

**KAIKOURA DISTRICT COUNCIL MEETING FOLLOWING THE  
FINANCE AND POLICY COMMITTEE MEETING ON  
WEDNESDAY 20 JUNE 2007, IN MEMORIAL HALL SUPPER  
ROOM, ESPLANADE, KAIKOURA.**

**AGENDA**

1. *Apologies*

2. *Matters of Importance to be raised as Urgent Business*

3. **Minutes to be Confirmed:**

- *Council 16/05/2007*

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**Reports to be Adopted:**

- *Works & Services Committee 16/05/2007*
- *Environmental Services Committee 16/05/2007*
- *Finance and Policy Committee 16/05/2007*
- *Social Services Committee 06/06/2007*
- *Tourism & Development Committee 09/05/ 2007*

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**Minutes to be received**

- *Hearings and Applications Committee 24/05/2007*
- *Hearings and Applications Committee 15/05/2007*
- *Hearings and Applications Committee 10/05/2007*

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4. *Matters arising from Confirmed minutes*

5. *Minutes Action List Update*

<b>MEETING</b>	<b>ACTION REQUIRED</b>	<b>BY</b>	<b>DATE ACTIONED</b>
	<b>21 FEBRUARY 2007</b>		
Council	Report to Council on the development of a management plan to enhance recreational opportunities and reduce environmental and cultural impacts at Mangamaunu and Kiwa Road	Nicole	This matter will be prioritised within the Officer's work schedule. It is anticipated to be initiated in November 2007.
	<b>18 APRIL 2007</b>		
Council	Form a strategy with Environment Canterbury, Department of Conservation and Police to manage motorbikes on reserve at South Bay following petition from South Bay residents	CEO	In Progress
	<b>16 MAY 2007</b>		
Council	Consider a bunding at the	CEO	Staff met with Old Wharf users on-

	slipway adjacent to the Old Wharf and discuss management of slipway with Environment Canterbury.		site to determine a solution. Currently consulting with Department of Conservation re repairing sump.
Council	Provide Council with a list of roads to be addressed for amending speed limits.	Phil/Gallo	Refer Works & Services agenda
Council	Provide a report to enable Council to review Gambling Machine case law	Megan	Item 10 – page 131
Council	Kiwa Road toilet working party to reinvestigate a specific site for location of toilet	Nicole	Item 8 – page 123

#### **6. Public Forum**

<b>TIME</b>	<b>NAME</b>	<b>SUBJECT</b>
1.00pm	P McGahan	Combined Community Facility

**7. Kaikoura Pony Club Lease** *page 106*

**8. Kiwa Road Toilet Facility** *page 123*

**9. Seaward Lions Proposed Clock** *page 127*

**10. Review of Gambling Venue Policy** *page 131*

**11. Committee Updates**

**12. Mayor's Report** *page 140*

**13. Urgent Business**

**14. Council Public Excluded Session**

*Moved, seconded that the public be excluded from the following parts of the proceedings of this meeting, namely*

- a. Confirmation of Minutes of Council Public Excluded meeting on 16/05/2007*
- b. Confirmation of Minutes of Environmental Services Public Excluded meeting on 16/05/2007*
- c. Receipt of Minutes of Development Contributions Sub-Committee meetings on 04/10/2006, 14/02/2007 and 30/04/2007*
- d. Receipt of Minutes of Hearings & Applications Committee Public Excluded on 26/04/2007, 10/05/2007, & 24/05/2007*
- e. Merrill & Ring report on options for Clarence Bridge Forest lease*
- f. Lease at 94-96 West End*
- g. QE11 National Trust Landscape Protection Agreement*
- h. Naming of Cemetery Track*
- i. Kaikoura Physical Activity Strategy*
- j. Costs against E Parker*

*The general subject matter to be considered while the public is excluded, the reason for passing this resolution in relation to each matter, and the specific grounds under*

***Section 48(1) and 7(2)(i) of the Local Government Information and Meetings Act 1987  
for the passing of this resolution are as follows:***

<b>General subject of each to be considered</b>	<b>Reason for passing this resolution in relation to each matter</b>	<b>Grounds of the Act under which this resolution is made</b>
Confirmation of minutes of the Council Public Excluded meeting held on 16 May 2007.	The exclusion of the public from the whole or the relevant part of the proceedings of the meeting is necessary to enable the Local Authority to deliberate in private on its decision or recommendation.	<b>Section 48(1)(a) and 7(2)(b)</b>
Confirmation of minutes of the Environmental Services Public Excluded meeting held on 16 May 2007.	The exclusion of the public from the whole or the relevant part of the proceedings of the meeting is necessary to enable the Local Authority to deliberate in private on its decision or recommendation.	<b>Section 48(1)(a) and 7(2)(b)</b>
Receipt of minutes of the Development Contributions Sub-Committee meetings held on 04/10/06, 14/02/07, and 30/04/07.	The exclusion of the public from the whole or the relevant part of the proceedings of the meeting is necessary to enable the Local Authority to deliberate in private on its decision or recommendation.	<b>Section 48(1)(a) and 7(2)(b)</b>
Receipt of minutes of the Hearings & Applications Public Excluded meetings held on 26/04/2007, 10/05/2007, & 24/05/2007.	The exclusion of the public from the whole or the relevant part of the proceedings of the meeting is necessary to enable the Local Authority to deliberate in private on its decision or recommendation.	<b>Section 48(1)(a) and 7(2)(b)</b>
Merrill & Ring report on options for Clarence Bridge forest lease.	The exclusion of the public from the whole or the relevant part of the proceedings of the meeting is necessary to enable the Local Authority to deliberate in private on its decision or recommendation.	<b>Section 48(1)(a) and 7(2)(b)</b>
Lease at 94-96 West End.	The exclusion of the public from the whole or the relevant part of the proceedings of the meeting is necessary to enable the Local Authority to deliberate in private on its decision or recommendation.	<b>Section 48(1)(a) and 7(2)(b)</b>
QE11 Trust National Trust Landscape Protection Agreement.	The exclusion of the public from the whole or the relevant part of the proceedings of the meeting is necessary to enable the Local Authority to deliberate in private on its decision or recommendation.	<b>Section 48(1)(a) and 7(2)(b)</b>
Naming of Cemetery Track	The exclusion of the public from the whole or the relevant part of the proceedings of the meeting is necessary to enable the Local Authority to deliberate in private on its decision or recommendation.	<b>Section 48(1)(a) and 7(2)(b)</b>

Kaikoura Physical Activity Strategy	The exclusion of the public from the whole or the relevant part of the proceedings of the meeting is necessary to enable the Local Authority to deliberate in private on its decision or recommendation.	<b>Section 48(1)(a) and 7(2)(b)</b>
Costs against E Parker	The exclusion of the public from the whole or the relevant part of the proceedings of the meeting is necessary to enable the Local Authority to deliberate in private on its decision or recommendation.	<b>Section 48(1)(a) and 7(2)(b)</b>

## **7. Kaikoura Pony Club Lease**

Pursuant to Section 119 of the Reserves Act 1977, written submissions were called for on the proposed lease of recreation reserve land on Rorrison's Road comprising approximately 2.8012 hectares on Lot 1 DP1408 Block X Mt Fyffe Survey District.

Submissions closed on Friday 20 April with one submission received from a neighbouring landowner. A copy of the submission was forwarded to Kaikoura Pony Club seeking feedback or comments on points raised in the submission.

Attached is a copy of the submission and feedback from the Kaikoura Pony Club. It is felt that all of the concerns in the submission have been addressed by Kaikoura Pony Club.

### **Recommendation**

***It is therefore recommended that the Kaikoura Pony Club lease of recreation reserve land on Rorrison's Road comprising approximately 2.8012 hectares on Lot 1 DP1408 Block X Mt Fyffe Survey District Rorrison's Road be approved.***

## 8. Kiwa Road Toilet Facility

### **Kiwa Road toilet facility**

Following a workshop involving Council and the Mangamaunu Toilet Working Group held on Wednesday June 6<sup>th</sup>, 2007, the working group reinvestigated sites suitable to locate a toilet facility on Kiwa Road, Mangamaunu.

A number of criteria, outlined below, were considered in the reinvestigation.

- The location must be accessible for trucks to empty and clean the toilet,
- The facility must be visually discrete,
- The facility must be conveniently located for the identified users (surfers)
- The facility must be outside regional councils coastal hazard zones,
- The holding tank must be appropriate in relation to the depth of the water table and discharge,
- Ownership of the land must be clear.

In consideration of the above criteria, Site A (Figure 1) is the recommended location to place a toilet facility on Kiwa Road. The working party have clarified the following points which meet the above criteria and allow for the legal and safe placement of a fully contained toilet facility at Site A.

- Cleaning and maintenance of a fully contained toilet requires vehicle access to a maximum of five metres away from the facility.
- Toilet structures are commonly not any higher than 2.5 metres. Through landscaping a facility can be reasonably hidden from view from the road.
- The site is in close proximity to the main surf break, Meatworks, which attracts the majority of surfers to the area.
- The site is outside the Coastal Hazard Zone, as identified by Environment Canterbury; removing impacts associated with high tide events (Figure 2).
- A fully contained facility does not require discharge consent from the Regional Council and the depth of the water table shall be considered during the installation of an appropriate holding tank.
- The site is legally known as Kaikoura District Council.Road Reserve.
- The site does not have (and does not require) access to water supply or electricity.

Site B (Figure 1) was also considered in the reinvestigation and is not recommended for the following reasons;

- the distance away from the main surf break, Meatworks, makes this site inconvenient for the main user group of surfers
- a toilet at this location would primarily be convenient for overnight campers – sending conflicting messages to the public as camping on Road Reserves is an illegal activity and not encouraged by Council.

### **Recommendation**

*That Council receive the information contained in this report and recommend the following:*

- 1. Council officers proceed with the installation of a toilet on the Road Reserve at Kiwa Road within Site A.
  - a. Consultation with relevant professionals and Kiwa Road residents shall determine the exact location of the toilet within Site A.**

2. *Council officers work with community members and to develop a management plan to reduce environmental and cultural impacts at Mangamaunu and Kiwa Road while ensuring the enhancement of recreational opportunities.*

## 9. Seaward Lions Proposed Clock

### Introduction

The Lions Club of Seaward Kaikoura Inc are currently inviting entries to design a clock for our town as a tribute to the women of Kaikoura – past, present and future. Council has previously agreed to take responsibility for the clock once it is erected and are providing support to the Club during the process. This report outlines a preferred site, planning issues, engineering and design and funding sources.

### Sites considered

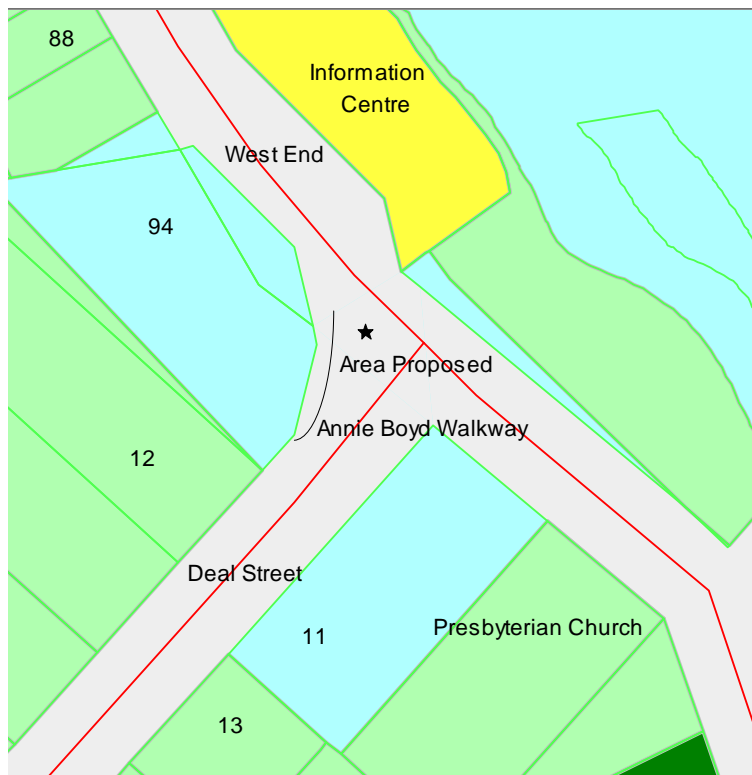
Sites considered include:

- New Wharf
- Car Park between I-Site and Public toilets
- Site Opposite the I-Site – grassed area by the Lydia Washington walkway

### Preferred site

The site opposite the I-Site – grassed area by the Lydia Washington walkway. The Club like this site as it is in a central area close to the center of the town. The location is a spot that will be enjoyed by both locals and visitors alike into the future. Due to the nature of the site the clock can be slightly elevated. The Club would like the option to landscape the whole area and would like council to consider the option of moving the three trees, and power pole which are currently located on this site. This site is a council owned road reserve.

### Proposed Lions Clock Site – West End, Kaikoura



Map showing land tenure around the proposed site

The site shown by the ★ above, is legal road reserve as shown on the attached land map from Council Rate record.

### **Legal Status of Land**

It is clearly shown that the road reserve encompasses the end of Deal Street to the West End, including the land shown as the Annie Boyd Walkway. Under Section 317 of the Local Government Act, 1974, Council is responsible for all land vested as road reserve, and Council reserves the right to give permission for any activities proposed in the Road Reserve. Section 334(c) of the same Act gives the council the right to erect on any road a monument, statue, or other such erection.

### **District Plan**

The site is zoned Business A in the Proposed Kaikoura District Plan. The activity is permitted, subject to compliance with the relevant performance standards:

- Lighting – shall be shielded and directed away from adjacent sites and roads.
- Noise – Noise provisions apply.
- Height of Buildings – 10m Maximum.
- There are no protected trees or buildings within this area.

### **Other Requirements**

- Archaeological Requirements – the site is near a noted archaeological site, therefore any earthworks requires an archaeological authority from NZ Historic Places Trust.
- Proximity to Takahanga Pa – Prior consultation is required with Te Runanga o Kaikoura.

### **Engineering**

Engineering issues will be very much dependant on the specifications of the clock. As the Club is running a competition to design the clock we are unsure what it will look like. Once we have a design Gallo will be able to work through the engineering issues.

The Seaward Lions have asked if the power pole on the site can be removed. Mainpower have provided a quote for this work (Appendix One).

### **Consultation with Runanga:**

Runanga have been consulted on this site and have no issue with it. Runanga will monitor any digging and excavating work carried out. They will also be involved in the final design selection which will incorporate some Maori design.

### **Funding**

Brief of planned fund raising:

Trivia Night at Winery	\$400- \$500
Auction 25 January	\$3,000-5,000

Fathers Day Raffle	\$500.00
Trash Fashion 2008	\$8000.00
<b><i>Total (Approx)</i></b>	<b><i>\$13,000</i></b>

Other funding raising projects are planned but are as yet unconfirmed. The Seaward Lions Club also intend to apply for Funding from Canterbury Community Trust. Applications for this fund close in September so they are currently working through the application.

Cost

**The total cost of the project is at present unknown, but the club has a quote for the clock mechanism including hands, face which is \$14,634.00.**

### **Conclusion**

The site is within road reserve, therefore as long as it has Council approval under the Local Government Act, 1974, is given, there are no additional consent requirements under the Resource Management Act.

Separate authority is required under the Historic Places Act.

It is a good practise to consult with Te Runanga o Kaikoura on any Council project or proposal.

It is recommended that the council endorse the proposed site preferred by the Seaward Lions Club to erect a clock and to landscape. They will need to do any work in continued consultation with the council, Runanga and the community.

## **Appendix One:**

### **Mainpower Quote for removal of power pole**

Estimates to make alterations to the existing power reticulation along the Esplanade in the vicinity of where the Lions Club propose to install a clock tower are as follows;

Option A: to move the pole @15m to the east from the middle of the reserve opposite the Information Centre our estimated cost would be \$10000 to \$15000 (excluding GST).

Option B: to remove pole and underground 11kV O/H line from Deal Street to the Esplanade our estimated cost would be \$40000 (excluding GST).

If either option were to proceed the costs would be subject to the final design being agreed to by all parties. Also any excavating that would need to be done may increase the cost considerably as the last lot of underground work Mainpower undertook in that area, the excavating/trenching costs were very high. Also the local Iwi would also need to be consulted.

Regards  
Paul Alexander  
Mainpower

## 10. Gambling Venue Policy Review

### Summary of Submissions and Recommendation

In 2004 the Kaikoura District Council adopted a Class 4 Gambling Venue Policy to reflect the objectives of the Gambling Act 2003.

These objectives are:

- To control the growth of gambling;
- To prevent and minimise the harm to the community caused by gambling;
- To authorise some gambling and prohibit the rest;
- Facilitate responsible gambling;
- Ensure integrity and fairness of games;
- Limit opportunities for crime or dishonesty associated with gambling;
- To ensure money from gambling machines benefits the community;
- Facilitate community involvement in decisions about the provisions of gambling (Gambling Act 2003).

#### The Current Policy and Situation

The Kaikoura District currently has four gaming venues, which host 47 gaming machines. Our current policy limit is 60 machines.

Name of Venue	No of Machines	Charity
Lobster Inn Motor Lodge	14 (licensed for 18)	Pub Charity
Adelphi Bar	18	Community Trust
New Commercial Hotel	9 (licensed for 18)	Southern Trust
Robbies Bar and Bistro	6 (licensed for 9)	Eureka Trust

We have just been advised by the DIA that venues can hold licenses for machines above their actual number on the floor indefinitely (some machines may be kept in storage during quiet times etc). This therefore needs to be a consideration in this review as we are now currently above our policy limit (63).

#### Gambling Venue Policy Review

As this policy is to be reviewed on a three yearly basis Councillors considered two options at the February council meeting and voted that the gambling Venue Policy to go out for public submissions would be option one from the officers report.

#### **Option One: Cap machine numbers at existing policy limits**

Option Two: District ban on new machines (sinking lid policy)

#### Summary of Submissions - 16<sup>th</sup> May 2007

**Kathie Roberts** (No oral Submission)

- Called for more transparency in Charities accounting practices and noted concern that a lot of money distributed back to communities seems to go to gambling related activities.
- Machine numbers should not be permitted to be above 7 in any venue. Those that currently have more should be encouraged to reduce to 7.

**Greg Roberts – Pub Charity (No Oral Submission)**

- Supports the draft policy that caps machines in the Kaikoura District at 60.

**Jarrold True – New Zealand Racing Board (No Oral Submission)**

- Supports the proposed Policy save for the limit of 6 gaming machines for the first 2 years of operation in new Class 4 venues.
- 9 machines give customers a greater choice of games to play.
- In order to justify space and staff requirements that gaming requires it is only viable to include gaming as part of the entertainment mix if the venue can operate 9 machines.
- Reduction in machine numbers means less casual recreation play and therefore less funding for the community.
- The New Zealand Racing Board highlights the latest research which confirms that an initial 6 machine limit or any other cap on gaming machine numbers will not reduce problem gambling but will reduce community funding. The Gambling Act expressly permits 9 machine venues. There is no research to support departing from the National 9 machine limit. The New Zealand Racing Board accordingly suggests the national 9-machine limit as set by the Gambling Act is applied.

**Joe Ryan – Shooter Bar (Mainland Foundation)**

- He submitted that the council should have latitude with regards to the number of gaming machines allowed from a commercial perspective, and that the authority should have some control over who comes in and out of the community to operate Gaming Venues.

He states 'It is clear that Kaikoura is not comparable in terms of patronage, consumer expectations, or indeed socio-economic considerations in anyway that would require the Authority to consider social issues arising for example in Auckland or Hamilton as part of the authorities policy.

**Kate Morgan – Problem Gambling Foundation (Counselling and Clinical)**

- Supports option two in the officer's report.
- Kaikoura has the highest density of gaming machines in New Zealand.
- Increased availability of gaming machines could see increased prevalence in problem gambling.
- The Local Services Mapping report which the KDC is partners in, highlights gambling as a priority concern for the district.
- Patrons with problems can be banned from venues, but the effects like broken relationships and the loss of assets such as a house or car have already been felt by this stage.

**Mike Knell – New Zealand Community Trust (No oral submission)**

- Primarily supports the option put forward to the public.
- Believes that the fixed cap should be removed (an option not considered by council), and if there is to be a cap it should be based on machine numbers in September 2003.
- NZCT recommends a policy, which provides for machine numbers to reflect local demand.
- NZCT urges the KDC to carefully think about the connotations for the council of a decision to unnecessarily confine a considerable source of funding of local community causes.

