



AGENDA

Meeting of the
Regulatory and Hearings Committee

Commencing at 3:30pm
Wednesday 17 May 2023

To be held at the
Clocktower Chambers
Palmerston Street
Westport



CORE COUNCILLOR ROLE AND RESPONSIBILITIES

- The Governance role entails:
- Strategic planning and decision-making;
 - Policy and strategy review;
 - Community leadership and engagement, and stewardship;
 - Setting appropriate levels of service;
 - Maintaining a financially sustainable organisation; and
 - Oversight/scrutiny of Council's performance as one team.

The governance role focusses on the big picture of 'steering the boat' - management's role focusses on 'rowing the boat'

Our commitments to best support each other and meet the challenges and opportunities of 2023 include:

CLEAR AND RESPECTFUL COMMUNICATION

We are committed to:

- Actively listening and not interrupting;
- Remaining conscious of 'tone', body language, and amount of time speaking (allowing time for others);
- Responding/answering in a timely manner; and
- Being honest, reasonable, and transparent.

TRUST AND RESPECT

We recognise that trust and respect must be earned and that a team without trust isn't really a team. Trust can be built by:

- Valuing long-term relationships;
- being honest; honouring commitments; admitting when you're wrong; communicating effectively; being transparent; standing up for what's right; showing people that you care; being helpful; and being vulnerable.

CONTINUOUS LEARNING AND IMPROVEMENT

Continuous learning and improvement are critical for growing together as a team.

We are committed to constantly reviewing what is going well and what needs to improve in relation to the way we work together, the processes we follow, and the outcomes we deliver.

NONE OF US IS AS SMART AS ALL OF US

Regulatory, Hearings and Planning Committee

Reports To:	The Council
Chairperson:	Graeme Neylon
Membership:	The Mayor, all Councillors and Māori Representative
Meeting Frequency:	As required
Quorum:	The composition of any Regulatory Hearings Committee for quorum purposes to be determined by the Chairperson

Purpose

1. To conduct fair and effective hearings and make determinations on a range of the Council's quasi-judicial functions under legislation and other matters as referred to the Committee.
2. Ensuring Buller is performing to the highest standard in the area of civil defence and emergency management through:
 - a) Implementation of Government requirements.
 - b) Contractual service delivery arrangements with the West Coast Regional Group Emergency Management Office.

In addition to the common delegations on page 7, the Regulatory, Hearings and Planning Committee is delegated the following Terms of Reference and powers:

Terms of Reference:

1. Hear and determine any statutory or regulatory hearings under relevant legislation unless otherwise delegated by Council, including (but without limitation):
 - objections under the Dog Control Act 1996;
 - matters regarding drainage and works on private land under the Local Government Act 1974 and Local Government Act 2002;
 - proposals for temporary closure of any road;
 - Supply and Sale of Alcohol Act 2012.
2. Guide the review of Council's bylaws, and policies required by statute (other than those incorporated in the Long Term Plan).
3. Hear and determine matters arising under current bylaws, including applications for dispensation from compliance with the requirements of bylaws, unless such matters are otherwise delegated by Council.

4. Hear and determine other matters that require hearings or submissions, as referred by Council or other Committees.

The Committee is delegated the following powers to act:

- Approval of matters determined by the Committee within its Terms of Reference.

The Committee is delegated the following recommendatory powers:

- The Committee may make recommendation to the Council.
- The Committee may make recommendations to Committees.

Special Notes:

- The Committee may request expert advice through an independent advisor when necessary.
- The Committee may appoint additional members for hearings where the relevant terms of reference or statute specify the requirement for expert, external or additional representation.
- The Chief Executive Officer, Group Manager Regulatory Services are required to attend all meetings but are not members and have no voting rights. Other Council officers may attend the committee meetings, as required.
- Written updates may be requested to be provided to Council meeting from the Chair and Group Manager Regulatory Services from time to time.

Oversight of Policies:

- *Dangerous, Earthquake-prone and Insanitary Buildings*
- *Class 4 Gambling and Totalisator Agency Board Venue*
- *Dog Control*
- *Vegetation Overhanging Footpaths*
- *Election Signs*
- *Fencing of Swimming Pools*
- *Commercial Trading*
 - *Alcohol Consumption & Dining on Public Footpaths*
 - *Display of goods Furniture or Sandwich Board Signs*
 - *Mobile Shops*
 - *Street Stalls Raffles, Appeals & Busking*

Regulatory and Hearings Committee

17 May 2023 03:30 PM



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REGULATORY AND HEARINGS COMMITTEE

17 MAY 2023

AGENDA ITEM 1

Prepared by Sean Judd
Group Manager Regulatory Services

APOLOGIES

1. REPORT SUMMARY

That the Regulatory & Hearings Committee receive any apologies or requests for leave of absence from elected members.

2. DRAFT RECOMMENDATION

That there are no apologies to be received and no requests for leave of absence.

OR

That the Regulatory and Hearings Committee receives apologies from (insert Councillor name) and accepts Councillor (insert name) request for leave of absence.

REGULATORY AND HEARINGS COMMITTEE

17 MAY 2023

AGENDA ITEM 2

Prepared by Sean Judd
Group Manager Regulatory Services

MEMBERS INTEREST

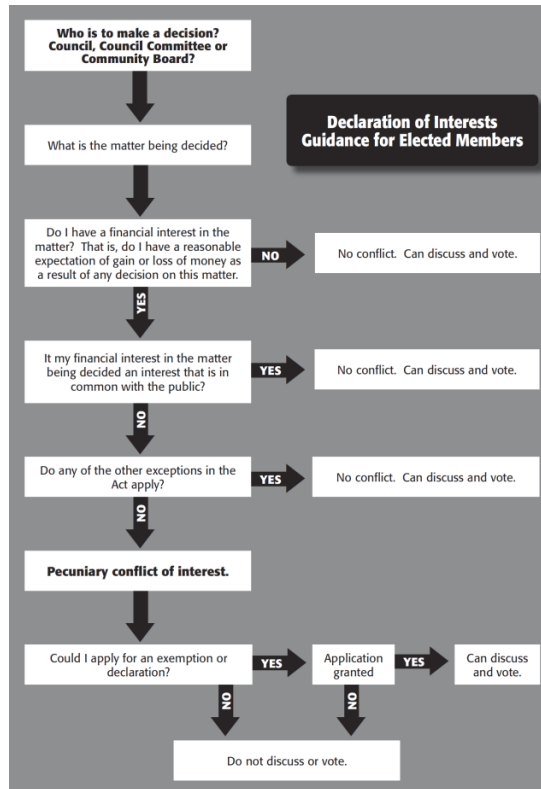
Members are encouraged to consider the items on the agenda and disclose whether they believe they have a financial or non-financial interest in any of the items in terms of Council's Code of Conduct.

Councillors are encouraged to advise the Governance Assistant, of any changes required to their declared Members Interest Register.

The attached flowchart may assist members in making that determination (Appendix A from Code of Conduct).

DRAFT RECOMMENDATION:

That Members disclose any financial or non-financial interest in any of the agenda items.



REGULATORY AND HEARINGS COMMITTEE

17 MAY 2023

AGENDA ITEM 3

Prepared by Sean Judd
Group Manager Regulatory Services

CONFIRMATION OF MINUTES

1. DRAFT RECOMMENDATION

That the Regulatory and Hearings Committee receive and confirm previous minutes from the meeting of 15 March 2023.

**MEETING OF THE REGULATORY & HEARINGS COMMITTEE, HELD AT 5.00PM
ON WEDNESDAY 15 MARCH 2023 AT CLOCKTOWER CHAMBERS,
PALMERSTON STREET, WESTPORT.**

PRESENT: Chair Cr G Neylon, Mayor J Cleine, DM A Basher, Councillors P Grafton, J Howard, T O'Keefe, A Pfahlert, C Reidy, R Sampson, L Webb, G Weston, N Tauwhare (Iwi Representative)

IN ATTENDANCE: R Townrow (Acting CEO), S Judd (Group Manager Regulatory Services), G Barrell (Governance Secretary)

MEETING DECLARED OPEN AT 6.04pm

1. APOLOGIES (Page 5)

Nil

RESOLVED that there are no apologies to be received and no requests for leave of absence.

**DM A Basher/Cr L Webb
12/12
CARRIED UNANIMOUSLY**

2. MEMBERS INTEREST (Page 6)

Nil

RESOLVED that Members disclose any financial or non-financial interest in any of the agenda items.

**Cr T O'Keefe/Cr P Grafton
12/12
CARRIED UNANIMOUSLY**

3. KEEPING OF ANIMALS BYLAW REVIEW (Page 7)

S Judd spoke to the report.

The advice received was to go back out to the community for re-consultation.

Cr G Neylon recommended that the entire policy go out for consultation.

He reiterated from the submissions, that most people preferred the limit of two cats and proposed the submission be changed to two cats.

RESOLVED That Council:

1. ~~Direct staff to progress the draft updated 'Keeping of Animals' Bylaw for public consultation, OR~~
2. Direct staff to progress the draft 'Keeping of Animals' Bylaw for public consultation with the following alterations:
 - 7.1 No person shall keep, or allow to be kept, more than two cats over the age of six months on any property in an urban area, except with the written approval of the Council.
 - 7.6 Any cat over six (6) months must be:
 - a) Microchipped and the cat's microchip registered with the New Zealand Companion Animal Register and
 - b) Be de-sexed, unless
 - i. The cat is kept for breeding purposes; and registered with a nationally recognized cat breeder's body OR
 - ii. The owners provide a certificate from a veterinarian stating that the de-sexing of the cat will adversely affect its health and/or welfare.

Cr G Neylon/Cr R Sampson

7/5

Cr C Reidy against

CARRIED

RESOLVED: That Council approve the following amendments to the 'Keeping of Animals' Bylaw:

1. Approve bylaw 7.1, reducing the number of cats per household from four to two;
2. Approve the recommended mapping amendments.

Cr C Reidy/Cr L Webb

10/2

CARRIED

Cr J Howard moved that bylaw 8.1 be removed.

RESOLVED: That bylaw 8.1 be removed from the 'Keeping of Animals' Bylaw:

Cr J Howard/no seconder

MOTION LOST

RESOLVED: That Council approve the 'Keeping of Animals' Draft Bylaw subject to the following amendments:

1. Direct staff to progress the draft 'Keeping of Animals' Bylaw for public consultation with the following alterations:
 - 7.1 - No person shall keep, or allow to be kept, more than two cats over the age of six months on any property in an urban area, except with the written approval of the Council.
 - 7.6 - Any cat over six (6) months must be:
 - c) Microchipped and the cat's microchip registered with the New Zealand Companion Animal Register and
 - d) Be de-sexed, unless
 - i. The cat is kept for breeding purposes; and registered with a nationally recognized cat breeder's body OR
 - ii. The owners provide a certificate from a veterinarian stating that the de-sexing of the cat will adversely affect its health and/or welfare.
 - The recommended mapping amendments be made as set out in Attachment 2 of agenda item 3

**Cr L Webb/Cr T O'Keefe
12/12**

CARRIED UNANIMOUSLY

-
- There being no further business the meeting concluded at 6.19pm
 - **Next Meeting:** TBA, Clocktower Chambers, Palmerston Street, Westport.
-

Confirmed: **Date:**

REGULATORY AND HEARINGS COMMITTEE

17 MAY 2023

AGENDA ITEM 4

- Prepared by** Bronwyn Little
Policy Advisor
- Reviewed by** Sean Judd
Group Manager Regulatory Services
- Appendix 1** Class 4 Gambling and Totalisator Agency Board (Tab) Venue Policy
Statement of Proposal

CLASS 4 GAMBLING AND TOTALISATOR AGENCY BOARD (TAB) VENUE POLICY – STATEMENT OF PROPOSAL

1. REPORT SUMMARY

The Council's Class 4 Gaming and Board Venue Policy is currently under review. The next step is public consultation on the options available to Council to deal with the issues around gambling in the community. This report seeks approval for officers to proceed with public consultation based on the Statement of Proposal attached.

The resolution of the March 2023 Community & Environmental Services Committee instructed the officer to report back to the Regulatory and Hearings Committee in May 2023 with a draft Statement of Proposal setting out various policy options for community consultation.

2. DRAFT RECOMMENDATION

That the Committee:

- (1) notes that the Gambling Act 2003 requires Councils to adopt a Class 4 Gaming and Board Venue Policy and to review this every three years;**
- (2) notes that the Racing Industry Act 2020 also requires territorial authorities to have a policy on TAB venues and to review this every three years;**
- (3) notes the various options set out in the attached draft Statement of Proposal regarding the number of machines in the district, the**

number of venues in the district, venue location , number of gambling machines per venue and relocation of venues;

- (4) **Adopts the Statement of Proposal with the following options as preferred:**
 - i. **Number of gaming machines in the district: a,b,or c**
 - ii. **Number of venues in the district: a,b,or c**
 - iii. **Venue location – both Gambling Venues and Board (TAB) venues: a,b,or c**
 - iv. **Number of gambling machines per venue: a,b,or c**
 - v. **Relocation of licenses to other venues: a,b,or c**
- (5) **Instructs the Chief Executive Officer to proceed with public consultation as required under the Local Government Act 2002.**

3. ISSUES AND DISCUSSION

3.1 Context

In March 2023 the Community, Environment and Services Committee considered a report on the review of the Class 4 Gambling venues and Agency (TAB) venues Policy which is due for review. The report set out some of the options which could be considered as part of the review. After considering the report and the information in it related to the social impacts (both positive and negative) of gambling on the community the committee resolved as follows:

- (3) Report back to the Regulatory and Hearings Committee in May 2023 with a draft Statement of Proposal setting out various policy options for community consultation.

