



AGENDA

Extraordinary Meeting of the
Buller District Council

Commencing at 1.00pm
Wednesday 22nd May 2024

To be held at the
Clocktower Chambers
Palmerston Street
Westport

Also held via Zoom



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 2024 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

Council

Chairperson:	Mayor
Membership:	The Mayor and all Councillors
Meeting Frequency:	Monthly – or as required
Quorum:	A majority of members (including vacancies)

Purpose

The Council is responsible for:

1. Providing leadership to, and advocacy on behalf of, the people of Buller district.
2. Ensuring that all functions and powers required of a local authority under legislation, and all decisions required by legislation to be made by local authority resolution, are carried out effectively and efficiently, either by the Council or through delegation.

Terms of Reference

1. To exercise those powers and responsibilities which cannot legally be delegated by Council:
 - a) The power to set district rates.
 - b) The power to create, adopt and implement a bylaw.
 - c) The power to borrow money, or purchase or dispose of assets, other than in accordance with the Long Term Plan.
 - d) The power to adopt a Long Term Plan or Annual Plan, or Annual Report.
 - e) The power to appoint a Chief Executive Officer.
 - f) The power to adopt policies required to be adopted and consulted on under the Local Government Act 2002 in association with the Long Term Plan, or developed for the purpose of the Council's governance statement, including the Infrastructure Strategy.
 - g) The power to adopt a remuneration and employment policy for Chief Executive Officer.
 - h) The power to approve or change the District Plan, or any part of that Plan, in accordance with the Resource Management Act 1991.
 - i) The power to approve or amend the Council's Standing Orders.
 - j) The power to approve or amend the Code of Conduct for Elected Members.
 - k) The power to appoint and discharge members of committees.
 - l) The power to establish a joint committee with another local authority or other public body.
 - m) The power to make the final decision on a recommendation from the Parliamentary Ombudsman, where it is proposed that Council not accept the recommendation.
 - n) Health & Safety obligations and legislative requirements are met.

2. To exercise the following powers and responsibilities of Council, which the Council chooses to retain:
 - a) Resolutions required to be made by a local authority under the Local Electoral Act 2001, including the appointment of an electoral officer and reviewing representation arrangements.
 - b) Approval of any changes to Council's vision, and oversight of that vision by providing direction on strategic priorities and receiving regular reports on its overall achievement.
 - c) Adoption of governance level strategies, plans and policies which advance Council's vision and strategic goals.
 - d) Approval of the Triennial Agreement.
 - e) Approval of the local governance statement required under the Local Government Act 2002.
 - f) Approval of a proposal to the Remuneration Authority for the remuneration of Members.
 - g) Approval of any changes to the nature and delegations of the Committees.

Common Delegations

The following delegations from Council are common to the Risk and Audit Committee, the Community, Environment and Services Committee and the Regulatory, Hearings and Planning Committee within their respective areas of responsibility.

General Principal

1. The work of these Committees will be in accordance with the priorities and work programme agreed by the Council.
2. These Committees have the powers necessary to perform the Committee's responsibilities, in accordance with the approved Long Term Plan and Annual Plan budgets. Subject to confirmation of compliance with the financial strategy.

These Committees will:

Strategy, plans and policy

1. Develop and agree to strategies, plans and policies for the purposes of consultation and/or engagement with community.
2. Recommend to Council for adoption.
3. Monitor and review as and when required.

Bylaws

1. Develop and agree to the statement of proposal for new or amended bylaws for consultation.
2. Recommend to Council new or amended bylaws for adoption.

Consultation and engagement

1. Ensure appropriate, effective and transparent engagement with the community, tangata whenua and other stakeholders.
2. Conduct any public engagement required on issues before the Committee, in accordance with Council's Significance and Engagement Policy.
3. Conduct hearings, where appropriate, to consider submissions from members of the public and external organisations, making determinations on such matters unless they are reserved for Council to decide.

Submissions and legislation

1. Approve submissions to external bodies/organisations on legislation and proposals, related to the Committee's areas of responsibility, that impact governance policy or matters.
2. Monitor and oversee strategic projects and programmes.
3. Monitor Council's Asset Management Plans/Strategic Infrastructure Plan.

Contracts

1. Approve and monitor contracts and other legally binding arrangements provided that such contracts/arrangements:
 - a) Do not require the approval of the whole of Council; and
 - b) Fall within the budget approved under the Long Term Plan or Annual Plan and have a value exceeding the Chief Executive's financial delegation.

Other

1. Consider and make decisions which are within the Chief Executive Officer's delegations, and which the Chief Executive Officer has referred to the Committee for recommendation to Council.
2. Consider and make decisions on operational matters that fall within a Committee's area of responsibility that are outside of delegations to the Chief Executive Officer or other Council officers.
3. Commission new Committee reports and work required to respond to significant or compliance issues, or to complete the agreed programme of Council.
4. Monitor Audit recommendations and ensure completion.

Buller District Council Extraordinary Meeting



Venue: Clock-tower Chambers, Westport. This meeting will be Live-streamed on the Buller District Council YouTube Channel.

22 May 2024 01:00 PM

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**BULLER DISTRICT COUNCIL
EXTRAORDINARY MEETING**

22 MAY 2024

AGENDA ITEM: 1

Prepared by Simon Pickford
Chief Executive Officer

APOLOGIES

1. REPORT SUMMARY

That Buller District Council 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 Buller District Council receives apologies from (insert councillor name) and accepts councillor (insert name) request for leave of absence.

**BULLER DISTRICT COUNCIL
EXTRAORDINARY MEETING**

22 MAY 2024

AGENDA ITEM: 2

Prepared by Simon Pickford
Chief Executive Officer

MEMBERS INTEREST

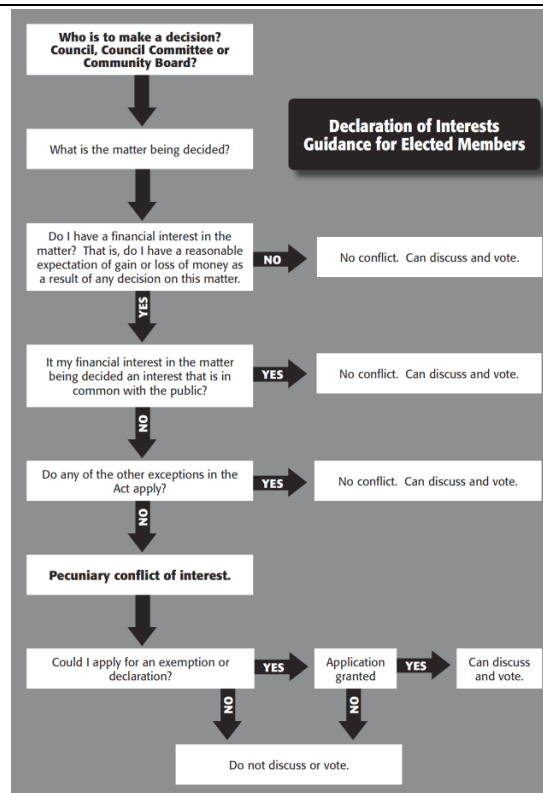
Members are encouraged to consider the items on the agenda and disclose whether they believe they have a financial or non-financial interest in any of the items in terms of Council's Code of Conduct.

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.



BULLER DISTRICT COUNCIL

EXTRAORDINARY MEETING

22 MAY 2024

AGENDA ITEM: 1

Prepared by - Tarsha Armstrong
- Licencing Inspector

Reviewed by - Nathan Riley
- Group Manager Regulatory Services

Attachments - 1. Class 4 Gambling and Totalisator Agency Board (TAB) Venue Policy – Buller District Council.
2. Application Club Buller Incorporated
3. Submissions to Club Buller Incorporated Application
4. Officer's Report Club Buller Application

Public Excluded: No

CLASS 4 GAMBLING VENUE APPLICATION FOR ADDITIONAL GAMING MACHINES AND SUBMISSIONS - CLUB BULLER

1. REPORT SUMMARY

Under the Class 4 Gambling and Totalisator Agency Board (TAB) Policy ('the Policy') an application has been received from Evan Fox on behalf of Club Buller Incorporated, for the addition of 5 new gaming machines at the Class Four Gambling Venue situated at 44-46 Queen Street, Westport. This will increase the total number of gaming machines at the venue to 15. Three objections were received to the application. Under the Policy the decisions on applications are made by full Council following a hearing at which the applicant and everybody who has made a written submission on the application will have the opportunity to be heard.

This covering report and attached officer's report (**Attachment 4**) outlines the applications, objections, and policy considerations for Council.

2. DRAFT RECOMMENDATION

That Council either:

- a. **Grants the application by Club Buller Inc for the addition of 5 new machines to the Class 4 gambling venue at Club Buller in Westport:
OR**
- b. **Declines the application by Club Buller Inc for the addition of 5 new machines to the Class 4 gambling venue at Club Buller in Westport.**

3. ISSUES & DISCUSSION

BACKGROUND

As required under legislation Council has a Class 4 Gambling and Totalisator Agency Board (TAB) Venue Policy. The Policy is attached as **Attachment 1**. Under that Policy gambling venues and gambling machines are permitted subject to an application being made to, and considered by, Council. The application must be publicly notified, and submissions/objections are invited from the public. As noted above decisions on applications are made by full Council following a hearing at which the applicant and everybody who has made a written submission on the application will have the opportunity to be heard.

Club Buller Incorporated has made an application (**Attachment 2**) for an additional 5 gaming machines on their premises. The venue currently has permission to operate 10 gaming machines, the additional number bringing the total to 15 if the application was to be approved. Three submissions have been received to the application (**Attachment 3**) - one being from Kay Kristensen of PGF Group, one from Vince Barry of Te Whatu Ora and one from Trevor Wilson. A full report covering the matters which need to be considered under the policy is attached in the accompanying officer's report (**Attachment 4**).

4. CONSIDERATIONS

4.1 Strategic Impact

Consideration of this application is made under the criteria outlined in the Council's Class 4 Gambling and TAB Venue Policy.

4.2 Significance Assessment

Consideration of this application under the Class 4 Gambling and TAB Venue Policy is not considered to be significant. Public notification of the application has been undertaken as required under the Policy.

4.3 Risk Management Implications

This decision does not provide Council with a significant risk as Council is following all the requirements for consideration of an application under its Class 4 Gambling and TAB Venue Policy.

4.4 Values

This decision will be made with consideration to the Policy Council has adopted which aligns with the Buller District Values of being Community Driven together with Integrity and We Care.

4.5 Policy / Legal Considerations

As noted above this decision will be made in accordance with the criteria set out in Council's Class 4 Gambling and TAB Venue Policy. It is noted that the policy is currently under review with the first stage of public consultation having been undertaken. Further work on the policy is being undertaken and Council will consider the review of the policy within the next few months.

4.6 Tangata Whenua Considerations

The decision does not involve a significant decision in relation to ancestral land or a body of water or other elements of intrinsic value, therefore this decision does not specifically impact Tangata Whenua, their culture, and traditions.

4.7 Views of Those Affected

As required by the Policy public notification of the application was made and the opportunity to make objections/submissions was outlined in the public notices. Public notices were placed in the local newspaper and on Council's website twice within the time periods set out in the policy.

4.8 Costs

There are no on-going costs associated with this matter.

4.9 Benefits

Council is making this decision based on the Class 4 Gambling and TAB Venue Policy which outlines the matters which may or may not benefit the community in making this decision. These matters are set out in the officer's report (**Attachment 4**).

4.10 Media / Publicity

This decision may attract media interest which will be managed by the Council's communication team.



Buller District Council Policy

CLASS 4 GAMBLING AND TOTALISATOR AGENCY BOARD (TAB) VENUE POLICY

Source:	Council		
Date:	23/09/2009		
Reviewed:	26/09/2018	Next review:	26/09/2021
See also:	Gambling Act 2003, Racing Act 2003		

PURPOSE

To manage the establishment of Class 4 gambling and TAB venues to minimise the adverse effects of gambling on the Buller district.

BACKGROUND

This policy applies to Class 4 and Totalisator Agency Board (TAB) gambling, and to Class 4 gambling and TAB venues.

Class 4 gambling is gambling that involves the use of gaming machines outside a casino, and from which the profits are distributed to authorised purposes (ie back to the community).

Class 4 venues are the licenced premises where gaming machines are located.

TAB venues are premises that are owned or leased by the New Zealand Racing Board and where the main business carried on at the premises is providing racing betting or sports betting services under the Racing Act 2003.

COUNCIL CONSENT FOR CLASS 4 GAMING MACHINES AND TAB VENUES

Consent is required from Council for the following:

- To establish a new Class 4 venue.
- To increase the number of gaming machines at an existing Class 4 venue to more than the number operating at that venue on 22 September 2003, or more than the number previously consented to by Council.
- To establish a new TAB venue.
- The first time application is made to the Department of Internal Affairs for a Class 4 venue licence for a venue which did not hold such a licence on 17 October 2001.

Any building which holds a venue consent and which is destroyed or damaged by fire or other hazard may have that consent re-approved without further public notification. Such re-approval will not apply to any relocation of venue.

KEY ISSUE ONE

There are some recognised benefits from allowing Class 4 and TAB gambling. A number of community groups rely on funding from the proceeds of Class 4 gambling. Some members of the community derive entertainment from these forms of gambling, and participate in them responsibly.

OBJECTIVE

To allow those who wish to participate in gaming machine and TAB gambling to do so within the district.

POLICY

Class 4 gambling venues and TAB venues may be established in Buller subject to:

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

METHOD OF IMPLEMENTATION

Applications for Council consent must be on the approved form and must provide:

1. Name and contact details for the application;
2. Street address of premises proposed for the venue;
3. A site plan covering both gambling and other activities proposed for the venue, including details of each floor of the venue and location of each gaming machine or TAB;
4. Details of the proposal including the number of gaming machines or other gambling facility;
5. Details of liquor licence(s) applying to the premises; and
6. Any relevant gambling harm minimisation policy.

Application fees for territorial authority consent will be set annually as part of the Annual Plan process. For the 2009/2010 financial year, the application fee is \$200.00.

The applicant is responsible for meeting the cost of publicly notifying the application.

Applications will not be considered until all of the required information has been received and the application fee has been paid. Council may request additional information if it considers it necessary to making a decision on an application.

EXPLANATION/REASONS

By allowing Class 4 and TAB venues to establish in Buller, we are allowing those who wish to participate in these types of gambling to do so.

By specifying the types of premises which are suitable to be Class 4 and TAB venues, and by requiring applicants for consent to provide detailed information about their proposal before a decision is made on their consent allows us to minimise the potential for adverse effects arising from gambling.

KEY ISSUE TWO

There is the potential for gambling to cause harm to individuals, and the community as a whole, especially in cases of problem gambling.

OBJECTIVE

To prevent and minimise the harm caused by gambling, including problem gambling.

POLICY

The maximum number of gaming machines allowed at Class 4 venues are as follows:

- Class 4 gambling venues licenced after 17 October 2001 shall be allowed a maximum of nine gaming machines.
- Class 4 gambling venues licenced before 17 October 2001 shall be allowed a maximum of 18 gaming machines.

METHODS OF IMPLEMENTATION

No single venue will be allowed to exceed the maximum number of gaming machines.

When considering an application for consent, Council will have regard to the characteristics of the venue and may impose a maximum number on the consent that is less than the applicable maximum number above.

EXPLANATION/REASONS

Restricting the number of gaming machines that may operate in the district limits the opportunities people have to gamble. Limiting gambling opportunities will help prevent and minimise harm from gambling.

Restricting the types of venues which can be Class 4 venues will assist in the identification of problem gamblers, as they will become recognisable to venue staff. Identifying that somebody has a gambling problem is the first step in preventing harm caused by problem gambling.

KEY ISSUE THREE

Council has a responsibility under the Gambling Act 2003 and the Racing Act 2003 with regards to the provision of Class 4 gambling and TAB venues in the district.

OBJECTIVE

To ensure the Council and the community has influence over the provision of new gambling venues within the district and additional opportunities for gambling at existing venues.

POLICY

In considering all applications relating to Class 4 gambling venues Council may consider any matter, but will consider the following:

- (i) Characteristics of the district and parts of the district.
- (ii) Locations of kindergartens, early childhood centres, schools, places of worship and other community facilities.
- (iii) The number of gaming machines that should be permitted at any venue.
- (iv) The cumulative effects of additional opportunities for gambling in the district.
- (v) How close any venue shall be permitted to any other venue.
- (vi) What the primary activity at any venue is.

In considering all applications relating to TAB venues Council may consider any matter, but will consider the following:

- (i) Characteristics of the district and parts of the district.
- (ii) Locations of kindergartens, early childhood centres, schools, places of worship and other community facilities.
- (iii) The cumulative effects of additional opportunities for gambling in the district.

METHODS OF IMPLEMENTATION

The decision on Council consents will be made by full Council following a hearing at which the applicant and everybody who has made a written submission on the application will have the opportunity to be heard.

When considering the cumulative effects of additional opportunities for gambling in the district for Class 4 venues, Council will take into account both the number of gaming machines currently operating, and the number of gaming machines currently able to operate.

EXPLANATION/REASONS

Ensuring Council considers the listed matters when determining all applications for consent will help ensure that Council has influence over the establishment of new Class 4 venues and over the provision of additional gaming machines at existing venues, when the resulting number of machines will be greater than the number the venue is currently able to operate.

This will also help ensure that Council exercises its influence consistently across all applications for consent.

Requiring that consideration be given to public submissions, both written and as presented at hearings, will help ensure that the views of the community are taken into account when Council makes decisions on consents.

KEY ISSUE FOUR

The impacts of both the benefits and the harm resulting from gambling are felt by the community.

OBJECTIVE

To facilitate community involvement in decisions about the provision of gambling.

POLICY

All applications for Council consent will be available for public submission.

Submitters will have the opportunity to speak to their submission at the hearing of the consent application.

In making their decision Council will give consideration to all submissions received.

METHODS OF IMPLEMENTATION

All applications will be twice publicly notified in a newspaper circulating in the area to which the application relates. Notifications will be placed at least seven days apart, but no more than 14 days apart. Council staff will be responsible for placing the public notifications.

The public notifications will advise people of the opportunity to make a written submission on the application.

Copies of the application will be made available at Council offices, Buller libraries and on Council's website. Information will be included on the opportunity to make a written submission.

EXPLANATIONS/REASONS

Community feelings on gambling range from full support to total opposition.

Supporters of gambling often note the following benefits:

- The money distributed to community groups and organisations from the proceeds of Class 4 gambling.
- The entertainment value of responsible gambling.

Opponents of gambling often note the following harmful effects of gambling:

- The amount of money spent and lost by gamblers.
- Problem gambling and the impact this has on the life of the gambler, their family and the community as a whole.

Giving all members of the community the opportunity to comment on applications for consent to create additional gambling opportunities will help ensure that the full range of opinions and issues are heard and taken into account when Council makes its decision on an application.



APPLICATION FOR TERRITORIAL AUTHORITY CONSENT
CLASS 4 GAMBLING VENUE Per.....
 Section 99 of the Gambling Act 2003



Name: CLUB BULLER
 Organisation or Trust: CLUB BULLER INCORPORATION
 Contact Address: 44 QUEEN STREET WESTPORT 2670352

Contact Phone: 03 7898770 Daytime: 0274445197
 Email Address: bwmc@xta.co.nz

Name & Street Address of premises proposed for the Class 4 Licence:

44 QUEEN STREET
WESTPORT

The primary activity of this venue is: MEMBERS CLUB

Signature: [Signature]

Application is made for consent for a gambling venue to incorporate the following:

Number of existing Gaming Machines located at premises: 10

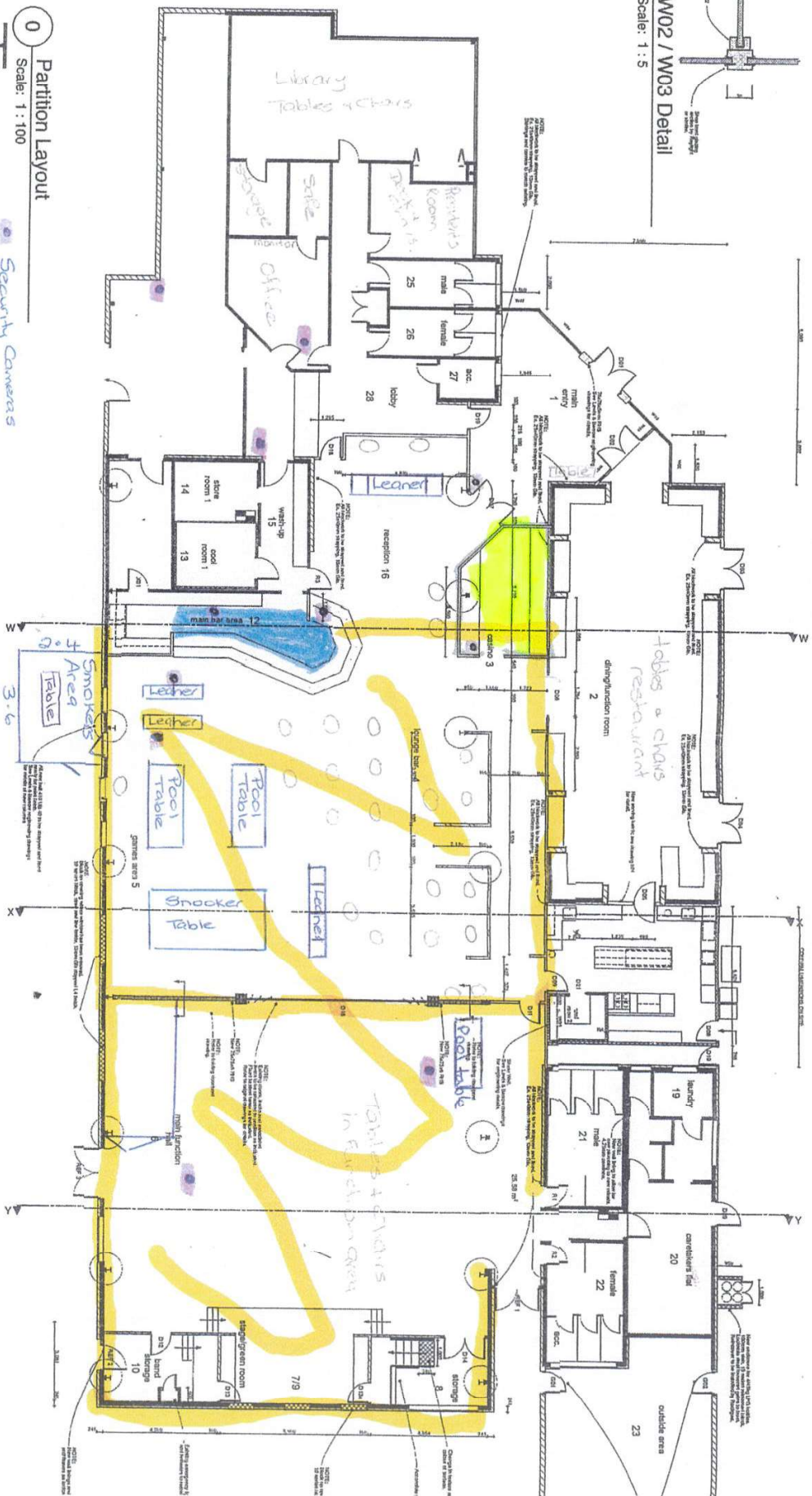
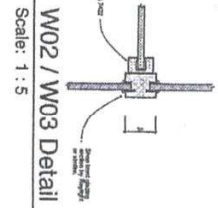
Number of new or additional Gaming Machines proposed: 5

Please enclose the following with the application:

- A site plan covering both gambling and other activities proposed for the venue including details of each floor of the venue and location of gaming machines or TAB
- Details of liquor licence(s) applying to the premises
- Deposit of \$250.00*
- Locations and distances from the nearest gaming venue, kindergarten, early childhood centres, schools, places of worship and other community facilities
- Any relevant gambling harm minimisation policy

* Please note this is a deposit only and Council operates on a full cost recovery system. If the cost of processing this application is more than the deposit the applicant will be charged the additional amount. The applicant is also responsible for meeting the cost of publicly notifying the application.

The personal information that you provide in this form will be held and protected by Buller District Council in accordance with our privacy policy (available at bullerdc.govt.nz/privacy and at council libraries and service centres) and with the Privacy Act 2020. Council's privacy policy explains how we may use and share your personal information in relation to any interaction you have with the council, and how you can access and correct that information. We recommend you familiarise yourself with this policy

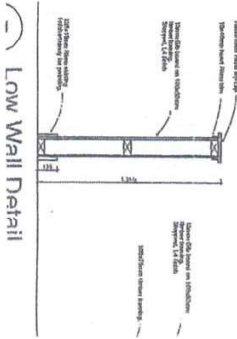
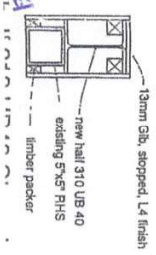


0 Partition Layout
Scale: 1 : 100

- Security Cameras
- Gaming Area
- Primary Workstation

Refer to Lewis & Barrow engineering drawings for detail.

We the undersigned certify that the Venue Floor Plan is a true and accurate copy of the original Venue Manager Gaylene Russell 4/15/01
David Synne Russell Trustee David Synne Russell 4/15/01





20/11/ 2023

**To whom it may concern
Westcoast Licensing Commission**

Club Buller licence No. 54/CL/002/2022
Expiry 7th March 2025
Gaming Licence No. 8000 4594 GMV 359
Deposit being made 21st November 2023

Location and Distance from nearest gaming venue is approx. .5k to the South on Palmerston Street.

Current nearest property 300meters (McManus Hotel) has just ceased trading and their 15 machines are to be returned to Pub Charity.

This will then make Club Buller the only venue at the Northern end of town to offer gaming facilities.

Any nearby facilities such as Kindergarten etc, are all closed prior to club trading hours commencing.

Club Buller is fully compliant with all Harm Minimisation Policies.

These are all kept on file in the office and Bar area.

The required monitoring of machines and users is done at the necessary times and loaded into our COMMS system as they are completed.

All relevant gaming regulations are posted on display in the gaming room.

If approval is granted to add the 5 further machines, then alterations would be made to existing room to accommodate them.

Sincerely yours

Evan Francis Fox

**Club 037898770
Cell 0274445197
Manager
Club Buller**

Julie Sail

From: Trevor Wilson
Sent: Friday, 26 January 2024 3:59 PM
To: Licenses
Cc: Trevor Wilson
Subject: objection to Club Buller application
Attachments: Club Buller submission [T Wilson].pdf

Attached is my objection to the application by Club Buller to increase the number of their Machines.

Ngā mihi,
Trevor Wilson

Submission from Trevor Wilson to the application by Club Buller Inc. to increase the number of Gaming Machines from ten to fifteen.

I object on the following grounds.

1. The application is incomplete.
 - a. The liquor licence is not included.
 - b. The gambling harm minimization policy is not included.
 - c. The Applicant minimizes the location of nearby sensitive sites by only mentioning the kindergarten.

2. Profits from Club Buller's Gaming Machines give no benefit to the wider Westport community.
 - a. Not one cent of the profits is distributed outside of the Club¹
 - b. Sports clubs in Buller are not benefiting from grants from Club Buller.

3. McManus Hotel may have closed but no evidence has been presented indicating that the Society owning the Gaming Machines (possibly Pub Charity Limited or The Trusts Community Foundation Limited) are relinquishing their GM licence and not intending to bring in another venue operator.

4. The population of Westport has a high exposure rate to gambling opportunities.
 1. There are 53 GMs in 5 venues².
 2. I believe the National average ratio of GMs to adult population is 36 to 10,000
 3. The population of Westport is approximately 4,250
which gives a ratio³ of GMs to total population of 124 to 10,000

5. Buller and Westport has an extremely high level of socioeconomic deprivation and all current venues are located in areas with a level of 9 or 10.

6. Gaming Machine players are spending longer hours playing gaming machines, betting more per game or possibly more players are playing on the machines.

7. More people seeking help from gambling harm advice service in recent years.

Declining this application will reduce gambling harm.

¹ See page 7 of Club Buller's latest Annual Financial Statement on the NZ Companies Register website <https://app.businessregisters.govt.nz/sber-businesses/viewInstance/view.html?id=229a78e05307b6d8bf1b29667f00cb170814176551842f89#scrollTop>

² Or, excluding McManus Hotel, 39 GMs in 4 venues.

³ Or, excluding McManus Hotel, 91 GMs to 10,000 total population.

Julie Sail

From: Kay Kristensen <Kay.Kristensen@pgf.nz>
Sent: Thursday, 25 January 2024 3:39 PM
To: Licenses
Subject: submission Club Buller Application
Attachments: Buller - Written Submission Club Buller Application January 2024.pdf

Please accept our attached submission regarding Club Buller's application to increase the number of EGV
We wish to speak at the hearing
With thanks

Kay Kristensen
Policy Advisor | PGF Group
Īmera kay.kristensen@pgf.nz | Tari Level 2, 109 Anglesea Street, Hamilton 3204

Please note I do not work Wednesdays



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No judgement, just support.

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If you have received it in error you must not use, disclose, copy or retain it.



PGF Group
109 Anglesea Street
Hamilton 3204

26 January 2024

Buller District Council
PO Box 21
Westport 7866
Email: licenses@bdc.govt.nz

Tēnā koe,

Response regarding Club Buller's Class 4 Gaming Venue Application

PGF appreciates the opportunity to comment on the application submitted by Club Buller to the Buller District Council to increase gaming machines on the premises from 10 to 15.

PGF Group is a Charitable Trust that operates nationally to provide gambling harm minimisation and prevention services. Our services are delivered under contract to Te Whatu Ora and funded from the gambling levy. As part of our public health work, we advocate for the development of public policy that contributes to the prevention and minimisation of gambling-related harms.

Our submission is evidence-based and founded on what is known about gambling harm across Aotearoa New Zealand and beyond. We have attached our submission to Buller District Council regarding the Class 4 gambling and TAB Venue Policy review submitted in August 2023 as an additional source of information in support of this submission.

Recommendation

PGF **opposes** Club Buller's application to increase the number of Electronic Gaming Machines (EGMs | pokies) on its premises.

As an organisation that sees harm from gambling on a daily basis, we are strongly opposed to any increase in the numbers of EGMs, regardless of circumstance.



Key information

Class 4 gambling

Class 4 gambling (pokies in pubs, clubs and TABs) is categorised as high-risk, high-turnover gambling. Pokies, continue to be the most harmful form of gambling in Aotearoa New Zealand and the primary mode of gambling for those seeking help.

Most of the money gambled in New Zealand is spent on pokies. In 2022, more than \$1 billion was spent on pokies across New Zealand. Buller District contributed over \$2.5million in the same year.¹ A New Zealand gambling study estimates that 30% of EGM losses come from problem and moderate risk gamblers.²

Impact of gambling harm to vulnerable population groups and deprivation

Māori are disproportionately impacted by gambling. Māori disproportionately reside in areas of high social deprivation where the majority of Class 4 venues are located. Māori are 3.13 times more likely to experience gambling harm compared with non-Māori.³ We note that 11.2% of Buller's population are Māori.⁴ All of the Class 4 venues in Buller are located in areas of high deprivation i.e. decile 9-10.

Funding

EGMs took the place of funding community groups when tobacco sponsorship of sporting and other events was banned in 1994. How the community sector is funded is a major social issue in Aotearoa New Zealand with around a quarter of community sector funding coming from gambling. A significant portion of this is coming from people, whānau and communities who are harmed by gambling.⁵

In 2015, Trusts and Societies were mandated to return a minimum of 40% of gaming machine profits to the community by way of grants or applied funding. However, Clubs are under no such legal obligation to do the same. Nevertheless, many clubs across New Zealand do philanthropically fund local community groups from GMP. We have not found any evidence in support of Club Buller returning any GMP back to the local Buller community.

¹ Department of Internal Affairs. Gambling Expenditure 2023 [Available from: <https://www.dia.govt.nz/gambling-statistics-expenditure>].

² Abbott M, Bellringer, M., Garrett, N. New Zealand National Gambling Study: Wave 4 (2015). Report number 6. Auckland: Auckland University of Technology, Gambling and Addictions Research Centre; 2018.

³ Te Hiringa Hauora. Results from the Health and Lifestyles Survey 2020. Wellington: Te Hiringa Hauora; 2021.