## **Francis Weaver – Charity Gaming Association**

- Kaikoura District Council is urged to reconsider its position on cap numbers in the first 2 years or to show evidence of a significant reduction in the level of harm.
- DIA and Councils must have sustainable evidence of positive effects of their proposed decision as harm minimisation measures and failure to demonstrate this positive effect on harm from gambling would potentially make policy decision unlawful and therefore unable to be upheld. This is based on a Gambling Commission decision on Lion Foundation Case GC03/07.
- CGAs position is for local policies to provide opportunities for maximising community funding within constraints of limits on machine numbers imposed by the Gambling Act 2003.

## **Gilbert Taurua – He Oranga Pounamu (No Oral Submission)**

- Supports option two in the officer's report.
- Kaikoura has the highest density of gaming machines in New Zealand.
- Maori and Polynesian populations are disproportionately exposed to gambling. Maori recognised to be 3 to 6 times more at risk of problem gambling than non-Maori.
- Research indicates that gambling behaviour at community level is supply driven. The amount of gambling is associated with density of gambling opportunities in the area.

## **Mary Richardson and David Cooms – Problem Gambling Foundation NZ (Policy)**

- Supports option two in the officer's report.
- PGF want a controlled and balanced policy that is going to benefit the community.
- Kaikoura has the highest density of gaming machines in New Zealand.
- There are not good services in Kaikoura for Problem Gamblers.
- Only 10-15% of problem gamblers seek help.
- The new Problem Gambling campaign currently running on television and radio has doubled reporting.
- The Kaikoura Local Services Mapping Report which the Kaikoura District Council were partners in producing identifies gambling as an issue indicating community concern around this issue, suggesting that local residents would like restrictions on the growth on gambling.
- Gambling is damaging to local businesses and the economy as it generates little spending and other cash flow opportunities.

**Case Law – GC03/07** – An appeal by The Lion Foundation against a decision by the Secretary for DIA to impose a condition on the class 4 venue licence to the Kilbirnie Tavern (Wellington). This case law relates to the positioning of gaming machines in a courtyard area where smoking is permitted. A condition was imposed stating that 'Class 4 gambling must not be conducted in areas where smoking is permitted'. This condition was imposed to minimise the harm to problem gamblers. The commission had to decide if the condition was fair and reasonable. In the commissions view, harm minimisation conditions can only properly be imposed if they reduce the harm caused by problem gambling as distinct from simply reducing gambling activity, which is lawful and permitted under the Gambling Act 2003. Conditions can not be imposed which seek to make gambling less attractive generally in order that it appeal less to problem gamblers. The measure was aimed at problem gamblers who were smokers, but would inconvenience a significantly larger group of smokers who gamble but are not problem gamblers. The commission decided to allow the appeal and reverse the Secretaries decision.

## **Officers comments in relation to points raised in the submissions:**

## Machine Numbers

- The Kaikoura District has the highest density of gambling machines in New Zealand providing for more than ample gambling opportunities for residents and visitors.
- The CGA quoted the Lion Foundation appeal allowed by the Gambling Commission in relation to our 6-machine cap for the first 2 years of operation. This initial policy limit for new venues is not intended as a harm minimisation measure, but rather clearly establishing that the primary purpose of a new venue is not for the purpose of gambling as per the Gambling Act.
- The original draft policy (2004) stated the new venues shall be allowed a maximum of no more than 4 gaming machines in the first 2 years of operation. A submission was heard from an operator stating that this is not economically viable and but would be should limits be lifted to 6 machines. This was accepted and the new venues are now allowed 6 machines in their first 2 years of operation.
- The Gambling Act 2003 Section 101 states 'The policy may specify any restrictions on the maximum number of gaming machines that may be operated in a class 4 venue', so this allows for us to impose the 6 machine license limit on new venues and the 60 (63) machine license district cap.

## Funding

The NZ Racing Board, NZCT, and CGA raised concerns that limiting or reducing the number of machines in the district would limit community funding. Currently Kaikoura does not access all the funding that is available to us. Increasing the level of gaming machines in the district is unlikely to have an impact on funding in the community in the short to medium term, but this can be reviewed in three years time if it becomes an issue. Something these agencies may like to consider is that venues are holding machine licenses that are not currently being utilised and therefore effectively limiting funding opportunities and keeping new operators from gaining venue consents.

## **Recommendation**

It is proposed that the policy limit be increased to 63 to allow for our current license level and a sinking lid be imposed to reduce our numbers through natural attrition back to our current policy limit of 60 machine licenses (A venue automatically loses its licenses when it ceases trading for over 6 months as per section 98 of the Gambling Act 2003).

New venues will need to apply for 2 consents. The first will be for the first 6 machines. The second consent will be if they want to increase up to their maximum 9 machines after their first two years of operation. This change brings us into compliance with the Gambling Act 2003, and should help to avoid future confusion.

Based on analysis of the submissions made to council on 16<sup>th</sup> May 2006, major areas of concern include our policy cap of 60 machines allowed within the district, the policy limit on 6 machines in new venues and limiting funding opportunities in the district with these limits. The Problem Gambling Foundation called for a sinking lid policy, so no new venues or machines in the district to address the issue of problem gambling in this community.

The evidence of problem gambling in this community is currently very lacking, so it is difficult to assess the depth of the issue. With this lack of evidence, reducing machine numbers is not warranted as residents and visitors have a right to gamble as a form of entertainment and recreation. While there is no strong evidence for a sinking lid policy, there

is also no evidence to increase our district cap on machine numbers or to lift the new venue machine limit of 6 for the first 2 years of operation.

It is recommended that Council retain the currently policy limits, but keep a close watch on issues raised by all submitters looking towards another review in 2010.



## Draft Reviewed Gambling Venue Policy 2007

### 1. Objectives

- 1.1 To control the growth of gambling;
- 1.2 To prevent and minimize the harm to the community caused by gambling, including problem gambling;
- 1.3 To control the growth of electronic gambling machine gambling in the district;
- 1.4 To allow those who wish to participate in electronic gambling machine and T.A.B. gambling to do so, safely and responsibly, within the district.

### 2. Where Class 4 Gambling Venues and TAB Venues may be established

Class 4 Gambling Venues and TAB Venues may be established within the Kaikoura District subject to:

- 2.1 Meeting application and fee requirements;
- 2.2 The venue having a 'host responsibility' and gambling harm minimization policy and staff training program;
- 2.3 Not being a venue primarily associated with family or children's activities.
- 2.4 New venues must provide a separated area for Class 4 Gambling;
- 2.5 Established venues applying to increase the number of gaming machines within the venue must provide a separated area for Class 4 Gambling.

### 3. Number of gaming machines to be allowed

- 3.1 New venues shall be issued a consent for a maximum of 6 (six) gaming machines. A further consent may be applied for allowing venues a maximum of 9 machines after the first 2 years of operation;
- 3.2 Venues with licenses issued after 17 October 2001 and operating fewer than 9 gaming machines shall be allowed to increase the number of gaming machines operated at the venue to 9;

- 3.3 Existing venues with licences issued before 17 October 2001 shall be able to increase the number of gaming machines in the venue to no more than 18;
- 3.4 The number of gaming machines proposed for the venue being able to be met within the overall district cap that is specified in this policy;
- 3.5 Where two or more clubs or societies legally and physically combine their premises, they may apply to have up to 9 machines or the sum of the number of machines specified in all the clubs class 4 licences at the time of application, whichever is the lesser of the two numbers.

#### **4. Overall cap on venues and the number of pokie machines in the Kaikoura district**

- 4.1 The total number of gaming machine licenses(including all those licensed on or prior to 17 October 2001, in the district may not exceed 63 (Sixtythree).

4.2 The district cap will decrease to 60 pokie machine licenses through natural attrition.

#### **5. Incompatibility of Class 4 Gambling Venues**

Class 4 gambling venues must not be located in premises that are incompatible with other predominant uses of the premises or of other premises located in close proximity.

#### **6. External Exposure and Advertising**

Gaming machines must not be visible from the street, road or highway and no advertising is permitted, including sandwich board and prize money advertising of any description if able to be seen from the exterior of the premises.

#### **7. Host Responsibility**

- 7.1 All operational staff to have undertaken training on dealing with problem gamblers;
- 7.2 Gaming Machine venues must display problem gambling material and offer support and supervision for those affected.
- 7.3 Applicants to show existing proactive problem gambling policies and implementation plans, and the ability to monitor and manage these.