3.2 Statement of Proposal

A draft Statement of Proposal has been prepared for the committee's consideration and approval. The Statement of Proposal includes the matters set out under the Local Government Act 2002 and sets out a number of options to address the issues which Council can address in the Policy.

These issues are the matters which Council either must or can address in the policy under the Gambling Act 2003 and the Racing Industry Act 2020. For each of the issues three options have been presented and discussed in the Statement of Proposal. They are similar to those outlined in the report in March 2023 however they have been refined as a result of further research.

The issues are as follows:

- Number of gaming machines in the district
- Number of venues in the district
- Venue location – both Gambling Venues and Board (TAB) venues

- Number of gambling machines per venue
- Relocation of licenses to other venues

Three options for how each of the issues can be addressed are set out and broadly fall within the following categories:

- Status Quo – retaining the provisions in the current policy
- Further regulation – more specific provisions than the current policy
- Sinking Lid – no new or replacement gaming venues or machines in the district

The issues and options are on pages 6 to 12 of the Statement of Proposal.

It is recommended that the committee identify one of the options as preferred before the Statement of Proposal is released for public consultation. This would indicate to the community the general direction council felt the policy should be developed.

3.5 Social Impact Indicators Overview and Assessment

As part of the Statement of Proposal it is recommended that the social impact indicators and overview be included. Again, this overview is similar to that information included in the March report with some refinement and additions. Additional information has been sourced on the support services however, at this stage officers are waiting on some further information which will be included around services offered in Buller.

3.6 Next Steps

Once the Statement of Proposal has been approved with any additions or changes as required by the committee, officers will commence the Special Consultative Procedure as set out in Section 83 of the Local Government Act 2002.

4. CONSIDERATIONS

4.1. Strategic Impact

The review of this policy is required by both the Gambling Act 2003 and the Racing Industry Act 2020. By undertaking the review council is fulfilling both its legal and social obligations to address the issue of gambling in the local community.

4.2 Significance Assessment

The decisions in this report are not considered to meet the threshold to be considered significant decisions under the Policy.

4.3 Risk Management Implications

- **Public Perception** – the public hold diverse views on gambling from those who enjoy gambling for entertainment, those community and sports organisations who benefit from the grants made from the profits of gambling to those who oppose the

industry for taking money from those who can least afford it. Adopting a well-informed effective policy indicates that Council is taking the issue seriously and taking into account the views of the community and stakeholders.

- **Strategic** – the Review of the policy is required under legislation.

4.4. Values

'To serve the residents of the Buller district, conscious of their needs, by providing facilities and services and creating an appropriate environment for progress and development while preserving the distinctive natural environment, as well as the cultural and historical environments.'

The Buller District Values are: Community Driven, One Team, Future Focussed, Integrity and We Care. The recommended option is aligned with these values.

4.5 Policy / Legal Considerations

The following are relevant:

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

4.6 Tangata Whenua Considerations

No specific considerations have been identified at this stage but if consultation is required under Section 83 of the Local Government Act 2002 this will be undertaken.

4.7 Views of Those Affected

Both the Acts concerned require that if the review indicates the policy should be changed or replaced then the procedures under the Local Government Act 2002 Section 83 - Special Consultative Procedure must be followed.

4.8 Costs

Council staff time and resources will continue to be managed under existing workloads and budgets.

4.9 Benefits

- Compliance with current legislation
- Opportunity to get community input into policy if consultation is required

4.10. Media / Publicity

There will be interest from the media in this issue. This will be managed by the Communications team as and when required.

STATEMENT OF PROPOSAL**OPTIONS TO AMEND BULLER DISTRICT COUNCIL'S CLASS 4 GAMBLING AND TOTALISATOR AGENCY BOARD (TAB) VENUE POLICY**

Gaming machines or 'pokies' in pubs and clubs are classified as 'Class 4' gambling. Every Territorial Authority (Council) in New Zealand must adopt a policy on Class 4 gambling venues, and that policy must be reviewed every three years.

Buller District Council's Class 4 Gambling and Totalisator Agency Board (TAB) Venue Policy 2018 is currently under review. During this review Council will consider options to amend the policy. We are seeking feedback from the community on proposed options for:

- Number of gaming machines in the district
- Number of venues in the district
- Venue location – both Gambling Venues and Board (TAB) venues
- Number of gambling machines per venue
- Relocation of licenses to other venues.

This Statement of Proposal has been prepared in accordance with section 83 of the Local Government Act 2002. It includes information about the review process and on the proposed options which the Council will consider to amend the policy

SUBMISSIONS

Submission period: X

The next stages are:

- After the consultation period has finished, Buller District Council will hold a hearing where members of the public who have made a written submission can choose to speak to their submission.
- Council will deliberate and decide about whether or not to amend the current policy.

Making a submission: X

BACKGROUND

Introduction

The Buller District Council, under the Gambling Act 2003 and the Racing Act 2003, must have a Class 4 Venue and Board (TAB) Venue Policy. Although there are several types of gambling available in the District including Lotto, scratch tickets, and – increasingly - internet gambling, the Council only has regulatory powers with regard to Class 4 gambling machines (also called pokies), Class 4 gambling Venues, and Board (TAB) Venues (stand-alone TABs).

The Class 4 Gambling and Totalisator Agency Board (TAB) Venue Policy 2018 focuses on non-casino gaming machines (pokies) and Board (TAB) Venues (stand-alone TABs). It specifies the circumstances under which gaming machine venues may be established in the District and specifies the maximum number of gaming machines that may be operated at that venue. The Policy also determines how and under what circumstances new stand alone TABs may be established in the District.

The under Section 3 of the Gambling Act 2003 the purpose of the Act is outlined. Some of these objectives can be used to guide council in the making of the policy regarding gambling venues. In particular the following are included in the purposes of the ACT:

- Control the growth of gambling
- Prevent and minimise harm from gambling, including problem gambling
- Facilitate community involvement in decisions about the provision of gambling

The current policy is under review and Council is taking the opportunity to ask the community for their opinion on how gambling and TAB venues should be managed in the future. The options available are around the following questions:

- Number of gaming machines in the district
- Number of venues in the district
- Venue location – both Gambling Venues and Board (TAB) venues
- Number of gambling machines per venue
- Relocation of licenses to other venues.

What are Class 4 Gambling Venues?

Class 4 gambling venues are places outside of casinos (usually pubs, restaurants or clubs) where electronic gaming machines (EMGs), i.e. pokies, are operated.

What are Board (TAB) venues?

A Board (TAB) Venue is any premises owned or leased by the New Zealand Racing Board and where the main business carried out is providing racing-betting or sports-betting services. These are standalone venues and do not include TAB outlets or agencies that are additional activities of a bar or hotel, such as self-service TAB terminals.

How is gambling controlled in New Zealand?

The oversight of Class 4 Gambling venues and TAB venues sits with the Department of Internal Affairs (DIA) which is responsible for the licensing of operators. The DIA also regulates, audits and investigates all types of gambling activity.

Councils are responsible for issuing consents to venues that wish to provide Class 4 or TAB gambling services.

Council Gambling and TAB venue policies specify:

- where new Class 4 venues and TAB venues may be located; and
- the number of machines that can operate in the venue.

Venue policies cannot take away licences that have already been granted.

Class 4 gambling and TAB operators must hold both an operator's and a venue license.

Buller District Council's current policy

The main purpose of the current policy is to manage the establishment of Class 4 gambling and TAB venues to minimise the adverse effects of gambling on the Buller district.

Where venues may be established:

Buller District Council's current policy places restrictions on the type of premises that new Class 4 gambling and TAB venues may be established being as follows:

- The primary activity of the premises being onsite entertainment, recreation, or leisure focused on persons 18 years and over; and
- The premises being authorised under the Sale of Liquor Act 1989 to sell and supply liquor for consumption on the premises.

Maximum Number of Gaming Machines:

A maximum number of gaming machines set per venue with those venues licenced after 2001 being limited to nine gaming machines.

Applications and public submissions:

Applications for gambling and TAB facilities must be made to council and these applications are available for the public to make submissions on. A hearing will be held if submitters wish to speak to submissions and council will consider all submissions. Council will consider factors such as the characteristics of the district, location of community facilities (e.g. schools and early childhood centres) and the cumulative effects of any other nearby venues.

BULLER DISTRICT

Current Situation:

As of March 2023 in Buller District there are a total of 72 Electronic Gaming Machines (EGMs) spread across 8 separate venues. There are five venues in Westport (53 EGMs), two venues in Reefton (15 EGMs) and one venue in Karamea (4 EGMs).

Social Impact Indicators and Consideration

Policy reviews must have regard to the social impact of gambling within the District. Gambling has both positive and negative impacts. Positive impacts mainly relate to recreational and community funding benefits, and negative to gambling expenditure and problem gambling costs.

There are three main groups or areas to consider:

- the groups and organisations that benefit from class 4 gambling by way of grants from gaming societies;
- the populations that are disproportionately harmed by gambling, and
- the economic and entertainment benefits for the community.

An overview of the current situation in the community in regard to the above matters is attached as Attachment 1.

It includes information on:

- Electronic Gaming Venues and Machines
- Gaming Machine Proceeds (GMP)
- Socioeconomic deprivation
- Support Services uptake
- Grants

In summary the following has been identified:

- The population of Buller has a relatively high exposure rate to gambling opportunities, particularly in Westport and Reefton.
- Over time gaming machine profits have increased but at a rate considerably lower than the national figure
- The decrease in the number of machines and increase in profits indicates that players are spending longer hours playing gaming machines, betting more per game or more players are playing pokie machines
- Sports groups in particular benefit from grants from the gambling trusts in Buller

- Buller has an extremely high level of socioeconomic deprivation and all current venues are located in areas with a level of 9 or 10.
- The number of people seeking help from gambling harm advice service providers has increased rapidly in recent years.

POLICY REVIEW:

Matters for consideration:

Council has a number of matter to consider and evaluate for effectiveness while taking into account the social impact of ambling and also the overall objective to prevent and minimise harm from gambling in the community.

Under the Gambling Act 2003, Council's policy:

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

The Gambling Act 2003 sets a maximum number of nine machines for new venues. Council is able to set a lower limit through its policy. Council cannot close Class 4 gaming venues.

Under the Racing Industry Act 2020, Council's policy:

- Must specify whether or not new TAB venues may be established and, if so, where they may be located within the District

Issues to be addressed in the Policy:

There are a number of issues which need to be addressed in the policy. Council has been looking at various options to address each of these issues and are seeking the community's input through submissions into the final decision.

- Number of gaming machines in the district
- Number of venues in the district
- Venue location – both Gambling Venues and Board (TAB) venues
- Number of gambling machines per venue
- Relocation of licenses to other venues

Number of Gaming Machines Allowed in the District	
Option a.	
Status Quo	Currently there is no limit on the number of venues in the District. Applications are received and considered on their merits and are evaluated on the matters set out in the Policy in Key Issue three.
Analysis	
<p>This approach allows for venues to be established provided applications are successful. Whilst the cumulative effects of additional opportunities to gamble in the district is one of the matters for consideration it is just one of the matters for consideration nor is it prioritised. The community has no indication of how many venues could be established in the district. Given the district's socioeconomic deprivation level it also likely increases the risk of harm to vulnerable members of the community.</p> <p>It is enabling for businesses and allows for growth in the positive outcomes of gambling including entertainment opportunities, economic benefits for local business and the availability of funding.</p>	
Option b.	
Set a cap - limit the number of gaming machines across the district	Some councils have policies which limit the number of machines in their areas. This is usually based on the size of the adult population and a ratio. The ratio can be the national average (36 machines per 10,000 adult population) or another figure. Some limits are set at the total of machines at the time the policy was introduced, in this case 72.
Analysis	
<p>This policy gives both businesses and the community reassurance regarding the future opportunities for gambling machines in the district.</p> <ul style="list-style-type: none"> • Having a cap at the national average would limit the number of machines to 36 per 10,000 adults which would bring the actual number permitted well below the current number operating. It would effectively be a sinking lid policy until that number was reached. • Limiting the number to 72 would mean that no new machines were permitted unless the number of machines in the District dropped. 	

Option c.	
Sinking Lid	No new gaming machines permitted
Analysis	
<p>This approach provides the most effective way to reduce gambling harm by not allowing for the replacement of any machines going forward, regardless of the total number in the District. It may have some negative impact on the benefits of gambling such as employment, social entertainment, and funds available from trusts.</p>	

Number of Venues in the District	
Option a.	
Status Quo	No limit (Key Issue 1)
Analysis	
No limit on the number of venues however each application would be assessed against the criteria in the policy.	
Option b.	
Set a cap on number of venues	The cap could be the current number (8) or the national average of 2.6 venues per 10,000 adult population (currently Buller has an average of 10 venues per 10,000 adult population)
Analysis	
A cap on the number of venues would limit the number of gambling venues available to the community. If the national average cap was put into place it would effectively be a sinking lid policy until the number had been reached. By itself it will not reduce the possible number of machines in the district. It could also limit local businesses opportunities to operate as gambling venues as it may become uneconomic to operate with fewer machines	
Option c.	
Sinking lid	Prevent new gaming machine venues from opening and no venue replaced
Analysis	
This option would reduce the number of venues over time and prevent new venues from opening. It would mean there were no further local businesses opportunities to operate as gambling venues.	

Venue Location – Both Gambling Venues and TAB	
Option a.	
Status quo	No detailed restrictions stated (Key Issue 3) but includes general references to sensitive sites such as schools
Analysis	
Existing guidance does not provide any certainty for the applicant, the submitter or the community. Some of the matters for consideration are set out but no specifics are given. Under the Act, the Council must have regard to the location of kindergartens, early childhood centres, schools, places of worship and other community facilities when considering the location of Class 4 venues, as well as the general characteristics of the District.	
Option b.	
Limit venues to commercial areas with buffer zones	This would limit the establishment of new venues to commercial areas where pubs and clubs are usually located. It would also include a 50m 'buffer zone' around established sensitive uses (kindergartens, early childhood centres, schools, places of worship, and other community facilities such as marae)
Analysis	
The intention of this limitation is to prevent the normalisation of gambling for children, limit cultural offence, and reduce the potential of gambling related harm. Research has shown that living in close proximity to gambling venues increases the potential for problem gambling. Location restrictions might be considered to be more effective than reducing machine numbers to achieve these outcomes or add to the effectiveness if used in combination.	
Option c.	
Sinking Lid	No further venues regardless of location
Analysis	
Any reference to location would be redundant as no new venues would be permitted nor would any venues have the opportunity to apply to relocate.	

Venue Location – Both Gambling Venues and TAB	
Option a.	
Status quo	No detailed restrictions stated (Key Issue 3) but includes general references to sensitive sites such as schools
Analysis	
Existing guidance does not provide any certainty for the applicant, the submitter or the community. Some of the matters for consideration are set out but no specifics are given. Under the Act, the Council must have regard to the location of kindergartens, early childhood centres, schools, places of worship and other community facilities when considering the location of Class 4 venues, as well as the general characteristics of the District.	
Option b.	
Limit venues to commercial areas with buffer zones	This would limit the establishment of new venues to commercial areas where pubs and clubs are usually located. It would also include a 50m 'buffer zone' around established sensitive uses (kindergartens, early childhood centres, schools, places of worship, and other community facilities such as marae)
Analysis	
The intention of this limitation is to prevent the normalisation of gambling for children, limit cultural offence, and reduce the potential of gambling related harm. Research has shown that living in close proximity to gambling venues increases the potential for problem gambling. Location restrictions might be considered to be more effective than reducing machine numbers to achieve these outcomes or add to the effectiveness if used in combination.	
Option c.	
Sinking Lid	No further venues regardless of location
Analysis	
Any reference to location would be redundant as no new venues would be permitted nor would any venues have the opportunity to apply to relocate.	

Number of Gaming Machines Allowed per Class 4 Gambling venue	
Option a.	
Status Quo	Maximum number : <ul style="list-style-type: none"> • Licenced after 17 October 2001 – 9 • Licenced before 17 October 2001 - 18
Analysis	
This approach reflects the Gambling Act 2003, Sections 92 and 93. It gives both operators and the community certainty around the number of machines that will be permitted and complies with the Act.	
Option b.	
Set a cap - limit the number of gaming machines per venue	Some councils have policies which specifically limit the number of machines per venue. Some limit the number of machines to a lesser number (e.g. 4) than that allowed under the Act for a specific period, such as 6 months to give Council an opportunity to review the venue operation prior to the allowing the maximum number of 9.
Analysis	
A limit lower than that permitted under the Act lessens the exposure of at risk individuals to gambling opportunities however in itself, without a maximum number of machines and venues across the district it would seem to do little to assist. It could, without the other restrictions, lead to gambling opportunities being available across more venues. Providing for a lower number in the establishment period would seem unnecessary the DIA oversees all licences and compliance.	
Option c.	
Sinking Lid	No new gaming machines permitted
Analysis	
This approach provides the most effective way to reduce gambling harm by not allowing any new machines. It may have some negative impact on the benefits of gambling such as employment, social entertainment, and funds available from trusts.	

Relocation of existing venues	
The Council is legislatively required under the Gambling (Gambling Harm Reduction) Amendment Act 2013 to consider whether to include such a clause. The purpose of the clause would be to clearly set out when the Council would grant consent for a Class 4 Venue in cases where the venue is intended to replace an existing Class 4 Venue. The current policy has no reference to relocation of venue.	
Option a.	
Relocation allowed	This option would allow any current Class 4 Venues to relocate, as long as the new venue was within a location permitted under the Policy
Analysis	
This option would enable current businesses to continue operating their machines, potentially in a more financially viable venue. However it will not reduce the number of machines in the District	
Option b.	
Relocation only allowed in certain circumstances	Relocation would be treated as an application for a new venue under certain circumstances: <ul style="list-style-type: none"> • The current venue must be relocated due to extenuating circumstances such as (but not limited to) fire or natural disaster. • The current venue is located outside of a permitted area for new venues, and is proposing to relocate into a permitted area
Analysis	
This option is intended to potentially assist in decreasing the number of gaming machines in the district, consistent with the general approach of the policy. However, it also provides for local businesses that are experiencing extenuating circumstances and encourages certain current venues to relocate to more desirable areas without being penalised.	
Option c.	
Sinking Lid	No venues permitted to relocate
Analysis	
If a venue ceased to operate, regardless of the circumstances, the number of machines previously operating in that venue would not be able to be relocated elsewhere.	

ATTACHMENT 1

SOCIAL INDICATORS OVERVIEW AND ASSESSMENT**Where are we now:**

The matters outlined below are considered to be indicators of the level of risk that residents experience in relation to the problems that gambling can pose. These problems include financial strain, family problems and social harm.

Please note: Unless otherwise stated the following data tables been compiled for Buller District by the data science company DOT as part of the Buller District Council Community Compass data set. They use data from many sources to provide a picture of what is happening in the district.

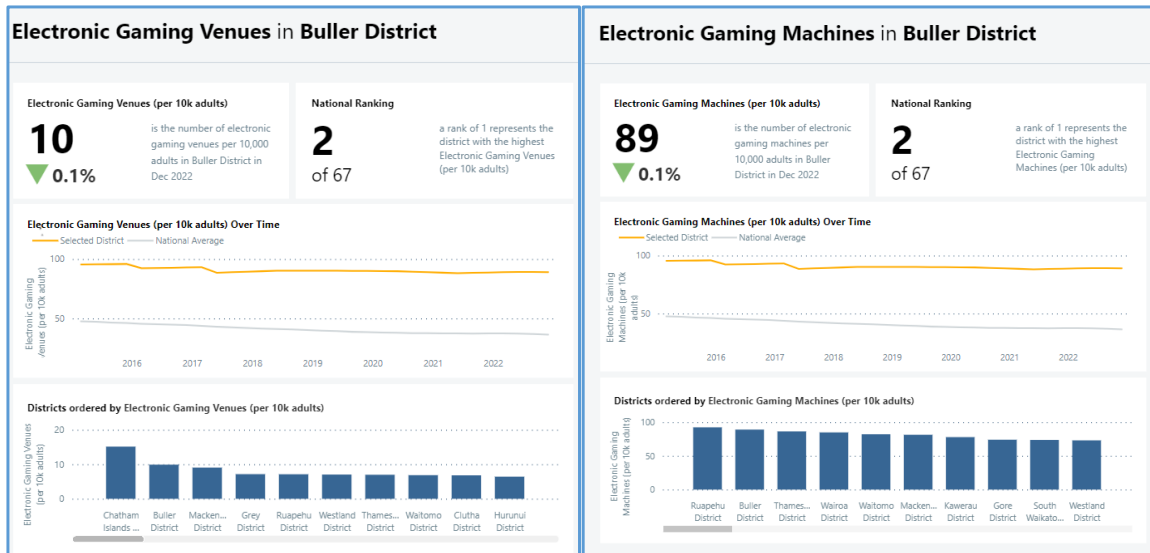
Please note that the information provided below is based on an estimated total population as at September 2021 of 9,665. The figures used are based on the estimated calculations per 10,000 (10K) adult (18 years plus) people to allow for comparisons to be made between other communities and New Zealand as a whole. They are the most recent figures available being December 2022.

Electronic Gaming Venues and Machines in Buller District

The density of gaming machines is important because research has shown that the more opportunities there are to gamble, the more at risk the community can be of experiencing gambling related harm. Gambling density comprises of two components:

- Number of gaming machines per person; and
- Expenditure per person.

Electronic Gaming Venues and Machines in Buller District per 10K adults:

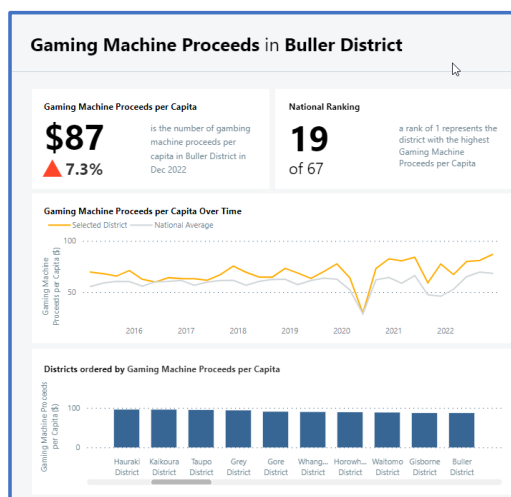


Buller District has the second highest number of both gaming venues and gaming machines in New Zealand. The National Average for Gaming Venues is 2.6 per 10K adults and for Gaming Machines it is 36.4 per 10K adults. Comparing Buller with similar districts Westland District is ranked 6th with 7 Gaming Venues and 10th with 73 machines per 10K adults.

These figures indicate that Buller District residents have a much greater exposure to Class 4 gambling than the national population.

Gaming Machine Proceeds (GMP)

These figures show the amount of money lost by individuals through electronic gaming machines over a given period divided by the adult population (over 18 years old). The DIA monitors every gaming machine electronically; therefore expenditure data on gaming machines is accurately recorded and attributed.



In December 2022 the national average was \$68 and by comparison in Westland District it was \$64. With a figure of \$87 Buller District ranks 19th out of the 67 local authorities in New Zealand.

From the March 2015 to December 2022 quarters, GMP for Buller District increased by a total of \$125,864 or by 21.8% compared to New Zealand as a whole which increased by 41.1%.

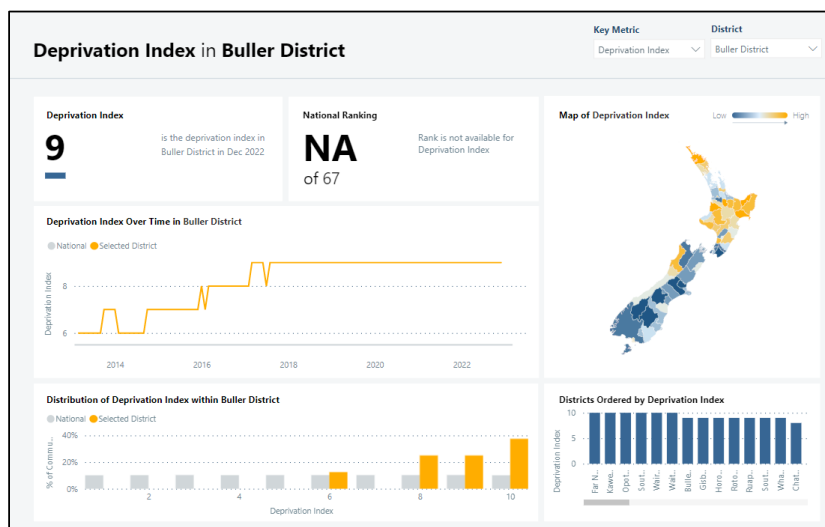
The DIA have calculated the GMP for Buller District in the year to December 2022 to be a total of **\$2,545,217.43** .

Socioeconomic deprivation:

Approximately 50% of all EGM venues in New Zealand are clustered in geographic areas representing the three most socioeconomically deprived populations (ie, poorest areas of the country, those with the highest deprivation scores of 8 to 10). In economic terms, these are the groups who can least afford the financial losses from gambling, who experience the lowest returns from gambling proceeds to their communities, and who can least afford the health harm arising from risky gambling activity (Problem Gambling Foundation, Fact Sheet 01/Dec 2019).

The Health and Lifestyles Survey 2016 found that gambling harm is experienced disproportionately by those living in areas with a high New Zealand Deprivation index score (8/10 or higher), who were 4.5 times as likely to experience gambling-related arguments or money problems related to gambling. (<https://www.hpa.org.nz/research-library/research-publications/new-zealanders-participation-in-gambling-results-from-the-2016-health-and-lifestyles-survey>)

Deprivation Scores for populations in NZ are based on Census variables around Employment, Crime, Housing, Health, Education and Access to Services. The resulting scores range from 0 (lowest level of deprivation) to 10 (highest level of deprivation).



Each of the communities (Statistical Areas level 2 or SA2) identified in the census in Buller District has been ranked using the variables identified. The score for the district overall is 9. Based on this information the majority (87%) of Buller District has been classified as having a deprivation score of between 8 and 10. These scores are high and place Buller 8th out of 67 local authority areas.

All the venues and EGMs are located in Westport, Reefton and Karamea which have scores of either 9 or 10 on the index.

Support Services:

To address the potential ‘harms’ of gambling there are a range of problem gambling service providers across New Zealand, some of which specifically target ethnic groups most at risk from harm (Māori, Pacific Island and Asian).

Funding for the development and implementation of problem gambling intervention services in New Zealand comes from the problem gambling levy, which is collected from gambling proceeds by the Inland Revenue Department. The Ministry of Health (MoH) is charged with funding and coordinating intervention services which are then delivered by a range of service providers by contractual agreement. In addition, the Gambling Helpline is available 24 hours a day, 7 days a week.

The Ministry of Health provides Intervention client data which represents the number of clients who have received gambling harm treatment services and who have identified to the service provider a primary problem gambling mode causing them harm.

This data shows that for the years from July 2004 and to June 2020 between 1 and 6 clients were assisted in Buller District each year however for the period July 2020 to June 2021 that number jumped to 54 and for July 2021 to June 2022 the number of clients was 81.

This latest statistic represents **.84%** of all clients assisted in New Zealand in 2021/2022, the

population of Buller District makes up only **.18%** of the total New Zealand population.

Grants to Buller:

The major benefit of Class 4 gambling to the community is in the form of grants. Pokie trusts must pay the current minimum of 40% of GMP to community groups New Zealand wide in the form of authorised purpose grants. These are meant to benefit the community by funding non-profit organisations.

Authorised purposes include amateur sport, charity, non-commercial purposes with community benefits, and the operation of racing. The table below shows grants made from 2019 to June 2022 by general category. In total \$1,094,969 was granted to Buller organisations in this period.

Category 1	2019	2020	2021	2022 (Jan - June)
Sport	\$212,630	\$127,379.36	\$199,734.05	\$331,522.7
Community	\$52,279	\$10,999.5	\$33,681.39	\$67,526.4
Health / Welfare / Rescue Services	\$15,964	\$9,797	\$3,500	
Research and Education	\$3,000	\$1,912.56	\$7,000	\$5,072.38
Arts and Culture		\$8,689		
Unspecified				\$4,282.06

Details of which groups received grants can be found on the granted.govt.nz website (<https://www.granted.govt.nz/dashboard.html>).

Sport is the biggest recipient of grants – with Buller Rugby Union receiving the greatest proportion by some way with a total of \$236,256 over the period. Buller Basketball Association received \$65,210 and Reefton Trotting Club received \$50,000 over the same period.

In the years 2019 to 2021 the return of GMPs directly to the Buller area is outlined below:

Year	GMP	Grants (granted.govt.nz)
2019	\$2,235,480	\$283,873
2020	\$2,006,951	\$158,776
2021	\$2,418,000	\$243,915
TOTAL	\$6,660,431	\$686,564

Over this period of time the return of Buller generated GMP to the Buller community directly was **10.3%**. Distribution to national or regional groups will also benefit people in our community who need or use the services these organisations provide locally. Unfortunately, this figure would be almost impossible to calculate.

REGULATORY AND HEARINGS COMMITTEE

17 MAY 2023

AGENDA ITEM 5

- Prepared by** Bronwyn Little
Policy Advisor
- Reviewed by** Sean Judd
Group Manager Regulatory Services
- Appendix 1** Proposed Statement of Proposal with Changes 2023

KEEPING OF ANIMALS BYLAW REVIEW - REVISED STATEMENT OF PROPOSAL

1. REPORT SUMMARY

As a result of submissions, this committee proposed a number of changes to the Proposed Keeping of Animals Bylaw (2022). These changes relate to the definition of urban area (reduced to Westport, Carters Beach and Reefton) and the keeping of cats. As the changes are important it was decided that a new Statement of Proposal should be prepared, and further consultation undertaken.

2. DRAFT RECOMMENDATION

That Council:

1. **Adopts the revised draft Statement of Proposal with the changes in accordance with the resolution of the 15 March 2023 Regulatory and Hearings Committee; and**
2. **Instructs the Chief Executive Officer to proceed with public consultation as required under the Local Government Act 2002.**

3. ISSUES AND DISCUSSION

3.1 Submissions and Hearing:

Between 13 September and 11 October 2022 Council consulted on the Proposed Keeping of Animals Bylaw 2022. Public Notices were placed in local papers and the Council website had a full page dedicated to the proposed bylaw with copies of all the relevant documents, including a submission form and link to a Survey Monkey submission form. There were regular reminders on the Council Facebook page and copies of all the documents were in libraries, Reefton Service Centre and other locations around the district.

In total, 63 submissions were received from around the district and also from national organisations (five submissions did not have any attached explanation).

3.2 Hearing and Deliberation:

The Regulatory and Hearings Committee held a hearing in December 2022 which was attended by nine of the submitters. The committee then deliberated on all the submissions and, at their meeting on 15 March 2023 resolved to make changes to the proposed Keeping of Animals Bylaw 2022.

These changes relate to:

- Definition of Urban Area – areas to be confined to Westport, Carters Beach and Reefton
- Keeping of cats in Urban Areas – reduction in Maximum Number to 2 per property and all cats to be desexed, microchipped and registered with the New Zealand Companion Animal Register.

3.3 Statement of Proposal with Changes Proposed

Attached as Appendix 1 is the Statement of Proposal with the changes proposed outlined and explained. It is considered that the two issues which this committee resolved to change are the only issues that need further consultation. For that reasons the Statement of Proposal only discusses these issues. Submissions on these matters will be called for in the usual way under the provisions of the Special Consultative Procedure Section 83 Local Government Act 2002.

4. CONSIDERATIONS

4.1 Strategic Alignment

Council must ensure the bylaw is in keeping with its strategic direction for the district.

4.2 Significance Assessment

Bylaws require community consultation prior to adoption under the Local Government Act 2002. It is considered that the changes are significant to require Council to engage in further public consultation of the bylaw.

4.3 Tangata Whenua Considerations

N/A

4.4 Risk Management Implications

Council needs an effective mechanism to mitigate the impacts of certain animals being kept on private property and an effective mechanism in order to address any legitimate complaints.

4.5 Policy Framework Implications

Nil identified.

4.6 Legal Implications

Council must take steps to ensure its compliance mechanisms are consistent with current best practice and law. It is noted that the draft bylaw presented has undergone a review by Council's legal team and amended as a result.

4.7 Financial / Budget Implications

Process including legal review and public consultation can be managed within existing budgets.

4.8 Consultation Considerations

Under the Local Government Act 2002 there is a statutory requirement for public consultation to be undertaken in accordance with Section 83, Special Consultative Procedure.

Buller District Council

**Proposed Keeping of
Animals Bylaw**

**Revised
Urban Areas and Provisions
for Keeping of Cats**

**Statement of Proposal
May 2023**

Summary:

In September/October 2022 Council called for submissions on the Proposed Keeping of Animals Bylaw (2022). After considering submissions and holding a hearing the council proposed some changes to the following sections of the proposed bylaw:

- Re-definition of urban areas
- Keeping of cats in urban areas

Introduction

The Council is reviewing the Buller District Council Bylaw Model General Bylaw Part 13 – The Keeping of Animals, Poultry and Bees (NZS9201: Part 13: 1999) and the accompanying local amendment Section 1306 The Keeping of Cats (the Current Bylaw) in accordance with the Local Government Act 2002 (LGA).

The Council took the review as an opportunity to revisit the previous approach adopted in 2008 by proposing a significant number of changes to better address the perceived problems that arise in relation to animals in the district. The review proposes that the Keeping of Animals Bylaw (the Proposed Bylaw) remain standalone.

The proposed bylaw along with a set of maps outlining 'Urban Areas' was approved to proceed to public consultation, as required under the Local Government Act (LGA) 2002 (Sec.156: Consultation requirements when making, amending or revoking bylaws made under this Act and Sec.83: Special Consultative Procedure) in June 2022. The Proposed Bylaw 2022 would replace the Current Bylaw.

