: 10/03/2021



HASTINGS
DISTRICT COUNCIL

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**

Go to
www.hastingsdc.govt.nz
to see all documents

HASTINGS DISTRICT COUNCIL
207 Lyndon Road East, Hastings 4122 | Private Bag 9002, Hastings 4196
Phone 06 871 5000 | www.hastingsdc.govt.nz
TE KAUNIHERA O HERETAUNGA

Tuesday, 1 December 2020

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



Ngā Minitī Open Minutes

Te Rārangi Upoko Table of Contents

Item	Page No.
1. Opening prayer - <i>Karakia</i>	2
2. Apologies & Leave of Absence - <i>Ngā Whakapāhatanga me te Wehenga ā-Hui</i>	2
3. Conflicts of Interest - <i>He Ngākau Kōnatunatu</i>	2
4. Confirmation of Minutes - <i>Te Whakamana i Ngā Minitī</i>	2
5. Class 4 Gambling and TAB Venue Hearings Report	2
6. 2020 Meeting Schedule Changes	7
7. Minor Items - <i>Ngā Take Iti</i>	7
8. Urgent Items - <i>Ngā Take Whakahihiri</i>	7



Tuesday, 1 December 2020

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

Ngā Minitī

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 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)
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: