

Council

OPEN MINUTES

Minutes of a meeting of Council held in the Council Chamber, Level 2, 20 Don Street, Invercargill on Wednesday, 13 July 2022 at 10am. (10am – 10.01am, 1.58pm – 3.24pm)

PRESENT

Mayor Gary Tong
Deputy Mayor Ebel Kremer
Councillors Don Byars

John Douglas Paul Duffy

Bruce Ford (10am - 10.01am, 1.58pm - 3.01pm.)

Darren Frazer George Harpur Julie Keast

Christine Menzies Karyn Owen

Margie Ruddenklau

Rob Scott

APOLOGIES Councillor Harpur

IN ATTENDANCE

Chief executive Cameron McIntosh Committee advisor Fiona Dunlop



Adjournment of meeting

Mayor Tong opened the meeting and advised that it would adjourn to reconvene at the conclusion of the Services and Assets Committee.

Moved Mayor Tong, seconded Cr Ruddenklau and resolved: That the Council meeting adjourns until the conclusion of the Services and Assets Committee meeting.

The meeting adjourned at 10.01am.

The meeting reconvened at 1.58pm.

Mayor Tong, Councillors Byars, Douglas, Duffy, Ford, Frazer, Keast, Kremer, Menzies, Owen, Ruddenklau and Scott were present when the meeitng reconvened.

1 Apologies

There was an apology from Councillor Harpur.

Moved Mayor Tong, seconded Cr Keast and resolved:

That Council accept the apology.

2 Leave of absence

Councillor Byars requested a leave of absence from 21 July 2022 to 15 September 2022 except for the Wednesdays which have Council or Committee meetings (Wednesday 10 August 2022, Wednesday 24 August 2022 and Wednesday 7 September 2022).

Moved Mayor Tong, seconded Cr Frazer and resolved that leave of absence be granted for Councillor Byars from 21 July 2022 to 15 September 2022 except for the Wednesdays which have Council or Committee meetings (Wednesday 10 August 2022, Wednesday 24 August 2022 and Wednesday 7 September 2022).

3 Conflict of Interest

- 1. Councillor Owen advised of a conflict of interest in relation to item 7.1 Draft TAB and Gambling Venue Policies Consideration and Adoption and would not take part in discussion or vote on the item.
- 2. Mayor Tong as a member of the Borland Lodge Trust declared a non-financial conflict of interest in relation to item 7.1 Draft TAB and Gambling Venue Policies Consideration and Adoption.
- 3. Councillor Duffy advised of a conflict of interest in relation to item Building Disposal Seaward Downs Recreation Reserve and would not take part in discussion or voting on the matter.



4 Public Forum

There was no public forum.

5 Extraordinary/Urgent Items

There were no Extraordinary/Urgent items.

6 Confirmation of Council Minutes

Resolution

Moved Cr Keast, seconded Cr Duffy and resolved:

That Council confirms the minutes of the meeting held on 22 June 2022 as a true and correct record of that meeting.

Reports - Policy and Strategy

(Councillor Owen withdrew from the table for item 7.1.)

7.1 Draft TAB and Gambling Venue Policies - Consideration and Adoption

Record No: R/22/6/31246

Corporate performance lead – Jason Domigan was in attendance for this item.

Mr Domigan advised that the purpose of the report was to formally consider feedback received on the draft TAB and Gambling Venue Policies and to adopt policies.

The meeting noted that the on 11 May 2022, Council endorsed a statement of proposal, which included the draft policies, for public consultation. Submissions were accepted between 8am 13 May and 5pm 13 June 2022 of which there were seven received and two oral submitters were heard by Council on Wednesday 22 June 2022.

The meeting concluded that it would adopt option 1 as outlined in the officer's report which does not allow licences for new machines or venues, and allows relocations and club mergers in particular circumstances.

Resolution

Moved Cr Duffy, seconded Cr Ruddenklau $\,$ recommendations a to g and h (i)

That Council:

a) Receives the report titled "Draft TAB and Gambling Venue Policies - Consideration and Adoption" dated 7 July 2022.



- b) Determines that this matter or decision be recognised as not significant in terms of Section 76 of the Local Government Act 2002.
- c) Determines that it has complied with the decision-making provisions of the Local Government Act 2002 to the extent necessary in relation to this decision; and in accordance with Section 79 of the Act determines that it does not require further information, further assessment of options or further analysis of costs and benefits or advantages and disadvantages prior to making a decision on this matter.
- d) Considers the feedback received on the draft TAB Venue and Gambling Venue Policies.
- e) Notes that it must consider the social impact of gambling when adopting both a TAB Venue Policy and a Gambling Venue Policy.
- f) Notes that as it is considering whether to include a relocation policy in the Gambling Venue policy, it must consider the social impact of gambling in high deprivation communities in the District.
- g) Adopts the TAB Venue Policy (appendix a of the minutes).
- h) Adopts the Gambling Venue Policy Option 1 (appendix b of the minutes) that does not allow licences for new machines or venues, and allows relocations and club mergers in particular circumstances.
- h) Adopts one of the following Gambling Venue Policies:
 - i. The Gambling Venue Policy Option 1 (included as Attachment B) that does not allow licences for new machines or venues, and allows relocations and club mergers in particular circumstances, OR
 - ii. The Gambling Venue Policy Option 2 (included as Attachment C) that does not allow licences for new machines or venues, and does not allow any relocations and club mergers, OR
 - iii. The Gambling Venue Policy Option 3 (included as Attachment D) that caps the number of electronic gaming venues at 14 venues and machines at 88 machines, and allows new licences, relocations and club mergers in particular circumstances.

(Councillor Frazer abstained from voting as he had been available for the oral hearings on Wednesday 22 June 2022.)

(Councillor Owen returned to the table.)



Reports - Operational Matters

8.1 Unbudgeted expenditure for Fiordland (Te Anau) library funding via Southland DHB Record No: R/22/5/20700

Customer delivery manager – Rod McIntyre was in attendance for this item.

Mr McIntyre advised that the purpose of the report was to seek approval for unbudgeted expenditure of up to \$53,590 ex GST to be spent on a group of programmes for the Te Anau library and Fiordland District.

The meeting noted that the funding has been provided by Te Hau Toka to strengthen the "Five Ways to Wellbeing" programme and was awarded after the submission of a funding request paper by the District library team.

Mr McIntyre further advised that Te Hau Toka informed Southland District Council that there was potential funding for the Fiordland District to support and strengthen the Five Ways to Wellbeing programme which is being run by Southern Health.

The meeting further noted that the District library team put together a funding paper and submitted it to the Te Hau Toka Board and after some feedback and adjustments the application was approved.

Resolution

Moved Mayor Tong, seconded Cr Frazer and resolved:

That Council:

- a) receives the report titled "Unbudgeted expenditure for Fiordland (Te Anau) library funding via Southland DHB" dated 27 June 2022.
- b) determines that this matter or decision be recognised as not significant in terms of Section 76 of the Local Government Act 2002.
- c) determines that it has complied with the decision-making provisions of the Local Government Act 2002 to the extent necessary in relation to this decision; and in accordance with Section 79 of the act determines that it does not require further information, further assessment of options or further analysis of costs and benefits or advantages and disadvantages prior to making a decision on this matter.
- d) agrees to approve the unbudgeted expenditure of up to \$53,590 excl GST for programmes and asset purchases in the Te Anau library.



8.2 Unbudgeted expenditure request - Stewart Island/Rakiura Visitor Levy allocations
March 2022

Record No: R/22/6/28706

Community partnership leader – Karen Purdue was in attendance for this item.

Mrs Purdue advised that the purpose of this report was to seek approval from Council to allow unbudgeted grant expenditure by the Stewart Island/Rakiura Visitor Levy Subcommittee of \$73,803.

The meeting noted that:

- there were nine applications received for the March 2022 funding round, with requests totalling \$725,242
- there is \$311,092 held in the reserves, and \$142,797 budgeted to spend in the 2021/22 financial year
- the subcommittee recommended that approval be given for six applications totalling \$236,529, with \$216,600 to be spent in this financial year
- Unbudgeted expenditure approval is needed for \$73,803 to be funded from the Stewart Island Visitor Levy Reserve. Reserves are high for the 2021/22 financial year due to only \$3,011 being paid out in grants in the 2021 round of funding.

Resolution

Moved Cr Keast, seconded Cr Owen and resolved:

That Council:

- a) receives the report titled "Unbudgeted expenditure request Stewart Island/Rakiura Visitor Levy allocations March 2022" dated 7 July 2022.
- b) determines that this matter or decision be recognised as not significant in terms of Section 76 of the Local Government Act 2002.
- c) determines that it has complied with the decision-making provisions of the Local Government Act 2002 to the extent necessary in relation to this decision; and in accordance with Section 79 of the act determines that it does not require further information, further assessment of options or further analysis of costs and benefits or advantages and disadvantages prior to making a decision on this matter.
- d) approves the recommendation of the Stewart Island/Rakiura Visitor Levy Subcommittee for unbudgeted expenditure for the amount of \$73,803 in visitor levy fund allocations to be funded from the Stewart Island Visitor Levy reserve.

(Councillor Duffy withdrew from the table due to a conflict of interest.)



8.3 Building Disposal - Seaward Downs Recreation Reserve

Record No: R/22/6/30184

Property advisor – Theresa Cavanagh was in attendance for this item.

Ms Cavanagh advised that the purpose of the report was to agree to dispose of the building located on the Seaward Downs Recreation Reserve.

The meeting noted that the building is a former school and is located at 710 Edendale Seaward Downs Road. It was built in 1891 on another site and relocated to the current site in 1954. In 1983, the property was vested in the Southland County Council in trust for a recreation reserve.

This matter was considered by the Waihopai Toetoe Community Board at its meeting on 28 June 2022. The Board agreed to recommend to Council that the Seaward Downs former school building is surplus to requirements and be disposed of.

Resolution

Moved Cr Kremer, seconded Cr Menzies and resolved:

That the Council:

- a) **receives the report titled "Building Disposal** Seaward Downs Recreation **Reserve" dated** 7 July 2022.
- b) determines that this matter or decision be recognised as not significant in terms of Section 76 of the Local Government Act 2002.
- c) determines that it has complied with the decision-making provisions of the Local Government Act 2002 to the extent necessary in relation to this decision; and in accordance with Section 79 of the act determines that it does not require further information, further assessment of options or further analysis of costs and benefits or advantages and disadvantages prior to making a decision on this matter.
- d) agrees that the Seaward Downs former school building is surplus to requirements and be disposed of.
- e) agrees to delegate authority to the Chief Executive to decide on the most appropriate disposal method and to accept/decline any offer.

(Councillor Duffy returned to the table.)

9.1 Great South - Statement of Intent 2022/2023

Record No: R/22/5/19161

Policy analyst – Jane Edwards was in attendance for this item.



Mrs Edwards advised that the purpose of the report was to receive the Great South annual report 2020/2021.

Resolution

Moved Mayor Tong, seconded Cr Ruddenklau and resolved:

That the Council:

- a) receives the report titled "Great South Statement of Intent 2022/2023" dated 7 July 2022.
- b) determines that this matter or decision be recognised as not significant in terms of Section 76 of the Local Government Act 2002.
- c) determines that it has complied with the decision-making provisions of the Local Government Act 2002 to the extent necessary in relation to this decision; and in accordance with Section 79 of the act determines that it does not require further information, further assessment of options or further analysis of costs and benefits or advantages and disadvantages prior to making a decision on this matter.
- d) endorses the Great South Statement of Intent 2022-2025.
- 9.2 Great South Annual report 2020/2021

Record No: R/22/7/32162

Policy analyst – Jane Edwards was in attendance for this item.

Mrs Edwards advised that the purpose of the report was to present the Great South Statement of Intent 2022-2025 for Council's endorsement.

The meeting noted that the each year, Council, along with its partner shareholding local authorities, is required to set the direction and general priority areas of Great South through the annual Letter of Expectation.

Resolution

Moved Cr Frazer, seconded Cr Ford and resolved:

That the Council:

- a) receives the report titled "Great South Annual report 2020/2021" dated 7 July 2022.
- 8.4 Water Services Entities Bill Southland District Council Submission

Record No: R/22/7/36437

Chief executive – Cameron McIntosh was in attendance for this item.



Mr McIntosh advised that the purpose of the report was to consider:

- the draft submission on the Water Services Entities Bill
- a request from Groundswell for a binding referendum on the Three waters reform programme and a request to about continuing to be a member of Local Government New Zealand.

(During discussion, Councillor Ford left the meeting at 3.01pm.)

The meeting noted that:

- The Water Services Entities Bill, (The Bill) is the latest development in the Government's three waters reform programme which is before the finance and expenditure select committee for consideration
- Council has previously submitted on the reform programme and while generally supportive of the need for regulatory reform of three waters had expressed concern about the potential loss of local representation and objected to the lack of choice by local authorities in the reform.
- The Bill goes some way to allaying concerns about local representation on or to the new entity, but lacks sufficient detail to enable a comprehensive submission on how local representation would be appointed.
- The Bill sets out the allocation of shares in the new entities to the territorial authorities on the basis of population, but the shareholding does not create rights of representation.
- The Bill sets out requirements on territorial authorities with respect to the transition to the new entities but does not seem to recognise the potential disruption to territorial authorities' current service delivery responsibilities under the Local Government Act 2002.
- The Bill sets out the requirement to determine the assets to be transferred, but does not indicate any process to mediate disagreements.
- The Bill does set out the safeguards against privatisation, although these could be further strengthened.
- The Bill does confirm the safe transfer of the majority of jobs associated with three waters from the territorial authorities to the new entity but not all jobs.
- A further Bill which amend the Water Services Entities Act will contain further detail and enable the transfer of assets and liabilities. Council notes that it would be preferable to have both bills combined and a more complete picture would enable a more comprehensive submission.

Mr McIntosh further advised that:

- Council is currently bound by requirements of section 130 of the Local Government Act 2022 which prevents it from transferring three waters activities away from Local Government and there have been recent calls for a referendum from Groundswell on the issue which would not change the requirements of the Act and for this reason a referendum is not supported.
- Council has also been asked to consider its continued membership of Local Government New Zealand (LGNZ). As LGNZ provides advice and advocacy on a large range of matters important to our sector beyond Three Waters, continued membership is recommended.

The meeting agreed that Southland District Council would speak to their submission.



Resolution

Moved Cr Duffy, seconded Cr Kremer recommendations a to e, f (with a change as indicated), g and h and resolved:

That Council:

- a) **receives the report titled "Water Services Entities Bill** Southland District **Council Submission" dated** 8 July 2022.
- b) determines that this matter or decision be recognised not significant in terms of Section 76 of the Local Government Act 2002.
- c) determines that it has complied with the decision-making provisions of the Local Government Act 2002 to the extent necessary in relation to this decision; and in accordance with Section 79 of the act determines that it does not require further information, further assessment of options or further analysis of costs and benefits or advantages and disadvantages prior to deciding on this matter.
- d) confirms the submission and any changes required.
- e) authorise the chief executive to make a final adjustment to this submission if further information becomes available.
- f) confirms it does/does not wish to speak on the submission to the select committee.
- g) resolves not to hold a binding referendum on the Three waters reform programme.
- h) resolves to continue to be a member of Local Government New Zealand.

The meeting concluded at 3.24pm.	CONFIRMED AS A TRUE AND CORRECT RECORD AT A MEETING OF THE COUNCIL HELD ON WEDNESDAY 13 JULY 2022.
	DATE:
	CHAIRPERSON:

TAB Venue Policy

Group responsible: Environmental Services

Date approved: 7 September 2016

Date amended: 13 July 2022

File No: R/22/7/43383

1 Objectives

The objectives of this policy are to:

- outline whether or not new TAB venues may be established in the Southland District and, if so, where they may be located, and
- facilitate community involvement in decisions about gambling.

2 Definitions

Definition	Meaning
TAB New Zealand	Means the body established to conduct racing betting, sports
	betting, or other racing or sports betting under the Racing
	Industry Act 2020
TAB venue	Means premises that are owned or leased by TAB New Zealand
	and where the main business carried on at the premises is
	providing racing betting or sports betting services under the
	Racing Industry Act 2020

3 Policy

Southland District Council (Council) does not have any additional requirements to regulate the operation or location of TAB venues, other than those contained in the District Plan under the Resource Management Act 1991.

4 Commencement

Council has adopted this policy after completing the special consultative procedure outlined in the Local Government Act 2002.

This policy is effective from 13 July 2022.

5 Review

Council will review this policy within three years of it being adopted.

Gambling Venue Policy

Group responsible: Environmental Services

Date approved: 15 May 2013

Date amended: 13 July 2022

File no: R/22/7/43404

1 Introduction

The act came into force on 18 September 2003. Under section 101 of the act, Council is required to adopt a policy to regulate the number and location of non-casino electronic gaming machines (Class 4), more commonly known as pokie machines.

At 30 September the Southland District had 14 Class 4 gaming venues and 88 electronic gaming machines.

Council has the ability to limit the number of locations and venues and the number of electronic gaming machines, and must have regard to the social impact of gambling in developing its policy. As required under the act, this policy only applies to gambling venues licenced after 17 October 2001, or to other venues licenced prior to this if they wish to increase the number of electronic gaming machines.

2 Definitions

Definition	Meaning
ACT	The Gambling Act 2003
CLASS 4 GAMBLING	Means any activity that involves the use of a gaming machine outside a casino, and may be conducted only by a corporate society and only to raise money for authorised purposes
CLASS 4 GAMBLING VENUE	Means a place used to conduct Class 4 gambling ie premises with Class 4 gaming machines licenced under the Gambling Act 2003. This includes any TAB venue with gaming machines
CORPORATE SOCIETY	Means a society that is: (a) Incorporated under the Incorporated Societies Act 1968 (b) Incorporated as a board under the Charitable Trusts Act 1957 or (c) A company incorporated under the Companies Act 1993 that: (i) Does not have capacity or power to make a profit; and (ii) Is incorporated and conducted solely for authorised purposes Corporate Societies may therefore include clubs (RSA, sports clubs etc), trusts and racing clubs



Definition	Meaning
DIA	Means the Department of Internal Affairs
SOUTHLAND DISTRICY	Means all the area covered by the Southland Territorial Local Authority
NEW VENUE	Means any venue that has not held a Class 4 venue licence for six months or more, or that has never held a Class 4 venue consent
COUNCIL	Means Southland District Council

3 Objectives

This policy has the following objectives:

- to assist in limiting the harm of problem gambling in the community
- to encourage responsible gambling practices and attitudes in Class 4 venues
- to reduce the number of electronic gaming machines in the community over time
- to facilitate community involvement in decisions about gambling by ensuring that all communities in the Southland District are given the opportunity to consult with Council in a manner that is culturally appropriate.

4 Restrictions on venue and machine consents

Council will not grant consent for the establishment of any additional Class 4 venues or additional gaming machines, including Class 4 machines in TAB venues, under this policy.

A gambling venue consent is for one venue (one premises) and is not transferable to another venue, unless consent is obtained from Council as provided for in Clause 5 below. The consent is given to a venue at a given address, not to a person or business.

Once a venue ceases to operate, the machine numbers will not be allocated to any new or existing venue except as specified in Clause 5 below.

Council will not provide a consent under sections 95(1)(f) or 96(1)(e) of the act to any application by corporate societies with Class 4 licences seeking ministerial discretion to increase the number of gaming machines permitted at a venue, except as provided in Clause 5 below.

5 Transfer or changes to existing venues and machine consents

If the owner of the principal business of the venue changes, Council consent remains allocated to the venue. The new owner is not required to obtain a Council consent but a new licence may be required from DIA.

Council will consent to the transfer of a licence from an existing venue to a new venue where the venue will be operated by the same corporate society, and subject to a social impact study. The maximum number of gaming machines permitted to operate at the new venue, at the time when the new Class 4 venue licence takes effect, is the same as the maximum number of gaming machines permitted to operate at the old venue, immediately before the licence relating to the old venue is cancelled.

Two or more licensed Class 4 clubs in the Southland District may apply to Council to merge and increase the number of machines that can be operated at a venue, subject to a social impact study. Council consent will only permit the maximum number of gaming machines to be the sum of the number of gaming machines specified in all of the corporate societies' (the clubs that are merging) Class 4 venue licences at the time of application.

Substitute venues may only be established if:

- the vacated site will not be able to be used as a Class 4 venue; and
- Council considers that the location of the new venue is suitable, taking into account the matters referred to in section 101(4) of the act.

Council may arrange its own peer review of any social impact study provided, at the applicant's cost.

6 Visual and sound

Only one sign may make reference to the existence of Class 4 gambling, and may be visible from the street or other public space. This sign shall not mimic or replicate the operation of gaming machines.