NB: The Proposed Bylaw 2022 does not apply to dogs as this is covered separately under the Dog Control Bylaw.

Proposed Bylaw 2022

The Proposed Bylaw 2022 provides measures to regulate the keeping of animals (including pigs, poultry, bees, livestock and cats) within the district:

- to minimise the impact of nuisance on animal owners' neighbours;
- to ensure animals do not create a nuisance or endanger health; and
- to regulate the slaughtering of animals to avoid causing nuisance or offence.

A copy of the Proposed Bylaw 2022 and the accompanying Statement of Proposal can be found on the Council website at <https://bullerdc.govt.nz/have-your-say/proposed-keeping-of-animals-bylaw/> and at the Council office in Westport and the Service Centre in Reefton.

These documents outline the matters required to be considered in reviewing a bylaw including the assessment of the issues, determination of council that a bylaw was needed and reasons for proposing the bylaw as proposed. The three options of reviewing/amending, revoking or replacing the current bylaw were also outlined along with the key changes that were proposed.

Submissions to Proposed Bylaw (2022)

Between 13 September and 11 October 2022 Council consulted on the Proposed Keeping of Animals Bylaw 2022. Public Notices were placed in local papers and the council website had

a full page dedicated to the proposed bylaw with copies of all the relevant documents, including a submission form and link to a survey monkey submission form. There were regular reminders on the council Facebook page and copies of all the document were in libraries, Reefton Service Centre and other locations around the district.

In total, 63 submissions were received from around the district and also from national organisations (five submissions did not have any attached explanation).

The issues that were raised covered many aspects of the proposed bylaw as follows:

- Urban Area Boundaries
- Keeping of cats in an urban area
- Keeping of poultry in an urban area and poultry houses and poultry runs
- Bee-Keeping and keeping bees in an urban area
- Keeping of livestock in an urban area
- Pig keeping
- Slaughter of livestock (Section 13, p. 7)
- Commercial vs. Domestic animal keeping
- Existing use rights
- Clarification and further definition
- Bylaw itself

On the 14th of December 2022 the Regulatory and Hearings Committee met to hear from those submitters who had notified council that they wished to speak in support of their submissions. In total nine submitters outlined their submissions and the reasons for making their submissions.

Proposed changes

The Regulatory and Hearings Committee then deliberated on all the submissions and at their meeting on 15 March 2023 resolved to make changes to the proposed Keeping of Animals Bylaw 2022. These changes relate to:

- Definition of Urban Area
- Keeping of cats

Council has deemed that the changes being considered are of sufficient significance that further consultation should be undertaken on these specific matters.

Changes Proposed:

After considering the submissions made to the Proposed Keeping of Animals Bylaw (2022) the council proposes the following changes to the Proposed Bylaw 2022:

Definition of Urban Areas

Current Bylaw: Not defined. Refers to 'urban areas', 'predominantly urban character' and 'urban character under the District Plan' but no actual definition of the areas.

Proposed Bylaw (2022):

A total of 9 urban areas were defined in a set of maps which were attached to the proposed bylaw. The maps were intended to provide certainty around the term 'urban;' as it is used in the proposed bylaw. A number of the matters in the proposed bylaw refer to urban areas e.g. keeping of livestock. The proposed urban areas were identified by Council and defined using census data as a base.

Essentially the urban areas were the towns and the smaller communities around the District. The areas defined on the set of maps accompanying the proposed bylaw were:

- Westport
- Carters Beach
- Waimangaroa
- Granity
- Ngakawau and Hector
- Karamea and Market Cross
- Inangahua Junction
- Reefton
- Ikamatua

Proposed Changes (after consideration of submissions)

After consideration the committee determined to propose that the urban areas be limited to:

- **Westport (excluding the racecourse)**
- **Carters Beach; and**
- **Reefton**

The set of maps include as attachment 1 shows the proposed areas.

A number of submissions concerned the inclusion of areas outside the main towns as urban areas. They related to Snodgrass Road, Granity, McKenna Road and the Westport Racecourse in particular.

It is considered restricting urban areas to Westport, Carters Beach and Reefton would better reflect the urban areas in the district. In particular the section size and proximity of houses to one another in these areas. Residential areas outside these three areas are more semi-rural in nature and in these areas there is also an expectation from residents that animals will be kept.

It should be noted that a number of the provisions in the proposed Keeping of Animals Bylaw (2022) are to be applied district wide regardless of urban area status. There include the provisions relating to the keeping of animals:

- which cause general nuisance or in a manner which causes nuisance, offense or injury to neighbours, confining animals to a property and abandoning of domestic animals (Clause 6)
- standards for poultry houses and runs (Clause 9)
- bee-keeping in general (clause 10)
- conditions for slaughtering of animals (clause 13)
- fees (clause 14), offences and penalties (clause 15) and Repair and removal of works in breach of bylaw (clause 16)

Keeping of Cats in urban areas

Current Bylaw: Maximum number of cats is three in non-rural areas. If more than three they must not cause any nuisance. Excludes cat breeders, boarding establishments, vets and SPCA shelters

Proposed Bylaw:

- The maximum number of cats six months or older that may be kept in any dwelling is **four**. Existing exceptions remain in the Proposed Bylaw for catteries, animal shelters and vets.
- Cat owners who have more than four cats would be allowed to continue to own these cats until the end of the cat's natural lives.
- Exemptions can be made by Council (on a case-by-case basis) provided housing is adequate, no nuisance will result and all other lawful requirements are met.

Proposed Changes (after consideration of submissions):

Council proposes the following changes and additions to clause 7:

7.1 No person shall keep, or allow to be kept, more than **TWO** cats over the age of six months on any property in an urban area, except with the written approval of the Council.

7.6 Any cat over six (6) months must be:

(a) Microchipped and the cat's microchip registered with the New Zealand Companion Animal Register and

(b) Be de-sexed, unless:

- i. The cat is kept for breeding purposes; and registered with a nationally recognized cat breeder's body OR**
- ii. The owners provide a certificate from a veterinarian stating that the de-sexing of the cat will adversely affect its health and/or welfare.**

In total 32 submissions related to the keeping of cats, particularly the number of cats in urban areas and the need for a requirement to desex, microchip and/or register cats. After consideration of the submissions and the discussions with submitters in the hearing the Council made the proposed decision from the evidence that submitters put forward on the harm caused by cats to native birds and wildlife, the nuisance they cause roaming in neighbours gardens and the proliferation of unwanted kittens with the accompanying issues of abandonment and the work this makes for rescue organisations.

Council acknowledges that without national legislation mandating these matters it is difficult to enforce such provisions however it is considered that it is a step in the right direction and a signal to cat owners that they there is a need to take responsibility.

It is proposed to also produce a responsible cat owners manual, similar to the one council has for dog owners, which will outline how to care for a cat, access cat desexing and micro chipping services and measures that owners can take to try to ensure cats do not cause minimal nuisance to neighbours and wildlife.

Urban Areas – Carters Beach and Westport



Urban Areas - Reefton