⁴ Statistics New Zealand. 2018 Place Summaries - Buller District. Wellington: Statistics New Zealand; 2023 Available from: <https://www.stats.govt.nz/tools/2018-census-place-summaries/buller-district>.

⁵ McLeod J. The New Zealand Cause Report: Shape of the Charity Sector. Auckland: JB Were, 2017.



Client intervention data

It is difficult to quantify the extent of gambling harm due to significant under-reporting. Only 16% of potential clients actually access or present to services for support. This is similar for other addictions such as alcohol and drugs.⁶ Under-reporting is attributed in part to *whakama*, shame, guilt, embarrassment, or simply not being aware of being caught up in a cycle of gambling addiction until too late.

We can, however, begin to build a picture of gambling harm across the Buller district using Ministry of Health client intervention data together with Multi Venue Exclusions (MVEs) and local anecdotal data.

The Ministry of Health's Client Intervention data reports that 28 people in the Buller District presented for help with their or someone else's gambling between June 2022 and July 2023.⁷ Additionally, 11 individuals self-excluded from 44 class 4 venues across the West Coast and Canterbury regions; the majority being male aged between 30 and 49 years. Multi Venue Exclusions have been used as an intervention tool in New Zealand since 2011 to enable gamblers to self-exclude from multiple venues without having to visit each individual site. MVEs are a legally binding contract between the gambler and the venue with penalties for breaches.

Anecdotal data from the PGF Southern counselling team report that many people in the Buller community are concerned about the negative impact of class 4 gambling on individuals, whānau and their community. Comments include:

- Wish there were no machines at all
- Family has had issues in the past
- Venue staff are not approaching the players to stop them from gambling
- Family arguments because there's no money for the power bill or food for the kids
- The shame of having to get a food parcel.

Pokie characteristics

We are often asked why so many people are attracted to or continue to play the pokies despite the known risks of gambling harm and addiction. Research indicates that the rapid speed of EGM play

⁶ Ministry of Health. Strategy to prevent and minimise gambling harm 2019/20 to 2021/22. Wellington; 2019.

⁷ Ministry of Health. Intervention client data. Wellington: Ministry of Health; 2023 [Available from: <https://www.health.govt.nz/our-work/mental-health-and-addiction/addiction/gambling/service-user-data/intervention-client-data#ppgm>]



relative to other forms of gambling; the lack of natural breaks from gambling, and the highly variable outcomes such as *near misses* and *losses disguised as wins* are some of the factors that lead to persistent gambling even in the face of losses. This is particularly true amongst those already experiencing gambling harm and addiction.⁸

Research has also shown that pokies induce a dissociative 'flow state' where a gambler's awareness of self, the passage of time, and surroundings are diminished. For those already experiencing harmful and/or problem gambling and who may also be suffering from depression, the 'flow state' in itself, can be addictive as it provides the player with a level of superficial relief.⁸

Conclusion

Our organisation **urges** Council to decline Club Buller's application to increase the number of pokies in its premises.

In its decision making, we ask Council to consider both the direct and indirect cost of gambling harm across its district. While the financial cost of gambling is substantial across all levels of society, the social and psychological impact to individuals, families and communities is equally devastating.

Our organisation supports the submission made by Te Whatu Ora and asks Council to consider the feedback they have provided. We thank you again for the opportunity to provide comment.

Ngā mihi nui,

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⁸ Dixon MJ, Stange M, Larche CJ, Graydon C, Fugelsang JA, Harrigan KA. Dark Flow, Depression and Multiline Slot Machine Play. *J Gambl Stud.* 2018 Mar;34(1):73-84.



**PGF Group Submission
Buller District Council
Class 4 Gambling and TAB Venue Policy Review 2023**

Submitted to	Buller District Council Class 4 Gambling and TAB Venue Policy Review via email submission to info@bdc.govt.nz
Details of Submitter	Kristy Kang Policy and Public Health Manager, PGF Group kristy.kang@pgf.nz 09 553 6896
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Date of Submission	21 August 2023



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EXECUTIVE SUMMARY

PGF Group thanks Buller District Council for the opportunity to comment on the Class 4 gambling and TAB venue policy.

Currently, Buller District Council has base legislative requirements, which means the existing gambling policy has no further restrictions around the establishment and control of the number of pokies as already set out in the Gambling Act 2003. Buller District Council is one of only six councils with a policy that does not include further measures to minimise gambling harm, such as a district wide cap, per capita cap, or a sinking lid policy.

We strongly recommend Council to adopt a sinking lid policy (Option C). A sinking lid policy is one of the best policies available to reduce gambling losses and harm from gambling. Given that 33 out of 65 councils across Aotearoa New Zealand have a sinking lid policy in place, a sinking lid would be a commendable step which reflects Council's efforts to better the health and wellbeing of the community.

Our submission is evidence-based and founded on what is known about gambling harm across Aotearoa New Zealand. It is time for councils and the government to take a closer look at the relationship between harmful gambling, social disparity and a funding model that enables it. Funding communities based on a system that relies on our lowest income households putting money they cannot afford to lose into gaming machines is unethical and inequitable. This disproportionately impacts Māori who generally reside in areas where the majority of these machines are situated.

Our organisation supports the submission made by Te Whatu Ora, and asks Council to consider the feedback they have provided in their decision making.



SUBMISSION AND RECOMMENDATIONS

1. PGF Group is **concerned** that Buller District Council is only one of six councils with base legislative requirements, allowing for further Class 4 gambling opportunities in the district.
2. PGF Group **strongly recommends** Council to adopt Option C or a sinking lid policy (with no relocations or club mergers allowed) for both Class 4 gambling and TAB venues.

INTRODUCTION

3. The Problem Gambling Foundation trades as PGF Group (PGF) and works closely with its subsidiary charitable companies, Asian Family Services and Mapu Maia Pasifika Service, united by a shared purpose to provide public health and clinical services that contribute to the wellbeing of whānau and communities.
4. PGF operate under contract to Te Whatu Ora and are funded from the gambling levy to provide clinical intervention and public health services.
5. As part of our public health work, we advocate for the development of public policy that contributes to the prevention and minimisation of gambling related harms.
6. This includes working with Territorial Local Authorities (TLAs) to encourage the adoption of policies that address community concerns regarding the density and locality of gambling venues; in this case, a sinking lid policy.

PGF GROUP POSITION ON GAMBLING

7. It is important to note that we are not an 'anti-gambling' organisation as some may infer. We are, however, opposed to the harm caused by gambling and advocate for better protections for those most at risk of experiencing gambling harm.
8. We recognise that the majority of New Zealanders are non-problem gamblers.
9. While most New Zealanders gamble without experiencing any apparent harm, a significant minority do experience harm from their gambling, including negative impacts on their own lives and the lives of others.



10. In 2021/22, total expenditure (losses, or the amount remaining after deducting prizes and payouts from turnover) across the four main forms of gambling – Class 4 Electronic Gaming Machines (EGMs), Lotto, casinos and TAB – was more than \$2.25 billion, or \$627 for every adult (1).
11. In 2022, over \$1 billion was lost to pokies across Aotearoa New Zealand (2). This was the highest annual loss since 2003.
12. Most money spent on gambling in New Zealand comes from the relatively limited number of people who play Class 4 EGMs, and most clients accessing gambling support services cite pub/club EGMs as a primary problem gambling mode (3).

ADVICE FOR COUNCIL DECISION MAKING

GAMING MACHINE PROFIT (GMP) STATISTICS

13. As at 31 March 2023, there were eight Class 4 gambling venues and 72 EGMs in the Buller District (2).
14. Since 2015, Buller has followed the national trend of a general growth in annual GMP. The largest spike was in 2022 with approximately \$2.5 million being lost to EGMs in Buller (2).
15. According to the 2018 Census, the median income in Buller is \$22,900 (4). In comparison, every machine in Buller made, on average, around \$35,350 in 2022 (2). That means a pokie machine made more than \$12,000 than the average person in the district.
16. We cannot be sure why losses continue to grow while machine numbers are coming down, but what we do know is that EGM numbers are not being reduced fast enough in areas where they need to, particularly high deprivation areas.

CLASS 4 GAMBLING

17. The harms caused by different forms of gambling are not equal, as evidenced by the different classifications of gambling within the Gambling Act 2003.



18. Class 4 gambling – EGMs in pubs, clubs and TABs – is characterised as high-risk, high-turnover gambling, and is the most harmful form of gambling in New Zealand (3).
19. EGMs are particularly harmful because they are a form of continuous gambling (5). The short turnaround time between placing a bet and finding out whether you have won or lost, coupled with the ability to play multiple games in quick succession makes continuous gambling one of the most addictive forms of gambling available.

CLIENT INTERVENTION DATA

20. The Trusts and Societies who hold the licenses for the 14,464 Class 4 EGMs in New Zealand (as at 31 March 2023) (2) often submit that the relatively low number of people who seek help for a gambling problem is a positive indicator about the prevalence of harmful gambling in New Zealand. This assertion is disingenuous and should be disregarded.
21. The Ministry of Health’s *Strategy to Prevent and Minimise Gambling Harm* states that “needs assessment and outcomes monitoring reports show that only 16% of potential clients for gambling support services (that is, people whose reported harm results in a moderate to high PGSI⁹ score) actually access or present at these services”, and that this low service use is also evident for other forms of addiction (3).
22. Furthermore, the Ministry of Health’s Continuum of Gambling Behaviour and Harm (Figure 1) estimates the number of people experiencing mild, moderate or severe gambling harm is more than 250,000 – that’s more than the population of Wellington (3).

⁹ The Problem Gambling Severity Index (PGSI) is commonly used to screen and categorise three levels of harm: severe or high risk (problem gambling), moderate risk and low risk.

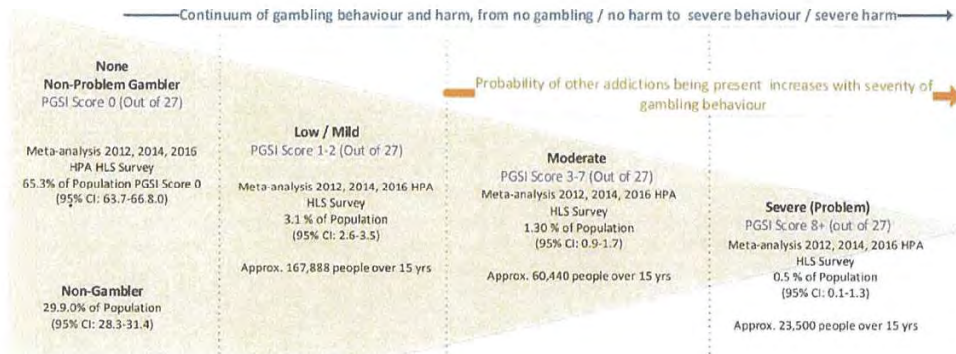


Figure 1: Continuum of Gambling Behaviour and Harm (Ministry of Health, 2019)

- 23. Moreover, a New Zealand gambling study estimate that 30% of EGM losses is from problem and moderate risk gamblers (6).
- 24. While the Ministry of Health’s client intervention data is not an accurate measure of the prevalence of gambling harm in New Zealand, it can tell us the rate of harm from different classes of gambling amongst those who have sought help.
- 25. Data for 2021/22 shows that of the 4,534 individuals who received full intervention support for their own or someone else’s gambling, 2,111 (46.6%) were for Class 4 EGMs (7).

Primary Mode	Full Interventions	Percentage
Non-Casino Gaming Machines (EGMs or Pokies)	2,111	46.6%
Lotteries Commission Products	535	11.8%
Casino Table Games (inc. Electronic)	388	8.6%
Casino Gaming Machines (EGMs or Pokies)	420	9.3%
TAB (NZ Racing Board)	394	8.7%
Housie	40	0.9%
Cards	41	0.9%
Other	605	13.3%
Total	4,534	100%

Table 1: 2021/22 client intervention data by primary gambling mode.

- 26. Given that almost half of the clients in 2020/21 sought help due to Class 4 EGMs (7), this indicates the level of harm EGMs are causing in our communities.



ONLINE GAMBLING

27. Online gambling is the purview of the DIA who have indicated that they will address online gambling within legislation.
28. We also note that online gambling is not within the scope of the Council's Class 4 gambling policy review.
29. In its submissions, the Gaming Machine Association of New Zealand (GMANZ) and other industry proponents suggest that an 'unintended consequence' of a reduction in physical gaming machines could be an increase in online gambling. There is no evidence that this occurs more rapidly due to a sinking lid policy.
30. Rather, the COVID-19 lockdowns have shown that while there was an increase in online gambling during lockdown (namely, MyLotto sales) (8, 9), people returned to Class 4 gambling after the lockdown. This was highlighted when the DIA saw an increase in GMP by 116% in the June to September 2020 quarter, which followed the COVID-19 lockdown in 2020 (10).

DENSITY OF CLASS 4 GAMBLING VENUES

31. What makes Class 4 EGMs more harmful than casino EGMs is their location within our communities and the design of EGM rooms within Class 4 venues.
32. Data published by the DIA shows that almost 61% (623 out of 1,023 as at 31 March 2023) of Class 4 gambling venues in New Zealand are located in medium-high or very-high deprivation areas (2).

Very Low Decile 1–2	Medium Low Decile 3–4	Medium Decile 5–6	Medium High Decile 7–8	Very High Decile 9–10
69	140	191	282	341

Table 2: Class 4 gambling venues as at 31 March 2023 by deprivation score.

33. In Buller, all eight Class 4 gambling venues (as at 31 March 2023) are located in very-high deprivation areas (2).
34. A report commissioned by the Ministry of Health notes that EGMs in the most deprived areas provide over half of the total Class 4 EGM expenditure (11).



IMPACT OF GAMBLING HARM TO VULNERABLE POPULATION GROUPS

35. It is unethical that the majority of Class 4 EGM expenditure is coming from our lowest income households who can least afford it.
36. This is particularly concerning given that this disproportionately impacts Māori who generally live in the areas where many of these machines are situated. We note that 11.2% of Buller's population are Māori (4).
37. The 2020 Health and Lifestyles Survey estimates indicated that Māori were 3.13 times more likely to be moderate-risk or problem gamblers than non-Māori and non-Pacific peoples (12).
38. Research indicates that Māori experience harmful gambling differently, and that this disparity has not diminished over the years. This is a systemic issue that is inequitable.

EFFICACY OF A SINKING LID

39. From a public health perspective, there's a generally held view that the easier it is to access an addictive product, the more people there are who will consume that product.
40. It follows then that stronger restrictions on the number and location of addictive products, such as EGMs, constitute a public health approach to the prevention and minimisation of gambling harm.
41. Sections 92 and 93 of the Gambling Act mandate the maximum number of pokie machines a Class 4 venue can host (18 if the venue licence was held on or before 17 October 2001, nine if the licence was granted after that date). This is the minimum regulation a TLA must implement in its Class 4 gambling policy, however many TLAs have chosen to adopt stronger regulations.
42. The Auckland University of Technology's New Zealand Work Research Institute recently published a research paper, *Capping problem gambling in New Zealand: the effectiveness of local government policy intervention*, which aimed to understand the impact of public policy interventions on problem gambling in New Zealand (13).
43. This research focussed on Class 4 gambling to assess the impact of local government interventions (absolute and per capita caps on the number of machines and/or venues and



sinking lid policies) on the number of machines/venues and the level of machine spending over the period 2010-2018.

44. Key findings from this research include:

- a. All three forms of policy intervention are effective in reducing Class 4 venues and EGMs, relative to those TLAs with no restrictions beyond those mandated by the Gambling Act.
- b. Sinking lids and per capita caps are equally the most effective at reducing machine spending.
- c. Those TLAs who adopted restrictions above and beyond those mandated by the Gambling Act experienced less gambling harm than those TLAs who have not.

THE FUNDING SYSTEM

45. Following the removal of tobacco funding, EGMs were introduced with the primary purpose of funding communities.
46. Trusts and Societies are required to return 40% of GMP to the community by the way of grants or applied funding. This has inextricably linked gambling harm with the survival of community groups, sports and services.
47. However, it cannot be guaranteed that the GMP lost in Buller is returned to groups in Buller. For example, of the \$2.5 million lost in Buller in 2022 (2), around \$842,000 was returned to organisations based in Buller (14). This is only around 33% of the amount lost in 2022.
48. Moreover, the unethical nature of the funding model cannot be ignored. The *Gambling Harm Reduction Needs Assessment* (2018), prepared for the Ministry of Health, raises fundamental questions about the parity of this funding system (15).
49. Further research commissioned by the DIA revealed that there is a very strong redistributive effect from more deprived communities to less deprived communities when examining the origin of GMP and the destination of Class 4 grants (16).