No other sign shall promote or identify the existence on site, of gaming machines.

Advertising signs and activities within the building, associated with the operation of gaming machines, shall not be visible from beyond the property boundary.

The operation of gaming machines shall not be audible from beyond the venue property boundary.

7 Encouraging responsible gambling practices

Two of the stated purposes of the act are to "prevent and minimise the harm caused by gambling, including problem gambling" and to "facilitate responsible gambling".

Enforcement and monitoring of gambling venues is the responsibility of the DIA.

Regulations made under the act set out:

- what constitutes an unsuitable venue
- requirements and restrictions regarding gambling machines
- requirements of venues to provide information about problem gambling
- requirements of venues to provide problem gambling awareness training to staff.

Council consent for a venue is not revocable once issued and cannot lapse or expire unless there is a period of six months or more where a Class 4 licence is not held for the venue. Further, Council has no retrospective powers with regards to any consented venues and cannot impose conditions subsequently on any venue that has an existing licence.

Council is supportive in general of initiatives and actions that would help to ensure there is a balanced gambling environment where potential harm is managed effectively, and where those who wish to gamble can do so safely. In this regard, Council encourages responsible gambling practices as outlined in Appendix 1.

Where Council has concerns about the operation of existing gambling venues these will be reported to DIA. Council inspectors do not have enforcement powers over venues in terms of their gambling activities.

The provision of information by the venues about problem gambling is required under the regulations and is a key way of promoting responsible gambling. Where Council has concerns about a venue in this regard, it will be reported to DIA.

8 Applications for consent

All applications will incur a fee which will be prescribed by Council pursuant to section 150 of the Local Government Act 2002.

Council will publicly notify applications for Class 4 Gambling Venues and allow for public submissions to be lodged.

Applications for consent by Council must be made to Council on the prescribed form and include:

- name and contact details of the applicant
- names of venue management staff
- street address of premises being relocated and new proposed address
- fees
- details of design and layout to demonstrate how the venue will comply with part six of this policy
- any other information that may reasonably be required to allow proper consideration of the application including how the applicant will encourage responsible gambling practices.

The decision will be made at staff level pursuant to delegated authority and based on the criteria detailed in this policy, except where any matter of opposition is raised in a public submission, in which case the application will be heard and determined by Council.

9 Commencement of policy

This policy has been adopted by Council following the special consultative procedure prescribed by the Local Government Act 2002.

This policy is effective from 13 July 2022.

10 Review of policy

Council will review this policy within three years of it being adopted.

Appendix 1 Encouraging responsible gambling practices

Best practice	Supporting action
Host Responsibility and Harm Minimisation Policy	The applicant has in place a Host Responsibility and Harm Minimisation Policy. The policy conforms to best practice as set out by national guidelines or standards should these become available.
Location of gaming machines	 Electronic gaming machine sites should be located so that: the facility is ancillary to a principal business and is not the primary purpose of the site the facility is separate from the area of the principal business so that the legal age limit of 18 can be observed and enforced.
Staff training programme or activities	The applicant demonstrates that staff and management are familiar with its Host Responsibility and Harm Minimisation Policy. The programme provides information on: • the potential effects of gambling on customers • the identification of problem gambling traits • the processes for approach, intervention and follow up for patrons with suspected problem gambling • identification practices for patrons appearing under 25 and actions to be followed • systems in place to support self-barring • recognition of intoxicated patrons and steps to be followed to prevent intoxicated patrons from gambling • systems to be followed if children are left unattended in premises or nearby premises.
Policy on under age access to gambling machines	The licensee must ensure that appropriate signage is in place indicating age restrictions so that this is visible at every gambling machine and at the point(s) of entry into the gambling area. Policy on identification checks for patrons appearing under 25. Staff training on identification of patrons appearing under 25 and actions to be followed.
Provision of problem gambling information	The licensee must ensure that patrons have access to appropriate information on problem gambling and problem gambling help services. Gambling help line phone number information is placed on or near all gambling machines. Additional material on problem gambling and help services displayed in at least one other area within the premises, situated near to gambling machines.
Clocks are visible in premises	The licensee ensures that clocks are visible from gambling machines.
There is good visibility where gambling machines are located	Natural or artificial light illuminates the area where gambling machines are located at all times when machine are in operation.