50. Overall, less deprived communities (decile 1-5) provided 26% of the GMP but receive 88% of the grants. Conversely, more deprived communities (decile 6-10) provide 74% of the GMP but receive only 12% of the grants (16).

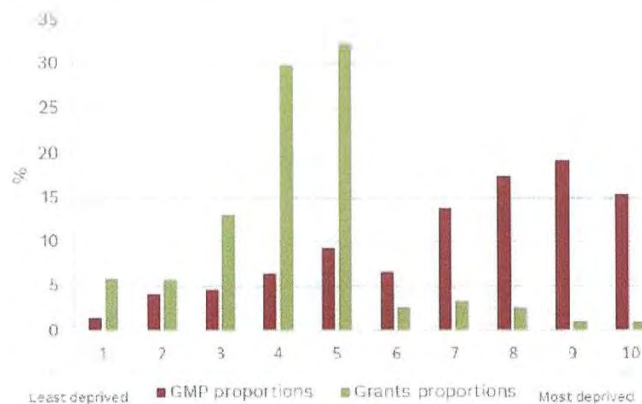


Figure 2: The origin of GMP and the destination of Class 4 grants by socio-economic decile (BERL, 2020)

51. There is a need for a transparent and sustainable funding system to support groups in our communities. This is a sentiment that is shared by other councils, including Hutt City Council, who have decided to take proactive steps to not apply for and accept Class 4 funding.

PRIORITISING THE PREVENTION OF HARM

52. While a sinking lid is at present the best public health approach available to TLAs to prevent and minimise gambling harm in their communities, we contend that such a policy does not go far enough – or work fast enough – to do this.

53. Several councils have already expressed their frustration at the limited opportunities available to them in their attempts to reduce the harm from Class 4 gambling in their communities.

54. We also encourage the Council to advocate to central government for the following:

- a. Adoption of a more sustainable, ethical, and transparent community funding system.
- b. More powers for councils to remove EGMs from their communities.



- c. The urgent removal of Class 4 EGMs from high deprivation areas 7-10 in New Zealand.

CONCLUSION

- 55. The Gambling Act 2003 was enacted to provide a public health approach to the regulation of gambling and to reduce gambling harm.
- 56. A sinking lid – with no relocations or venue mergers permitted – is the best public health approach available to councils who wish to prevent and minimise gambling harm in their communities.
- 57. PGF appreciates the opportunity to make a written submission on the Council’s Class 4 gambling and TAB venue policy.



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Julie Sail

From: Hebe Gibson <Hebe.Gibson@cdhb.health.nz>
Sent: Friday, 26 January 2024 11:01 AM
To: Licenses
Cc: Rosie McGrath; Submissions
Subject: Submission on Club Buller's application under BDC's Class 4 Gambling a Venue Policy
Attachments: SubmissionFINAL240126.pdf

Kia ora

Please find attached Te Mana Ora's submission on Club Buller's application under BDC's Class 4 Gambling Venue Policy.

Thanks

Hebe Gibson

Hebe Gibson (she/her)
Health in All Policies Advisor
Te Mana Ora | Community and Public Health
Waitaha Canterbury District
waea tika: 03 378 6822 | imēra: hebe.gibson@cdhb.health.nz
310 Manchester Street, Christchurch | PO Box 1475, Christchurch 8013



Te Whatu Ora – Health New Zealand
www.tewhatauora.govt.nz

Te Mana Ora – Community and Public Health
www.cph.co.nz

25 January 2024

Buller District Council
6-8 Brougham Street
Westport

Tēnā koutou,

Submission on Club Buller's application under the Class 4 Gambling and TAB Venue Policy.

1. Thank you for the opportunity to submit on the Club Buller's application under the Class 4 Gambling and Totalisator Agency Board (TAB) Venue Policy. This submission has been compiled by Te Mana Ora (Community and Public Health) on behalf of the National Public Health Service and Te Whatu Ora Te Tai o Poutini. Te Mana Ora recognises its responsibilities to improve, promote and protect the health of people and communities of Aotearoa New Zealand under the Pae Ora Act 2022 and the Health Act 1956.
2. Te Mana Ora **opposes** the application to increase the number of gaming machines at Club Buller.
3. This submission sets out particular matters of interest and concern to Te Mana Ora.
4. Te Mana Ora supports the submission made by the Problem Gambling Foundation and encourages the Council to consider the feedback they have provided.
5. This submission reiterates points previously raised in our submission on the Council's Class 4 Gambling and TAB Venue Policy Review submitted in August

Te Whatu Ora Health New Zealand

2023. Our previous submission is attached as an additional source of information to support this submission.

General Comments

6. We welcome the opportunity to comment on the Club Buller's application under the Class 4 Gambling and TAB Venue Policy.
7. Health and wellbeing (overall quality of life) is influenced by a wide range of environmental, social and behavioural factors. The various influences on health are both complex and interlinked.¹
8. Therefore, initiatives to improve health outcomes and overall quality of life must involve organisations and groups beyond the health sector, such as local government and businesses, if they are to have a reasonable impact.²

Gambling Harm

9. Gambling is an important public health issue. Gambling can lead to health, social, and economic harms for individuals, families and communities.³ Recent research about the burden of gambling harm in New Zealand identified six main areas of gambling harm: decreased health (both morbidity and mortality), emotional/psychological distress, financial harm, reduced performance at work or education, relationship disruption/conflict/breakdown and criminal activity, including theft from family members, businesses and communities.⁴
10. Harmful gambling can occur across a continuum of gambling harm, from mild to severe gambling harm. The impacts of gambling harm affect all aspects of wellbeing for individuals, their whānau and communities.⁵

¹ Barton, H and Grant, M. 2006. A health map for the local human habitat. *The Journal of the Royal Society for the Promotion of Health* 126 (6), pp 252-253. <http://www.bne.uwe.ac.uk/who/healthmap/default.asp>

² McGinni's JM, Williams-Russo P, Knickman JR. 2002. The case for more active policy attention to health promotion. *Health Affairs*. 21(2): 78 - 93.

³ Browne M, Bolinger M, Greer N, Kollandai-Matchett K, Langham E, et al. 2017. *Measuring the burden of gambling harm in New Zealand: Central Queensland University and Auckland University of Technology*.

⁴ Central Queensland University & Auckland University of Technology. 2017. *Measuring the burden of gambling harm in New Zealand*. Wellington, NZ.: Ministry of Health.

⁵ Latvala, T., Lintonen, T., & Konu, A. 2019. Public health effects of gambling: Debate on a conceptual model. *BMC Public Health*, 19(1), 1–16.

Te Whatu Ora Health New Zealand

11. Research has found that gambling causes two and a half times the amount of harm when compared with harm from a chronic condition like diabetes, and three times the amount of harm from drug use disorders.⁶
12. Harmful gambling typically presents with other health issues such as higher levels of alcohol consumption, smoking and other-drug use.⁷ Problem gambling behaviour also has substantial links to mental health problems and psychological wellbeing with problem gamblers reporting higher rates of depression and anxiety. Evidence suggests those with depression may not only use gambling to manage their symptoms but suffer depression because of their gambling.^{8,9,10}
13. The risks and prevalence of harmful gambling in our community are inequitably distributed, with Māori, Pacific peoples, some Asian communities and young people more likely to experience harmful gambling.¹¹
14. Māori are disproportionately impacted by gambling. Māori generally reside in areas of high social deprivation where the majority of Class 4 venues are located. Māori are 3.1 times more likely to experience gambling harm compared with non-Māori.¹² We note that 11.2% of Buller's population are Māori.¹³

Gaming Machines

15. Most of the money gambled in New Zealand is spent on Class 4 gambling (pokies in pubs, clubs and TABs). Approximately \$2.5 million (about \$7000 per day) was lost

⁶ Central Queensland University & Auckland University of Technology. 2017. *Measuring the burden of gambling harm in New Zealand*. Wellington, NZ: Ministry of Health.

⁷ Central Queensland University & Auckland University of Technology. 2017. *Measuring the burden of gambling harm in New Zealand*. Wellington, NZ: Ministry of Health.

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¹³ Statistics New Zealand. 2023. *2018 Place Summaries - Buller District*. Wellington: Statistics New Zealand. Available from: <https://www.stats.govt.nz/tools/2018-census-place-summaries/buller-district>.

Te Whatu Ora Health New Zealand

on Class 4 gambling in the Buller District in 2022; an increase of around \$93,000 compared to 2021.¹⁴

16. Pokies are harmful because they are a continuous form of gambling that means that winnings can immediately be “reinvested”. Research indicates that the rapid speed of play on pokies relative to other forms of gambling can lead to persistent gambling even in the face of losses.¹⁵
17. The environment of gaming machines also encourages uninterrupted and solitary play with pokie rooms in bars often having dimmed lighting, no tables to socialise around and an entranceway that minimises scrutiny.¹⁶
18. Research suggests that continuous play on gaming machines increases the risk of problem gambling. The New Zealand National Gambling Study found that people who gamble for three or more hours on casino electronic gaming machines (EGMs) have 3.8 times the risk of being a moderate or problem gambler than someone who does not gamble on casino EGMs, and 2.5 times the risk of someone gambling for less time (up to 30 minutes).¹⁷

Buller District

19. The Buller District has a very high number of Class 4 venues and gaming machines per capita when compared with the rest of New Zealand.
20. Buller District currently has 2.0 times the national ratio for machines per head of population (following the closure of McManus Hotel). If Club Buller’s application to increase their number of gaming machines to 15 is accepted, this ratio will increase to 2.1 times the national ratio.

¹⁴ Department of Internal Affairs. *Gaming machine profits (GMP dashboard) 2023* [Available from: [gmp-quarterly-dashboard-march-2023.xlsx \(live.com\)](#) Quarterly List of Venue and GM Numbers for March 2023 [accessed 14 August 2023], including venue names and address obtained from Te Tari Taiwhenua | Department of Internal Affairs gambling statistics historical data venues machine numbers - dia.govt.nz.

¹⁵ Dixon MJ, Stange M, Larche CJ, Graydon C, Fugelsang JA, Harrigan KA. *Dark Flow, Depression and Multiline Slot Machine Play*. *J Gambli Stud.* 2018 Mar;34(1):73-84.

¹⁶ Adams, P. and Wiles, J. 2016. *Gambling machine annexes as enabling spaces for addictive engagement*. Auckland: Centre for Addiction Research. University of Auckland, New Zealand.

¹⁷ Abbott, M., Belringer, M., Garrett, N., & Mundy-McPherson, S. (2014). *New Zealand 2012 National Gambling Study: Gambling harm and problem gambling*. Report number 2. Auckland University of Technology, Gambling and Addictions Research Centre.

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21. Westport currently has 2.3 times the national ratio for machines per head of population (following the closure of McManus Hotel). If Club Buller's application to increase their number of gaming machines to 15 is accepted, this ratio will increase to 2.5 times the national ratio.
22. Class 4 Gaming venues in New Zealand are disproportionately located in areas of economic deprivation, with around 50% located in deprivation deciles of eight to ten.¹⁸
23. In Buller District, 100% of Class 4 Gaming venues are located in either deprivation decile 9 or 10, the highest deciles for deprivation.
24. This increases the risk of harmful gambling as people living in these most deprived areas spend on average up to three times more on Class 4 gambling compared with people in the least deprived area.¹⁹

Proceeds of Gambling Funds

25. Proceeds from gambling contribute to funding the community sector. However, a significant portion of these proceeds come from individuals and communities who are harmed by gambling.²⁰ Therefore, the way that the social sector is funded in New Zealand is a major social issue.
26. Research shows that there is a very strong redistributive effect from more deprived communities to less deprived communities when examining the origin of gaming machine profits (GMP) and the destination of Class 4 grants.²¹

¹⁸ Malatest International. 2021. Gambling Harm Needs Assessment 2021. <https://www.health.govt.nz/system/files/documents/publications/gambling-harm-needsassessment-2021.pdf>

¹⁹ Ward, Adam D., Jack T. McIvor, and Paul Bracewell. 2020. "The Geographic Distribution of Gaming Machine Proceeds in New Zealand." *Kōtuitui: New Zealand Journal of Social Sciences Online* 15 (1): 54–74. <https://doi.org/10.1080/1177083X.2019.1640752>.

²⁰ McLeod J. 2017. *The New Zealand Cause Report: Shape of the Charity Sector*. Auckland: JB Were.

²¹ Cox M, Hurren K, Nana G. 2020. *Assessment of the effects of Class 4 gambling on Wellbeing in New Zealand: Final Report*. Wellington: Business and Economic Research Limited.



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27. It cannot be guaranteed that the GMP lost in Buller is returned to groups in Buller. For example, of the \$2.5 million lost in Buller in 2022,²² around \$842,000, or 33%, was returned to organisations based in Buller.²³
28. Trusts and societies are mandated by the Gambling Act to return a minimum of 40% of gaming machine profits to the community by way of grants or applied funding. Clubs are under no such legal obligation to do the same, however many clubs across New Zealand do philanthropically fund local community groups from GMP. Te Mana Ora and Problem Gambling Foundation have not found any evidence in support of Club Buller having returned any GMP back to the local Buller community.

Policy Review

29. Te Mana Ora understands that Buller District Council's Class 4 Gambling and TAB Venue Policy Review has been delayed. As stated in our previous submission, Te Mana Ora supports revising the policy to further minimise gambling harm, and to ensure the wide scope of impacts from gambling are considered in the review process.
30. Te Mana Ora strongly supports the adoption of a sinking lid policy because this is the strongest policy available to gradually reduce the number of gaming machines and the harm that accompanies them. Many territorial authorities in New Zealand have adopted sinking lid policies.
31. A sinking lid policy prevents new gaming machine venues from opening, prevents the addition of new gaming machines to venues, and prevents the relocation of gaming machines and club mergers.

²² Department of Internal Affairs. 2023. Gaming machine profits (GMP dashboard). Available from: <https://catalogue.data.govt.nz/dataset/gaming-machine-profits-gmp-dashboard>.

²³ Department of Internal Affairs. 2022. Granted Dashboard - Grants by District. Wellington: Department of Internal Affairs; Available from: <https://www.granted.govt.nz/dashboard.html>.



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32. Te Mana Ora recommends that Council, as part of the scoping process during the review of the Class 4 Gambling and TAB Venue Policy, undertakes a Social Impact Assessment (SIA) workshop to better understand the breadth of impacts of Class 4 Gaming in the Buller community. Te Mana Ora offers its assistance to carry out an SIA.
33. Social Impact Assessment is a process that gathers information and makes recommendations to guide a review or development of a policy. This process provides a platform to engage with a wide variety of stakeholders, including community groups and organisations, who have an interest in the effects of the policy. The process assists with balancing the economic, environmental, and social needs to promote more positive outcomes.

Specific Comments

34. Te Mana Ora opposes increasing the number of gaming machines at Club Buller because increasing the number of machines has the potential to increase gambling harm.
35. Club Buller is located in a high deprivation area so increasing the number of gaming machines at this venue could further embed inequity in the local community.
36. Te Mana Ora notes that Club Buller's application does not provide the location of individual gaming machines and where proposed additional machines would be located. We recommend that the Council requests this information from the applicant to provide a clearer picture of the gaming environment and the impact this could have on play.
37. The application states that copies of Harm Minimisation Policies at Club Buller are kept on file behind the bar and in the office. Te Mana Ora suggests that these policies should have been included in the application to inform those making submission. Te Mana Ora also recommends that copies of these policies are made more widely available so it can be assessed whether the applicant is compliant.

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38. As stated above, Te Mana Ora strongly supports implementing a sinking lid policy in the Buller District because this the best approach for preventing gambling harm. This would also be consistent with the Council's existing Class 4 Gambling policies which state "restricting the number of gaming machines that may operate in the district limits the opportunities for people to gamble. Limiting gambling opportunities will help prevent and minimise harm from gambling."

Conclusion

39. Te Mana Ora wishes to be heard in support of this submission.

40. If others make a similar submission, the submitter will not consider presenting a joint case with them at the hearing.

41. Thank you for the opportunity to submit on the Club Buller's application under the Class 4 Gambling and TAB Venue Policy.

Ngā mihi,



Vince Barry

Regional Director Public Health Te Waipounamu
National Public Health Service

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Te Kāwanatanga o Aotearoa
New Zealand Government

Doc ref: 2409679 | Issue date: 31 October 2023



Te Whatu Ora
Health New Zealand

Appendix

21st August 2023

Buller District Council
PO Box 21
Westport 7866

Tēna koutou,

Submission on Buller District Council's Class 4 Gambling and TAB Venue Policy review

1. Thank you for the opportunity to submit on Buller District Council's Class 4 Gambling and TAB Venue Policy review. This submission has been compiled by Te Mana Ora | Community and Public Health, National Public Health Service, Te Whatu Ora. Te Mana Ora recognises its responsibilities to improve, promote and protect the health of people and communities of Aotearoa New Zealand under the Pae Ora Act 2022 and the Health Act 1956.
2. This submission sets out particular matters of interest and concern to Te Mana Ora.

General Comments

3. Te Mana Ora welcomes the opportunity to comment on the first round of the Buller District Council's Class 4 Gambling and TAB Venue Policy review. Te Mana Ora recognises that while Council has no control over other forms of gambling within its district, it is charged with the regulation of the Class 4 Gaming and TABs within the Buller District.

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4. The current Class 4 Gambling and TAB policy has remained unchanged since 2009. Te Mana Ora is pleased to see Council is undergoing a scoping consultation with the community to inform this review and we anticipate this will lead a strengthened policy.
5. Te Mana Ora recommends revising the policy to further minimise harm from gambling, ensuring the wide scope of impacts from gambling are considered during the review process. One of the most effective ways to minimise gambling harm over time is to reduce the number of gaming machines and venues. The sinking lid approach has been shown to reduce gambling expenditure relative to regions not adopting policies beyond national-level restrictions.²⁴ One way to consider the impacts of gambling and various harm-minimising approaches is through a social impact assessment. Further details are provided below under Specific Comments.
6. The future health of our populations is not just reliant on hospitals, but on a responsive environment where all sectors work collaboratively to address the determinants of health.
7. While health care services are an important determinant of health, health is also influenced by a wide range of factors beyond the health sector. Health care services manage disease and trauma and are an important determinant of health outcomes. However, health creation and wellbeing (overall quality of life) is influenced by a wide range of factors beyond the health sector.
8. These influences can be described as the conditions in which people are born, grow, live, work and age, and are impacted by environmental, social and behavioural factors. They are often referred to as the 'social determinants of health'.²⁵ The diagram²⁶ below (Figure 1) shows how the various influences on health are complex and interlinked.

²⁴ Erwin C, Pacheco G, Turcu A. The Effectiveness of Sinking Lid Policies in Reducing Gambling Expenditure. *J Gambli Stud.* 2022 Sep;38(3):1009-1028. doi: 10.1007/s10899-021-10069-4.

²⁵ Public Health Advisory Committee. 2004. *The Health of People and Communities, A Way Forward: Public Policy and the Economic Determinants of Health.* Public Health Advisory Committee: Wellington.

²⁶ Barton, H and Grant, M. (2006) A health map for the local human habitat. *The Journal of the Royal Society for the Promotion of Health* 126 (6), pp 252-253. <http://www.bne.uwe.ac.uk/who/healthmap/default.asp>

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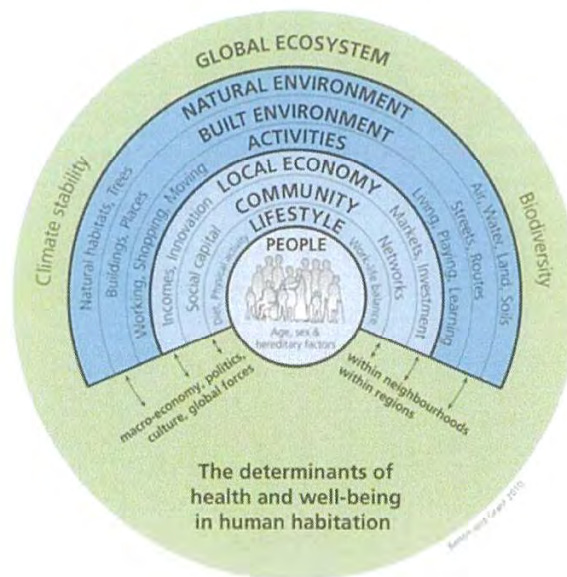


Figure 1. The determinants of health and wellbeing, Barton and Grant 2019.

9. The most effective way to maximise people's wellbeing is to take these factors into account as early as possible during decision making and strategy development. Initiatives to improve health outcomes and overall quality of life must involve organisations and groups beyond the health sector, such as local government, if they are to have a reasonable impact.²⁷

Gambling Harm

10. Gambling can lead to significant health, social, and economic harms for individuals and families.²⁸ Harmful gambling can occur across the spectrum of gambling

²⁷ McGinnis JM, Williams-Russo P, Knickman JR. 2002. The case for more active policy attention to health promotion. *Health Affairs*, 21(2): 78 - 93.

²⁸ Browne M, Bellringer M, Greer N, Kolandai-Matchett K, Langham E, et al. (2017) Measuring the burden of gambling harm in New Zealand: Central Queensland University and Auckland University of Technology.

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symptom severity (i.e. low risk, moderate risk and problem gambling) and continues to impact all aspects of wellbeing for individuals, their whānau and communities.²⁹

Recent research about the burden of gambling harm in New Zealand identified six main areas of gambling harm: decreased health (both morbidity and mortality), emotional/psychological distress, financial harm, reduced performance at work or education, relationship disruption/conflict/breakdown and criminal activity, including theft from family members, businesses and communities.³⁰

11. Research has found that gambling causes two and a half times the amount of harm from a chronic condition like diabetes, and three times the amount of harm from drug use disorders.³¹
12. Gambling harm not only affects the problem gambler but also their friends and family. Gamblers also underestimate the negative effects of their gambling on family/whānau members, children and home life.³² In 2020, 4.5% of Health and Lifestyles survey respondents reported experiencing at least one form of household-level gambling harm in the last 12 months, an estimated 183,000 adults nationally.³³
13. Harmful gambling typically presents with other health issues such as; higher levels of alcohol consumption, smoking and other-drug use.⁷ Problem gambling behaviour also has substantial links to mental health problems and psychological wellbeing with problem gamblers reporting higher rates of depression and anxiety. Evidence suggests those with depression may not only use gambling to manage their symptoms but suffer depression because of their gambling.^{34,35,36}

²⁹ Latvala, T., Lintonen, T., & Konu, A. (2019). Public health effects of gambling. Debate on a conceptual model. BMC Public Health, 19(1), 1–16.

³⁰ Central Queensland University & Auckland University of Technology. 2017. Measuring the burden of gambling harm in New Zealand. Wellington, NZ.: Ministry of Health.

³¹ Central Queensland University & Auckland University of Technology. 2017. Measuring the burden of gambling harm in New Zealand. Wellington, NZ.: Ministry of Health.

³² Levy, M. (2015). The impacts of gambling for Māori families and communities: A strengths-based approach to achieving whānau ora. Hamilton, NZ: Te Rūnanga o Kirikirioa Trust Inc, Pou Tuia Rangahau (Research & Development).

³³ Te Hīringa Hauora/Health Promotion Agency (2021). Gambling harm: Kupe data explorer. <https://kupe.hpa.org.nz/#!/gambling/gambling-harm>

³⁴ Abbott, M., Bellringer, M., Garrett, N., & Mundy-Mcpherson, S. (2014a). New Zealand 2012 National Gambling Study: Gambling harm and problem gambling. Report number 2. Auckland: Auckland University of Technology, Gambling and Addictions Research Centre.

³⁵ Abbott, M., Bellringer, M., Vandal, A., Hodgins, D., Palmer Du Preez, K., Landon, J., Sullivan, S., & Feigin, V. (2012). Effectiveness of problem gambling brief telephone interventions: A randomised controlled trial. Auckland: Auckland University of Technology, Gambling and Addictions Research Centre.

³⁶ SHORE. (2008). Assessment of the Social Impacts of Gambling in New Zealand. Auckland: Ministry of Health. Retrieved from [http://www.shore.ac.nz/projects/Gambling_impacts_Final % 2010_02_09.pdf](http://www.shore.ac.nz/projects/Gambling_impacts_Final%2010_02_09.pdf)



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14. The risks and prevalence of harmful gambling in our community are inequitably distributed, with Māori and Pacific peoples the most at-risk and with the highest prevalence of harmful gambling.¹⁵
15. Harms from gambling also include economic costs. For example, the New Zealand Institute of Economic Research suggests retail and hospitality industries lose significant revenue because of gambling spend.³⁷

Specific Comments

Policy review process

16. The current Buller District Council Class 4 Gambling and TAB policy has remained unchanged since 2009. Te Mana Ora is pleased to see Council is undergoing a scoping consultation with its community to inform this review and we anticipate this will lead a strengthened policy.
17. Under its previous name of Community & Public Health West Coast, Te Mana Ora has made various submissions to Buller District Council over time, recommending Council undertake a Social Impact Assessment process when reviewing gambling policy.
18. Te Mana Ora recommends that Council, as part of the scoping process during the review of the Class 4 Gambling and TAB Policy, undertakes a Social Impact Assessment (SIA) workshop to better understand the breadth of impacts of Class 4 Gaming in the Buller community. Te Mana Ora offer our assistance to carry out such an SIA.
19. Social Impact Assessment (SIA) is a process that gathers information and makes recommendations to guide a review or development of a policy. This process provides a platform to engage with a wide variety of stakeholders, including community groups and organisations, who have an interest in the effects of the

³⁷ Hogan, S., & Siddharth, P. (2020). The retail employment and tax costs of Class 4 gambling in New Zealand. https://www.nzier.org.nz/hubs/Public%20Publications/Client%20reports/final_report_-_diverting_gambling_losses_22_june.pdf



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policy. The process assists with balancing the economic, environmental and social needs to promote more positive outcomes.

20. Te Mana Ora has previously partnered with both the Westland and Grey District Councils to use a SIA process in development and reviews of their Class 4 and TAB policies. In each case this entailed running a workshop with a variety of stakeholders within the district, including Council, iwi and hāpu, health, community agencies, and current TAB and Class 4 license holders. The objectives of each of the workshops was to identify what stakeholders saw happening within their communities with respect to TAB and Class 4 gambling, and to assess the current policy with respect to how well it was meeting the legislative requirement to prevent and minimise gambling-related harm. In each case a report was completed that included recommendations to the relevant Council to inform their draft policy.

Feedback on the consultation document

21. Te Mana Ora recommends a sinking lid option across each of the categories listed below. This will ensue no new gaming machines or venues, or TAB venues are permitted in the district.
- The number of Gaming Machines allowed in the district
 - Number of venues in the district
 - Venue location for both Gambling Venues and Board (TAB) venues
 - Number of Gaming Machines allowed per Class 4 Gambling venue
22. Te Mana Ora recommends that no consent for the relocation of licenses to other venues is permitted (excepting the Waikiwi precedent³⁸). However, should the new policy permit relocation, it is recommended that any relocation is only to an area with a deprivation level below NZDep7.
23. The Council's existing policy states, *"restricting the number of gaming machines that may operate in the district limits the opportunities for people to gamble. Limiting gambling opportunities will help prevent and minimise harm from gambling."*

³⁸ Relocations and the Waikiwi decision. (2019). Te Tari Taiwhenua | Department of Internal Affairs. <https://www.dia.govt.nz/Gambling-territorial-authorities-applying-policies-relocations-Waikiwi-decision>



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However, outside of those stated in the legislation, the only conditions in the current policy regulating the number of machines are:

- *that the primary activity of each C4G and TAB venue being that of 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.*

Furthermore, while the current policy identifies the criteria that Council will consider when assessing Class 4 Gaming venue and TAB venue applications, the policy gives no indication of how these considerations are evaluated. For example, many Councils' gaming policies have specific exclusion zones (often 100 metres) around residential areas, automatic teller machines, and sensitive sites (e.g. educational or health facilities, places of worship), as well as the distance any gaming venue can be to another. Including such details would guide Council to consistent decisions and give both the community and any potential applicant clarity regarding the criteria. Te Mana Ora recommends that if a sinking lid approach is not adopted then clear criteria regarding set-backs to sensitive sites and other areas of concern should be included in the policy.

Venue and machine ratios with total New Zealand

24. The Buller District has a very high number of Class 4 venues and gaming machines per capita when compared with the rest of New Zealand (See Table 1).

25. Class 4 Gaming venues in New Zealand are disproportionately located in areas of economic deprivation, with around 50% located in deprivation deciles of eight to ten.³⁹ This increases the risk of harmful gambling as people living in these most deprived areas spend on average up to three times more on Class 4 gambling compared with people in the least deprived area.⁴⁰

³⁹ Malatest International. (2021). Gambling Harm Needs Assessment 2021. <https://www.health.govt.nz/system/files/documents/publications/gambling-harm-needs-assessment-2021.pdf>

⁴⁰ Ward, Adam D., Jack T. McIvor, and Paul Bracewell. 2020. "The Geographic Distribution of Gaming Machine Proceeds in New Zealand." *Kōtuitui: New Zealand Journal of Social Sciences Online* 15 (1): 54–74. <https://doi.org/10.1080/1177053X.2019.1640752>.



26. All Class 4 venues within the Buller district are situated in either deprivation decile 9 or 10; the highest deciles for deprivation.

27. As shown in Table 1 below, the Buller District ratio of current venue and machine numbers to population differs significantly from the national ratio. When broken down to areas within the district that have the machines these ratios become even more significant, with Westport being three times, Karamea almost four times (3.7) times, and Reefton five times the national ratio for machines to head of population.

Table 1. Class 4 Gaming machines in Buller District compared to New Zealand, including a breakdown per area.

CENSUS 2018	VENUES AUGUST 2023	VENUE RATIO (PER HEAD OF POPULATION)	MACHINES AUGUST 2023	MACHINE RATIO (PER HEAD OF POPULATION)
BULLER POP: 9 591 CENSUS 2018	8	1: 1,199	72	1: 133
NATIONAL POP: 4,699,755 CENSUS 2018	1,023	1: 4,594	14,464	1: 325
BULLER AREAS				
WESTPORT (SOUTH, NORTH & RURAL) POP: 5649 CENSUS 2018	5	1:1,130	53	1:106
REEFTON POP: 927 CENSUS 2018	2	1: 463	15	1:62
KARAMEA POP: 354 CENSUS 2018	1	1:354	4	1: 88

28. Te Mana Ora is unaware whether existing venues are operating the maximum number of machines allowed under their licenses. We have taken an educated guess and assumed that, under the current policy, it is possible machine numbers could increase by 27; three of which may be in Reefton and five in Karamea. This would increase the difference in ratios between Buller and New Zealand as whole.



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29. Given that there are currently no TAB venues in Buller, Te Mana Ora recommends Buller District Council does not allow the establishment of TAB venues as this will only increase access to gambling and the potential for gambling related harm. Section 9.6.3 of the 2020 Racing Act states '*The policy must specify whether or not new TAB venues may be established in the territorial authority district and, if so, where they may be located.*' Therefore, Council does not have to allow the establishment of TAB venues.

Proceeds of gambling funds

30. According to the Problem Gambling Foundation, approximately \$2.5 million (about \$7000 per day) was lost on Class 4 gambling in the Buller District in 2022; an increase of around \$93 000 compared to 2021.⁴¹

31. While the Gambling Act acknowledges that gambling is part of life in New Zealand, the statement in the current policy *that many community groups rely on funding from the proceeds of Class 4 gaming* is pertinent as up to two-thirds of the money paid out in community grants comes from the money problem gamblers have spent and lost on gambling.¹⁵

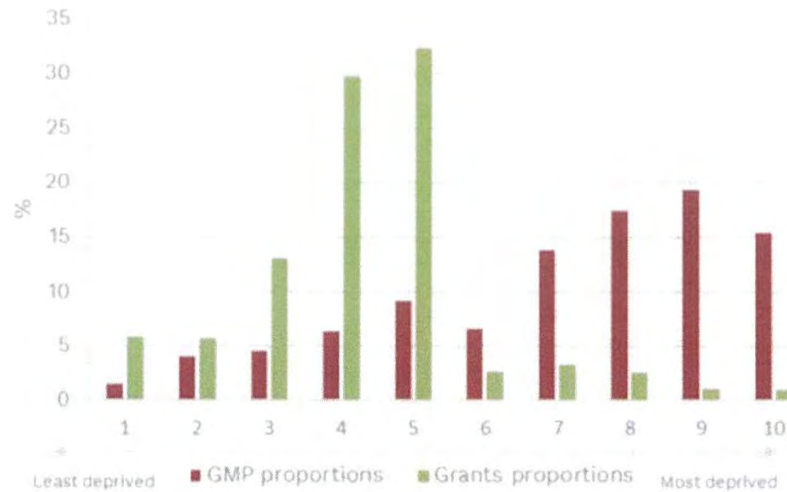
32. Graph 1 below illustrates how the distribution of grants paid out by Trusts and Societies to recipients come from New Zealanders who are the most deprived and goes to New Zealanders who are less deprived.¹⁵

Graph 1: Origin of Gaming Machine Profit and destination of community and sports grants by deprivation in New Zealand⁴²

⁴¹ Department of Internal Affairs. Gaming machine profits (GMP dashboard) 2023 [Available from: gmp-quarterly-dashboard-march-2023.xlsx (live.com) Quarterly List of Venue and GM Numbers for March 2023 [accessed 14 August 2023], including venue names and address obtained from Te Tari Taiwhenua | Department of Internal Affairs gambling statistics historical data venues machine numbers - dia.govt.nz.

⁴² Cox, M., Hurren, K., & Nana, G. (2019). A proposed approach for assessing the effects of gambling on wellbeing in New Zealand.

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33. This transfer of wealth indicates that Class 4 gambling tends to magnify community disadvantage.⁴³

Conclusion

34. Te Mana Ora wishes to be heard in support of this submission. We also offer our services to conduct a social impact assessment in partnership with Buller District Council.

35. If others make a similar submission, the submitter will not consider presenting a joint case with them at the hearing.

36. Thank you for the opportunity to submit on Buller District Council's Class 4 Gambling and TAB Venue Policy review.

Ngā mihi

⁴³ Cox, M., Hurren, K., & Nana, G. (2019). A proposed approach for assessing the effects of gambling on wellbeing in New Zealand.



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Vince Barry

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Doc ref: 2409575 | Issue date: 31 October 2023



Report on Application for Council consent under the Buller District Council Class 4 Gambling and Totalisator Agency Board (TAB) Venue Policy

Class 4 gambling venues are permitted under Key Issue 1 of the Councils Class 4 Gambling and TAB Venue Policy.

The Policy is that class 4 gambling venues may be established in Buller subject to:

- (i) Meeting application and fee requirements,
- (ii) The primary activity of the premises is onsite entertainment, recreation, or leisure focused on persons 18 years and over, and
- (iii) Whether the premises is authorised under the Sale and Supply of Alcohol Act 2012 to sell and supply alcohol for consumption on the premises.

Applicant: Evan Fox on behalf of Club Buller Incorporated

Venue: Club Buller
44-46 Queen Street
Westport 7825

Particulars of application

Evan Fox, on behalf of Club Buller Incorporated, is seeking Council consent under the Class 4 Gambling Venue Policy (the Policy) for the addition of five Class 4 gaming machines at Club Buller (the Venue). Full details can be read in the attached application provided by Mr Fox.

Application Requirements

The Policy allows for the establishment of Class 4 venues in Buller subject to the following:

(i) Meeting application and fee requirements

The applicant has met the application requirements, paid the application fee and has agreed to pay the costs associated with publicly notifying the application.

The public notice of application was published in The News and on Buller District Councils website on 12/01/2024 and 23/01/2024.

(ii) The primary activity of the premises being onsite entertainment, recreation, or leisure focused on persons 18 years and over

The applicant has stated that the primary activity of the Venue is a "Members Club". The Venue includes the sale of Alcohol, both for consumption on the premises and accompanied with the sale of food.

The site plan included with the application, shows the existing gaming machines are situated in a separate purpose-built casino area off the main entrance near the reception area. This room is accessed from within the main lounge bar near the entrance to the restaurant. The applicant states that alterations would need to be made to the existing area to accommodate a further five machines. The main lounge houses a large members bar, pool and snooker tables, tables, chairs and leaners. A large function room is attached which can be separated of by partitional dividers. Photos of the existing gaming area are attached to this report.

(iii) The premises being authorised under the Sale and Supply of Alcohol Act 2012 to sell and supply liquor for consumption on the premises

At the time of writing, the Venue is operating under a Club Licence, 54/CL/002/2022 expiring 07/03/25, under section 21 of the Sale and Supply of Alcohol Act 2012.

The hours of operation are licensed between 11.00am and 2.00am the following morning.

The hours currently advertised on their website state from 3.00pm until 2.00am the following morning.

Club Buller currently hold a class 4 gambling venue licence and fit the three criteria as listed above.

Policy

Council consent is required under the Policy because the applicant seeks *"to increase the number of gaming machines at an existing Class 4 venue to more than the number operating at that venue on 22 September 2003,"* and it is also *"more than the number previously consented to by Council"*.

Under the policy and the Gambling Act 2023, the maximum number of gaming machines allowed at Class 4 venues are as follows:

- Class 4 gambling venues licenced after 17 October 2001 shall be allowed a maximum of nine gaming machines.
- Class 4 gambling venues licenced before 17 October 2001 shall be allowed a maximum of 18 gaming machines.

Club Buller was licensed as a class 4 gambling venue before 17 October 2001, therefore under the council's policy *"shall be allowed a maximum of 18 gaming machines"*.

When considering this application for consent, the Council will have regard to the characteristics of the venue and may impose a maximum number on the consent that is less than the applicable maximum of 18. The current consent for this venue allows 10 gaming machines.

Submissions

Three submissions have been received in opposition to the application. One from Te Whatu Ora, one from Problem Gambling Foundation (PGF) Group, and another from a member of the public who resides in Mangere, Auckland.

In considering all applications relating to Class 4 gambling venues under the Policy Council may consider any matter, but will consider the following:

(i) Characteristics of the district and parts of the district

At the last Census (2018), the Buller District had 9,591 persons living in the area.

The Buller District, as of 30th December 2023, has a total of seven approved venues with 58 gaming machines spread across the district and are as follows:

- One venue in Karamea with 4 machines,
- Two venues in Reefton with 15 machines, and
- Four venues in Westport with 39 machines.

Four of these have nine or more gaming machines operating within.

The increase would total the gaming machines to 63 in the Buller District.

One premises with 14 operating gaming machines (not included in the above numbers) closed between September and December 2023.

The Buller District has a very high number of Class 4 venues and gaming machines per capita when compared with the rest of New Zealand, 2.0 times the national ratio per head of population, which equates to one machine for every 165.3 people. This will increase to 2.1 if the application to increase the number of machines is accepted and would equate to one machine for every 152.2 people.

Westport currently has 2.3 times the national ratio for machines per head of population. This will increase to 2.5 if the application to increase the number of machines is accepted.

The New Zealand Index of Deprivation 2018 has the Buller region between decile 8 to 10 (10 being the highest). All of the Class 4 venues in Buller are located within decile 9 and 10 areas.

Information about spending on Class 4 gambling and instances of problem gambling is collected at a district level. Approximately \$2.5 million (about \$7,000 per day) was spent on Class 4 gambling in the Buller District in 2022. Compared to the year before, this amount has increased by \$93,000.

Therefore, the risk of harmful gambling increases as people living in the most deprived areas, are spending on average up to three times more on Class 4 gambling compared with other people in less deprived areas.

The number of Buller residents seeking help from problem gambling services rose sharply between July 2019 and June 2022, however the period between July 2022 to June 2023 decreased. Between July 2019 and June 2023, the average number of Buller residents seeking help per year was 41.7 (*Ministry of Health Figures*).

(ii) Locations of kindergartens, early childhood centres, schools, places of worship and other community facilities

The venue is located within the Westport township on Queen Street and is in a residential zone in the Buller District Plan.

There are many sensitive sites near the venue, these include:

- The Westport Kindergarten 150m
- Westport Public Library 240m
- Salvation Army Worship Hall 150m
- Masonic Lodge 160m
- The NBS Theatre 300m
- Buller High School 570m
- Victoria Square 250m (this has a public skate park, pump track and playground)
- St Johns Anglican Church 240m
- Elim Church 210m
- Living Waters Church 270m

The closest other Class 4 venue is the Cosmopolitan Hotel (approximately 450m away) with six gaming machines.

(iii) The number of gaming machines that should be permitted at any venue

There are currently seven Class 4 gambling venues in the Buller District.

Department of Internal Affairs (DIA) website records show that on 30 June 2006 the venue was operating seven gaming machines and by 30 September 2006 the number had risen to ten. Club Buller currently has ten consented gaming machines in operation and has applied to increase that to fifteen.

The Policy sets a maximum number of gaming machines based on when a venue was licenced, in accordance with the Gambling Act 2003.

Under the Policy the relevant maximum for this Venue is 18 gaming machines. If this application is granted the Venue will be operating fifteen gaming machines, three less than the maximum number for the Venue. If the Venue had been licenced after 17 October 2001 under the Policy, granting this application would take the Venue over the maximum number of machines allowed by six.

Because of the potential for gambling to cause harm to individuals, the Policy of the Council under Key Issue 2 is to limit the number of gaming machines allowed at a venue.

(iv) The cumulative effects of additional opportunities for gambling in the district

Most of the money gambled in New Zealand is spent on Class 4 gambling (gaming/pokie) machines in clubs, pubs, and TAB's).

When considering the cumulative effects of opportunities to gamble in the district, Council will consider both the number of gaming machines currently operating, and the number of gaming machines currently able to operate.

The application from Club Buller has stated in the application that the McManus Hotel has closed and that it is no longer operating the fifteen gaming machines at the venue. Club Buller is asking for consent for a further five machines, meaning that there will still be a reduction of ten gaming machines across the district as a result of the closure of McManus Hotel.

At the time the Gambling Act in 2003 became legislative, Buller District had 27 gambling venues operating. All seven of the currently consented venues were operating during this time. Under Section 92 of the Act, this means that all seven venues are allowed a maximum of 18 gaming machines each. Under the current policy, if it was allowed, would total 126 gaming machines. This equates to one machine for every 76.1 people.

An effect of additional gambling opportunities that may affect the whole district is the potential increase in available funding from Club Buller Incorporated as a result of the additional gaming machines. Trusts and societies are mandated under the Gambling Act to return a minimum of 40% of gaming machine profits (GMP) back to the community by way of grants or applied funding. Clubs are not under legal obligation to do the same, however many clubs across New Zealand do fund local community groups from GMP.

Te Mana Ora and Problem Gambling Foundation have not found any evidence in support of Club Buller having returned any GMP back to the Buller community.

There is currently no sinking lid policy implemented in the Buller District.

A sinking lid policy is the strongest policy available. It prevents new gaming machine venues from opening, prevents the addition of new gaming machines to venues, and prevents the relocation of gaming machines and club mergers.

Many other territorial authorities in New Zealand have adopted sinking lid policies to aid in the minimisation of gambling harm to their communities.

(v) How close any venue shall be permitted to any other venue

As the Venue is existing this matter is not applicable for this application.

(vi) What the primary activity at any venue is

This matter has been discussed above. The primary activity within the building where the gaming machines are situated is a member's bar and restaurant.

Conclusion

The matters required to be considered before making a decision under the Policy have been outlined above.

The application has been publicly notified in accordance with the Policy, to allow community involvement in Council decision making on Class 4 gambling. Three submissions were received on this application.

The application meets the requirements for an application under the Policy, however any relevant gambling harm minimisation policies were not enclosed as requested within the application requirements but are mentioned to be on file in the office and bar area. Without these documents it cannot be assessed if the applicant is compliant.

The supporting letter of the applicant also states alterations would be made to the building in light of approval. There is no supporting floor/site plan as to what this may look like, the size, entry point or other relevant information to assess the environment or impact of play for users of the area and other club members.

Council is asked to consider the application in regard to the Policy, and to decide whether or not to grant consent to Club Buller Incorporated for five additional Class 4 gaming machines at the Club Buller venue, taking the total number of machines at the Venue from ten to fifteen.

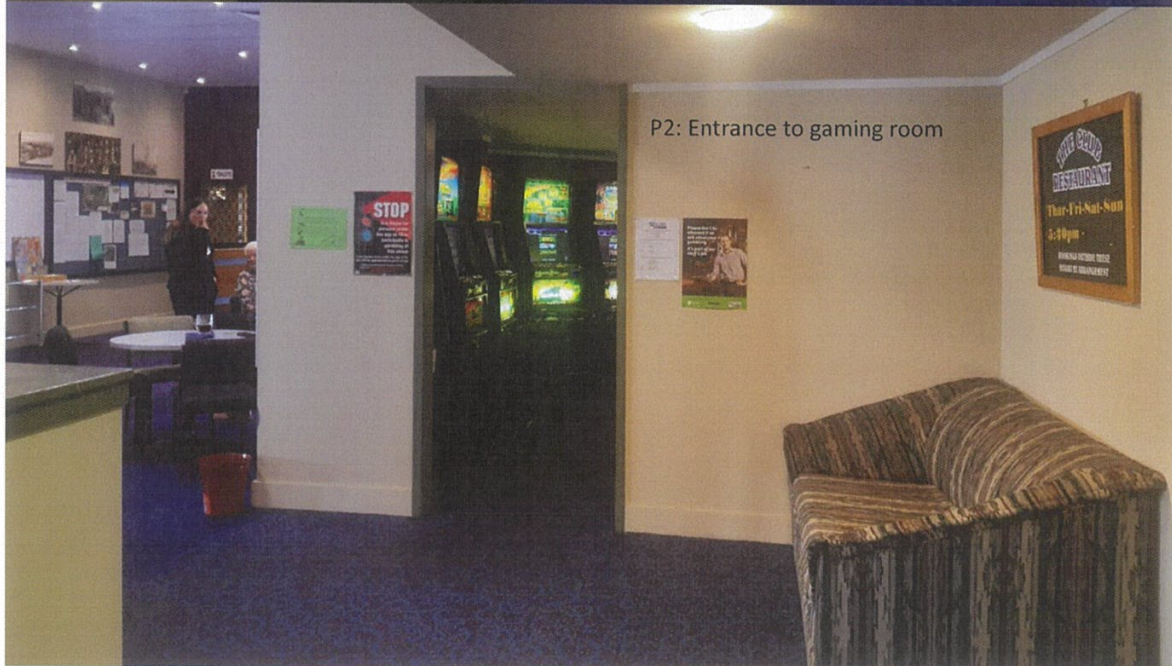
A handwritten signature in black ink, appearing to read 'T. Armstrong', written in a cursive style.

Tarsha Armstrong
LICENSING INSPECTOR
BULLER DISTRICT COUNCIL

4 April 2024

Club Buller Gaming Area

P1: View from inside showing main entrance to the club and entrance to the gaming room.



P2: Entrance to gaming room

P3 & 4: Gaming machine from Left to Right.





Photos taken 4 April 2024 at 14.44 by Tarsha Armstrong, BDC Licensing Inspector



Licence No: 54/CL/002/2022

DecisionDLC/033/2022

DLC ref: CL9019

Club Licence*Form 11 Sections 14 to 16, and 64 Sale and Supply of Alcohol Act 2012*

Pursuant to the Sale and Supply of Alcohol Act 2012 (the Act), **Club Buller Incorporated** (the licensee) is authorised to sell and supply alcohol on the premises situated at 44-46 Queen Street Westport and known as Club Buller, for consumption on the premises, to any person who:

- (i) is member of the club; or
- (ii) is on the premises at the invitation of, and is accompanied by, a member of the club; or
- (iii) is a member of some other club with which the club has an arrangement for reciprocal visiting rights for members.
- (iv) is on the premises at the invitation of an authorised visitor who is also on the premises.

The authority conferred by this licence must be exercised through a manager or managers appointed by the licensee in accordance with Subpart 7 of Part 2 of the Act.

CONDITIONS:**This licence is subject to the following conditions:**

- (a) The holder of a club licence must take all practicable steps to ensure that: (i) there is at all times a secretary of the club; and (ii) within 10 working days of the appointment of a new secretary, the club must inform the secretary of the District Licensing Committee of the name of the new secretary; and (iii) all proceeds from the sale of alcohol belong to the club.
- (b) Alcohol may be sold only on the following days and during the following hours: **11:00 am till 2:00am the following day.**
- (c) Designations: Undesignated and Supervised
- (d) Drinking water must be freely available within the licensed areas while the premises are open for the sale and supply of alcohol.
- (e) The following steps must be taken to promote the responsible consumption of alcohol: (i) A Host Responsibility Policy must be maintained and displayed and all staff must receive training on responsibilities and obligations under the Sale and Supply of Alcohol Act 2012. (ii) A range of food choices must be readily available at reasonable prices at all times that the premises are open. Menus must be visible and food actively promoted. (iii) A range of non and low alcoholic drinks must be readily available at reasonable prices. (iv) Information relating to safe transport options must be readily available to customers.
- (f) Provisions of the Act relating to the sale of alcohol to prohibited persons must be observed: (i) ID is to be requested from any person who looks under 25 years of age; (ii) No sale or supply of alcohol to minors or intoxicated persons. Every point of sale must display appropriate signage detailing these restrictions.
- (g) The following parts of the premises are designated as:
Undesignated: The whole building including the smoking area and walled outside area, excluding the Gaming/Pokie Room
Restricted: The Gaming / Pokie Room
- (h) Sections 56-57 of the Act requires the licence holder to display the following at each principal entrance to the premises so as to be easily read by persons immediately outside the entrance: (i) Signage stating the ordinary hours of business during which the premises will be open for the sale of alcohol; and (ii) A copy of the licence including conditions.
- (i) Section 214(3) of the Act requires signage to be displayed inside the premises which identifies by name the manager for the time being on duty. For Club Licences, Section 215 may also be applied.

Duration

Subject to the requirements of the Act relating to the payment of fees, and to the provisions of the Act relating to the suspension and cancellation of licences, this licence continues in force—

- (a) either—
 - (i) until the close of the period for which it was last renewed; or
 - (ii) if has never been renewed before, until the close of the period of 12 months after the day it was issued; but
- (b) if an application for the renewal of the licence is duly made before the licence would otherwise expire, either—
 - (i) until the close of the period of 3 years after the period for which it was last renewed; or
 - (ii) if has never been renewed before, until the close of the period of 4 years after the day it was issued.

DATED at Westport this 11th April 2022

Sean Judd
SECRETARY
BULLER DISTRICT LICENSING COMMITTEE



Subject to the requirements of the Act relating to the payment of fees, and to the provisions of the Act relating to the suspension and cancellation of licences, the licence expires on 7/3/2025 This licence replaces licence number 54/CL/001/2019 issued by the Buller District Licensing Committee.

BULLER DISTRICT COUNCIL

EXTRAORDINARY MEETING

22 MAY 2024

AGENDA ITEM: 5

Prepared by - Mel Sutherland
- Manager Infrastructure Planning

Reviewed by - Eric de Boer
- Manager Infrastructure Delivery

Attachments 1. Survey Plan SO 592456 – road proposed to be stopped
2. Objections to part Boundary Road Stopping proposal

Public Excluded: No

ROAD STOPPING APPLICATION – PART BOUNDARY ROAD REEFTON

1. REPORT SUMMARY

The proposal to stop a portion of Boundary Road in Reefton was publicly notified and attracted a total of 5 objections. This report summarises the objections for Council to consider as part of their deliberations after hearing from those objectors who wished to be heard.

2. DRAFT RECOMMENDATION

That Council resolves to either:

- a) **Allow the objections to the proposed stopping of part of Boundary Road (as identified in SO 592456), OR**
- b) **Disallow the objections to the proposed road stopping of part of Boundary Road (as identified in SO 592456) and sends the objections with the plans aforesaid and a full description of the proposed alterations to the Environment Court as required under Schedule 10, Local Government Act 1974.**

3. ISSUES & DISCUSSION

BACKGROUND

- 3.1** In August 2022 Council agreed to process the application by the owners of the property at 6 Deemac Street, Reefton to stop a portion of the unformed legal road known as Boundary Road adjoining 6 Deemac Street pursuant to the Provisions of the Local Government Act 1974 (LGA1974).

Council officers followed the process set out in Schedule 10 LGA1974 as follows:

- Completed a Survey Office Plan of the road (SO 592456);
- Sought and obtained the consent from the Minister of Lands as required as the land was considered to be in a rural area;
- Publicly notified the proposal to stop the road as required under Schedule 10 section 2 LGA1974 inviting objections to the proposal;
- Received 5 objections to the proposal;
- Organised the hearing of these objections as required under Schedule 10 Section 5 LGA1974 (Extraordinary Council Meeting 22 May 2024)

PROPOSAL

- 3.2** The legal owners of the property at 6 Deemac Street have applied to stop a section of unformed legal road (Boundary Street) in Reefton that adjoins their property. Like many landowners in the wider Buller District, they have been using the road as part of their garden for a number of years. The area is very well kept and landscaped to flow directly into their own property.

The owners were given the opportunity to apply for a Licence to Occupy for this portion of the unformed legal road and also given information on the requirements for stopping the road (and subsequent purchasing of the land). After considering the options available to them to formalise the use of this land they have made a choice and have made an application:

- to stop the road; and
- purchase the land to amalgamate with their own property.

An agreement was signed between the owners and Council in which they agreed to cover all the costs associated with the application regardless of the outcome of the application and to purchase the area of stopped road if the application was successful.

- 3.3** As noted above Council agreed to go forward with the proposal at the meeting on 31 August 2022. The reasons for agreeing to the proposal were noted in the report as follows:

- There are no plans to form the legal road and any expansion of the town would have a number of other access options.
- Members of the public do not currently use the legal road and neighbouring properties do not rely on this part of the road for access.
- The adjoining land to the north is zoned Rural in the current Buller District Plan and remains General Rural in the Proposed Te Tai o Poutini Plan. It is therefore not foreseen that this land will be used for future residential development.
- Using the LGA1974 ensures that the process is transparent, and that the proposal is open to consultation and submissions from members of the public.

3.4 The proposal was publicly notified in accordance with Schedule 10 LGA1974 including public notices in both The Clarion and the Grey Star. Letters outlining the proposal were also sent out to 13 owners/occupiers of land adjoining Boundary Road in the vicinity.

OBJECTIONS

3.5 After publicly notifying the proposal in accordance with the requirements of Schedule 10 LGA1974 a total of five objections were received. All objections expressed the desire for this portion of Boundary Road to remain as legal road to allow for its future use as a walkway around Reefton.

	Submitter	Summary
1	Brenda Kaye	<ul style="list-style-type: none"> • Historic reason for Boundary Road • Powerhouse Road walk very popular • Link to Reservoir Track with a walking track on Boundary Road provides a loop • Should be looking at a walking access map for Reefton before closing roads • Suggest licence to occupy as alternative
2.	Herenga ā Nuku	<ul style="list-style-type: none"> • Roads are public assets and potential benefits essential when deciding on road stopping • Onus on Council to ensure rights of public access along unformed legal road • Environment Court precedent indicates they will give measure of priority to rights of public access over private interests

		<ul style="list-style-type: none"> • Location of this portion of Boundary Road is relevant for public access • Potential for walking route around town • Important to preserve so that options for the future are not lost • Option of 5m strip to be sold
3.	Joy Prebble	<ul style="list-style-type: none"> • Not in the best interests of Reefton or Buller District Council to sell public roads which will be possibly used in the future • Tourist industry, town being promoted, gold mining opening up with possible migration of people into Reefton • Walk and cycle track around circumference of Reefton Powerhouse Loop, including Sinnamon St, Buller Rd, Boundary Rd, Reservoir, Terrace track onto Broadway, swing bridge and Powerhouse – loop of stunning Reefton • Climate change – possibility of managed retreat to higher ground making paper roads essential
4.	Janice Byres	<ul style="list-style-type: none"> • Once stopped lost forever • Would make marvellous walking and biking track and as an extension to the Terrace/Reservoir Track • Visitors and locals use tracks a lot – Reefton becoming known as destination for walking and biking • More benefit to town and District as a track than stopping it. • Closing would be short sighted and a missed opportunity
5	Karen Lippiatt	<ul style="list-style-type: none"> • This route has potential for a walkway around Reefton • Walkways needed for health of locals and activities for visitors • Potential to connect to the walkway to the east and improving connectivity • All potential walkways must be preserved to provide activities and attractions • Impossible to recover if wanted for a walkway in the future

- 3.6 The objections which Council must consider are attached as **Attachment 2**.

4. **CONSIDERATIONS**

4.1 **Strategic Impact**

Council must ensure that it complies with all legislative requirements.

4.2 **Significance Assessment**

As a decision relating to a small portion of the roading network this is not a strategic decision.

4.3 **Risk Management Implications**

This decision does not provide Council with a significant risk as the required legislative process under Schedule 10 of the LGA1974 has been followed.

4.4 **Values**

Following the public notification process under Schedule 10, LGA1974 this matter aligns with the Buller District Value of being Community Driven.

4.5 **Policy / Legal Considerations**

The requirements of Schedule 10 of the LGA 1974 have been followed. The provisions of Schedule 10 from this point forward are as follows:

- Council must decide whether the objections are justified by holding a hearing in front of a Council at which persons who have objected are entitled to be in attendance and their concerns heard.
- Following this the Council will decide whether or not to uphold the objections. If the objections are upheld, then the road stopping cannot proceed, and the process stops.
- Council may decide to reject the objections and continue with the road stopping. In this event if the objections are not withdrawn or otherwise resolved the Council must send the objections and full documentation regarding the proposed Road Stopping, to the Environment Court.
- The Environment Court may hold a court hearing or may be able to arrange mediation to resolve any objections before a hearing.
- If the Environment Court approves the stopping then Council will continue with the process to stop the road and sell the land to the applicant.

- If the Environment Court rejects the Road Stopping, the process ends, The Environment Court decision is final.

4.6 Tangata Whenua Considerations

The decision does not involve a significant decision in relation to ancestral land or a body of water or other elements of intrinsic value, therefore this decision does not specifically impact Tangata Whenua, their culture, and traditions.

4.7 Views of Those Affected

The requirements of Schedule 10 of the LGA1974 for public notice have been followed.

4.8 Costs

There are no financial implications relevant to this decision as all costs associated by this process are met by the applicant.

4.9 Benefits

Following the process under Schedule 10 LGA1974 ensures that the community has been fully involved in the making of this decision.

4.10 Media / Publicity

Any media enquiries will be managed by the Community Engagement Team.



Record of Survey - SO 592456

Survey Number SO 592456
Surveyor Reference 511231 - Buller DC
Surveyor Reubin Michael Van Den Berg
Survey Firm Eliot Sinclair & Partners Ltd
Surveyor Declaration I Reubin Michael Van Den Berg, being a licensed cadastral surveyor, certify that--
 (a) this dataset provided by me and its related survey are accurate, correct and in accordance with the Cadastral Survey Act 2002 and Cadastral Survey Rules 2021; and
 (b) the survey was undertaken by me or under my personal direction.
 Declared on 22 Sep 2023 10:42 AM

Survey Details

Dataset Description	Section 1	Type	Survey
Purpose	Legalisation	Survey Class	Class A
Status	Approved as to Survey	Vertical Datum	None
Land District	Nelson		
Meridional Circuit	Grey 2000		

Survey Dates

Surveyed Date	08/06/2023	Certified Date	22/09/2023
Submitted Date	22/09/2023 10:42:39	Survey Approval Date	23/09/2023
Deposit Date			

Referenced Surveys

Survey Number	Land District	Bearing Correction
SO 11919	Nelson	0°00'20"
SO 11920	Nelson	0°00'20"
SO 14860	Nelson	0°00'00"
DP 435747	Nelson	0°00'00"
SO 15366	Nelson	0°00'00"

Territorial Authorities

Buller District

Created Parcels

Parcels	Parcel Intent	Area	RT Reference
Section 1 Survey Office Plan 592456	Road Legalisation	0.1937 Ha	
Total Area		0.1937 Ha	

Boundary Road proposed stopping in Reefton

It is natural for people to want to acquire land that they have had possession of for a long time, but there are other considerations to take into account before a public accessway is permanently alienated, and I believe that other options should be explored in this case.

My understanding is that Boundary Street would have been drawn up way back in the 1800's when the town was booming, as a place to extend up to and away from possible flooding along The Strand area. With Reefton falling on bad times this part was not fully developed, and with the exception of the farm access part it has been incorporated into people's sections.

However, Reefton is booming again and we need to be careful that our future expansion is not curtailed by unnecessary road closures – just when we need them.

People naturally like to walk the periphery of towns – the popularity of the Powerhouse Walk attests to that.

And there is already a walk along the old water race terrace that gives a grand view of the town.

However, at the moment the old track network is overgrown and the East-West roads all end in dead-ends, forcing walkers to descend to Bridge Street. Linking the Reservoir Track up with a new walking track to Boundary Road would potentially provide a satisfying loop for townspeople and visitors, taking them up to vistas of the town and potentially extending into our closest patches of old growth forest.

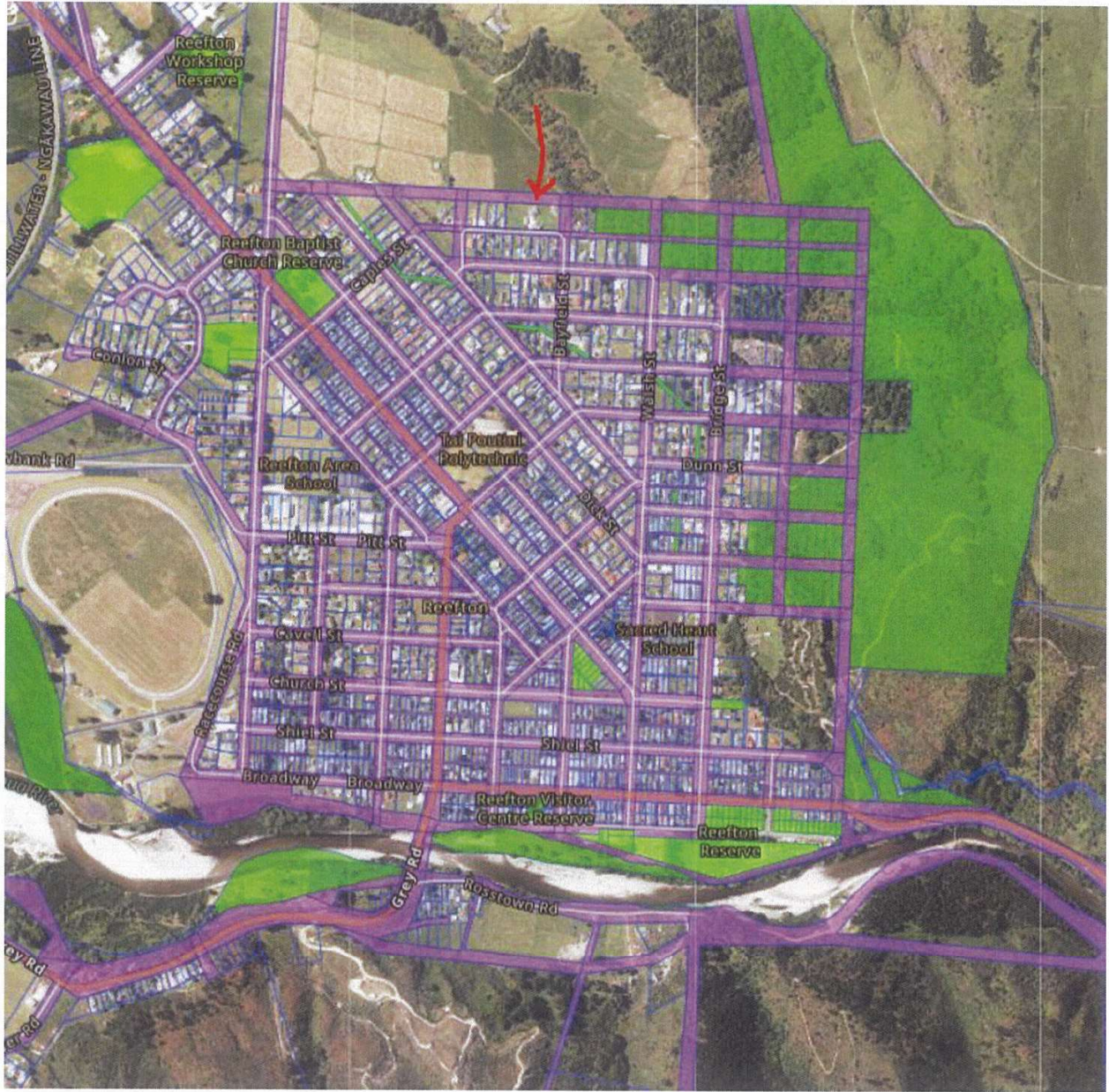
I suggest that before legal roads are closed and their recreational value is forever extinguished, that we put our heads together to map out walking access route(s) that enable people to easily find their way along a path that encompasses the town. There could be a low-level route as well as the higher one for fitter individuals.

This could lead to opening up more walking paths in 'The Butts' area that were previously accessible but now closed and overgrown due to lack of funding, and would tidy up a previously neglected edge of town. I think it would be very popular with locals (walking their dogs etc.) as well as tourists.

It is up to us to keep future options open as a livable place as well as a thriving tourist destination. So, I ask that the road stopping be halted for now.

Instead, I ask that the applicants consider applying for a license to occupy, which will legalize their occupation but allow future foot traffic through the area.

Brenda Kaye [REDACTED]
[REDACTED]





**Connecting people
Connecting places**

Steve Gibling
Chief Executive Officer
Buller District Council
6-8 Brougham Street
Westport

16th November 2023

By email to info@bdc.govt.nz

Dear Mr Gibling,

Proposed Stopping of Road - Part of Boundary Road, Reefton

The Commission's objective, defined in the Walking Access Act 2008, is "to lead and support the negotiation, establishment, maintenance, and improvement of walking access and types of access that may be associated with walking access, such as access with firearms, dogs, bicycles, or motor vehicles". This may be achieved, for example, by "providing local and regional leadership on, and co-ordination of, walking access in collaboration with local authorities".

One of the key means of achieving this has been to produce and provide advice through the [Guidelines for the Management of Unformed Legal Roads](#), the second edition of which was published in 2022.

Other than roads managed by Waka Kotahi, public roads, whether formed or unformed, are vested in fee simple in the relevant council and managed on the public's behalf. They are public assets and consideration of potential benefits of access for future generations is essential when deciding whether road stopping should proceed. This can include recreational, community and economic opportunities and benefits through the use of the unformed legal road (ULR) for public access.

In the *Man O' War Station Ltd v Auckland City Council* decision (2002), Judge Blanchard stated: "Despite the vesting in the local authority the right of passage over a road is one possessed by the public, not the local authority, which holds its title and exercises its powers in relation to a road as upon a trust for a public purpose". This puts the onus on councils to ensure, among other things, that the rights of public access along unformed legal roads are protected.

If any objections to a proposed road stopping are received, and are disallowed by the council, the matter may become one for the Environment Court to decide. Precedent indicates that the Court will give a measure of priority to rights of public access over private interests. Again, quoting from Judge Blanchard in the case noted above: "The integrity of the roading infrastructure is of such importance to the economic and social welfare of any society that it is to be anticipated that the public right to the use of roads will be given a measure of priority when it comes in conflict with private claims."

Level 12, Majestic Centre
100 Willis Street
Wellington, 6011

herengaānuku.govt.nz

Some applications for road stopping and subsequent purchase by an adjacent landowner may not have significant implications for public access, particularly in urban areas. However, we believe that this portion of Boundary Road on the north edge of the Reefton town grid of roads and adjacent to farmland is relevant for public access, if not now, in the future. We note that part of Bayfield Street is also occupied by the applicants and together these areas of unformed legal road could be important for recreation in the future.

Reefton's square road grid comprises formed and unformed roads, the northern and eastern boundary roads being almost entirely unformed. There is potential to create a walking route around the town using unformed legal roads, some formed roads and some public conservation land including the Reefton Walkway (Reservoir Walk) and possibly connecting into an old DOC track off the walkway back to Boundary Road. There is scope to connect reserves and conservation areas including parts of the Reefton Domain, the Reefton Reserve and Inangahua River Conservation Area with a walk around the outside of the town.

We acknowledge that there may be alternative access routes that would not include that part of Boundary Road proposed to be stopped. However, we do not believe that private interests should take precedence over the public interest in retaining the road.

While there may be no immediate need for public access here, we believe it is important to preserve it so that options to use it in the future are not lost.

The Commission therefore objects to the road stopping as proposed as it will remove public access connectivity.

Rather than the full width of the road being stopped, a narrow strip could be stopped and sold, say 5m wide to include the structures. That would retain the continuous public access beside the farmland to the north.

We recommend that the Council informs the new owners of this property of the location of the legal road boundaries, noting that structures must not be installed within it.

Under s342(1)(a) of the Local Government Act 1974, the consent of the Minister of Lands is required for any road or part of road to be stopped in a rural area. It is not clear whether this will apply to this portion of Boundary Road, which is adjacent to farmland zoned rural.

For this or future proposals to stop a road or part of a road, we would welcome an approach from the council as early as possible in the process to be able to offer comment and guidance.

Yours sincerely



Ric Cullinane
Chief Executive

Subject: FW: Road Stopping Objection

From: Joy Prebble [REDACTED]
Sent: Wednesday, 15 November 2023 3:57 PM
To: BDC_Info <info@bdc.govt.nz>
Subject: Road Stopping Objection

Road Stopping Objection:

As a rate payer in Reefton, Buller District I would like to lodge an objection to the proposed sale of part of Boundary Rd at the upper west end of Reefton. A portion of 0.1937 Ha of Boundary Rd to be sold to the adjoining owner & amalgamated with their land. Record of Title NLIOA/654.

I feel it is not in the best interest for people in Reefton or the Buller District Council who represent our interests to be selling off public roads which will possibly be used in the future. Reefton has a thriving expanding tourist industry with enthusiastic innovative people living here promoting the town. There is gold mines opening up & possible migration of people to our beautiful little historical town

A walk & cycleway around the circumference of Reefton, taking in the Powerhouse Loop to include Sinnamon St, Buller Rd, Boundary Rd, (which to the east leads on to a now overgrown bush clad conservation land. DOC.) Reservoir, Terrace track follows on from this land to Broadway, the swingbridge & Powerhouse thus completing an awesome loop of stunning Reefton. This would be a great attraction to many NZ & overseas visitos plus an asset to local people.

A third aspect to consider, is climate change, now a reality for NZ. The Ingangahua river rose almost to the 2nd stopbank on the Strand in February 2022 due to atmospheric rivers. There is the possibility of managed retreat to higher ground for the town in the future. These Paper, Public roads could be essential to Reefton.

The Buller District Council must be forward thinking & I hope consider the three scenarios I have put forward in not selling part of Boundary Rd or any Paper, Public roads to private property.

Joy Prebble

Bronwyn Little

From: BDC_Customer Services
Sent: Monday, 20 November 2023 11:45 am
To: Bronwyn Little
Subject: FW: Road Stopping Objection

Follow Up Flag: Follow up
Flag Status: Flagged

From: Jan Byres [REDACTED]
Sent: Monday, 20 November 2023 11:38 AM
To: BDC_Info <info@bdc.govt.nz>
Subject: Road Stopping Objection

I object to the proposed stopping of Part of Boundary Road Reefton.

Once this road is stopped it would be lost to the town forever.

Boundary Road would make a marvellous walking and biking track, particularly as an extension to the Terrace/Reservoir Track. The Terrace/Reservoir Track is heavily used. I walk it most days. Boundary Road would extend this loop Track.

Reefton is becoming known as a destination for biking and walking. Visitors and locals use the tracks a lot (despite their sometimes lack of maintenance).

There will be much greater benefit to the town and the Buller District by turning Boundary Rd into a walking and biking track than would be achieved by stopping it. Continuing Boundary Road as is until such time as there are funds to develop it as a track would be for the greater good. Ultimately more people will benefit than by stopping this road.

We need to be looking at opportunities for recreation and tourism rather than losing opportunities for ever.

Closing and selling off this part of Boundary Road would be short-sighted and a missed opportunity.

Kind regards
Janice L Byres
[REDACTED]

BR 5.

Objection to Road Stopping – Part of Boundary Road Reefton

This route (Boundary Road) has the potential to be a walkway around Reefton; part of a future enhancement of Reefton as a desirable location to live and visit.

The route is significant because it's the outer boundary of Reefton and thus would make a great loop walk around Reefton.

Walkways are needed for the health of the local population and for activities for visitors to the town. There is plenty of research to show that people need to exercise and access greenspace for mental and physical health.

With the need for people to walk, stopping a potential walkway before even a feasibility assessment has been done is short sighted and therefore irresponsible.

The private use of unformed legal roads is a privilege, not a right – it is a bonus for the adjacent landowners to have made use of that land in the past, not a right to use in the future.

There is the potential to connect to the Reefton Walkway to the east, enhancing connectivity of that wider network around and through the town, including the Powerhouse walk currently being upgraded.

Reefton has done so well making itself a destination. To continue to provide activities and attractions to visitors to encourage staying in town, all potential walkways must be preserved.

Realistically, with the reduction in powers of compulsory acquisition, the stopping of an existing legal road must be a very last resort as it will be practically impossible to recover this piece of land in the future when it becomes wanted for a walkway. This is likely as the town develops, when either the population of Reefton increases or the number of visitors to the town increases.

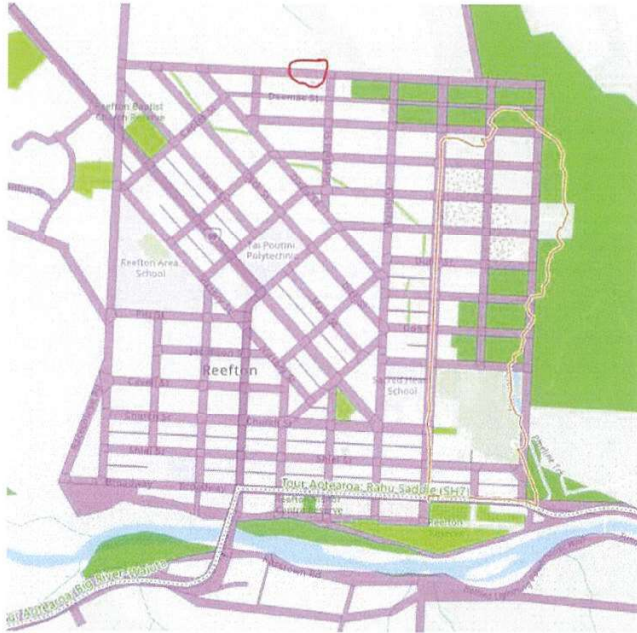
Therefore, I strenuously object to the stopping of Boundary Road, and the sale of the land.

Karen Lippiatt

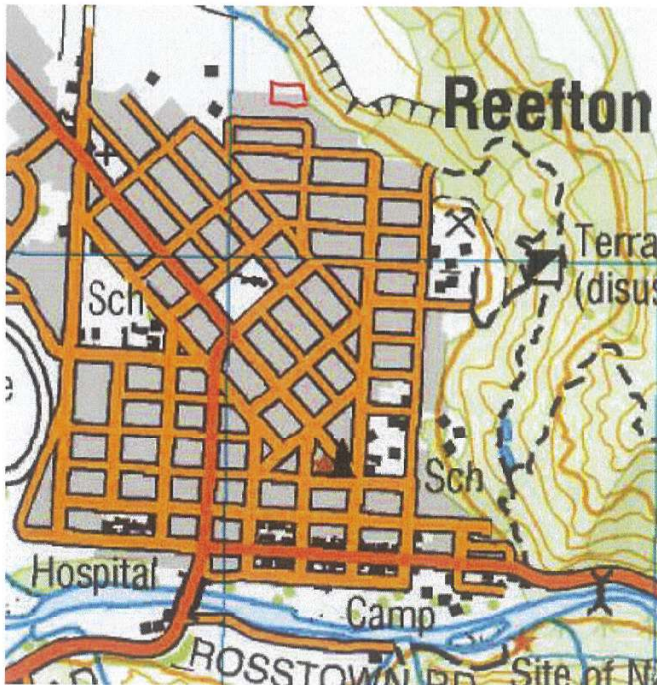
[REDACTED]

Red outline on maps on following pages shows location of proposed stoppage

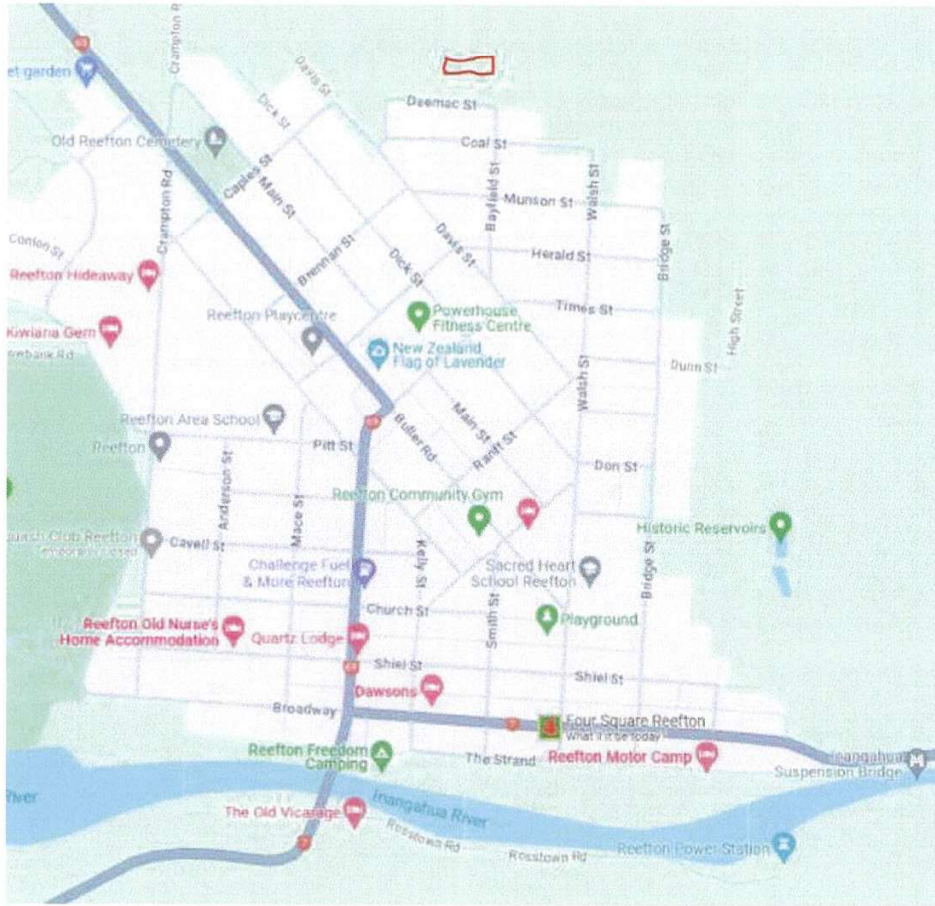
Outdoor Access Commission Map:



NZ Topographic Map:



Google Maps:



BULLER DISTRICT COUNCIL

EXTRAORDINARY MEETING

22 MAY 2024

AGENDA ITEM: 6

Prepared by Simon Pickford
Chief Executive Officer

PUBLIC EXCLUDED

1. REPORT SUMMARY

Subject to the Local Government Official Information and Meetings Act 1987 S48(1) right of Local Authority to exclude public from proceedings of any meeting on the grounds that:

2. DRAFT RECOMMENDATION

That the public be excluded from the following parts of the proceedings of this meeting:

Item No.	Minutes/ Report of:	General Subject	Reason For Passing Resolution under LGOIMA	Release Details
4	Manager Infrastructure Delivery	Deliberation on application and submissions to application for the proposed Road Stopping of 6 Deemac Street, Reefton	Section 48 (2) (a) (i.) To deliberate on matters relating to proceedings where a right of appeal lies to a court or tribunal against the final decision of the councils in those proceedings	The decision will be released immediately. Deliberations will be released once they are confirmed as true and correct before an Ordinary Council Meeting