#### **8. Applications**

Applications for territorial authority consent must be made on the approved form and must provide:

- 8.1 Name and contact details of the applicant;
- 8.2 Street address of the premises;
- 8.3 A site plan covering both gambling and other activities proposed for the venue;
- 8.4 Details of liquor licence(s) applying to the premises;
- 8.5 Any relevant gambling harm minimization policies;

**9. Application Fees**

*These will be set by the Council from time to time, and shall include consideration of:*

- 9.1 The cost of processing the application, including any consultation and hearings involved;
- 9.2 The cost of establishing and triennially reviewing the Class 4 Gambling Venue and TAB Venue policy;
- 9.3 The cost of inspecting Class 4 Gambling Venues on a regular basis to ensure compliance with consent conditions;
- 9.4 A contribution towards the costs of triennial assessments of the economic and social impact of gambling in the district.

**10. Decision Making**

- 10.1 Upon receipt of a complete application form containing all required information and the full application fee, the Council has 30 working days to determine a decision;
- 10.2 The decision on an application will be made at an officer level pursuant to delegated authority and be based on the criteria detailed in this policy.

**11. Monitoring and Review**

- 11.1 The Council will review the policy within 3 years of its adoption and then within 3 years after that review and each subsequent review is completed;
- 11.2 The Council will monitor the social and economic impact of gambling on the community as part of the policy review process;
- 11.3 The Council may amend this policy as a result of the findings of the social and economical impact monitoring;
- 11.4 Any review of amendment of this policy will be undertaken in accordance with the special consultative procedure outlined in the Local Government Act 2002.

**12. Commencement of Policy**

**12.1** This policy is to be adopted by the Council in accordance with the special consultative procedure;

**12.2** This policy will take effect from the day after it's adoption by the Council.

## 12. Mayor's Report

This report largely refers to some of the correspondence received by this office – of which council/ public may be interested in:

- NZ Police – Public Discussion document - “Modern Policing”
- “Our Blue Horizon” document from Minister of Fisheries and Minister for Economic Development - Re information about the Aqua culture sector in NZ.
- Ministry of Social Development “Kaikoura District – Characteristics of Working Age Recipients of Main Benefits ( aged 18-64)” – Key Facts.
- Copy of a letter to the Minister responsible for Climate Change and Minister of Transport from 13 Environmental groups outlining the effect of the transport sector on emissions growth.
- Ministry of Transport Statement of Intent 2007-2008
- Request from Ronald MacDonald House – CHCH, for funding donations.
- Department of Labour – Statement of Intent 07/08. “Our plan to keep NZ working.”

I attended a meeting of Christchurch/Canterbury marketing with our Tourism Officer on Wednesday 13 June. The meeting was to outline and update contributing Councils and districts with the make-up and directions of the organization. A valuable discussion relating to things “tourism” was also held. The meeting was of immense value to me as, I will admit, I was somewhat confused about this association, its make-up, and the relevance to us as a District. Now I am clearer I can see and feel that we in-fact get quite good value from it and the potential to increase this is there.

Also on Wednesday 13<sup>th</sup> June the steering committee of the Physical Activities Strategy met to begin the selection process of the writers of the strategy for which our Community Development Officer successfully applied for funding. It is envisaged that the appointment will be made this week and work started as soon as possible.

As a trustee of the Community Care Trust I met on Monday 11<sup>th</sup> June with the trustees and a delegation from the community Care committee for an update on the Community Van. The committee has procured the van for a further 3 month trial as winter usage figures and needs will assist us with any further development. (See attached Statistics). The trustees indicated a desire to investigate the purchase of our own van alongside this 3 month trial period.

The current SEEK position and contract ends at the end of June and the Ministry of Social Development has indicated its desire for the position to continue and be funded by the Mayors' Taskforce for Jobs and Ministry of Social Development for a further year. Rupia, our current SEEK coordinator, has indicated her unavailability and a replacement is to be sourced asap to ensure a smooth transition.

Thursday the 7<sup>th</sup> of June saw a meeting with the CEO of The Nelson Marlborough Institute of Technology and invited/interested members of the Public – to receive feedback of possible educational post-school education and training needs within our community. This meeting was instigated after it was found that no consultation had been made with the Kaikoura District regarding the submitted for the top-of-the-south strategy document. Our Community Development Officer is working hard to ensure our districts needs are included.

I have received advice from Colin King regarding where to go now with the Hurunui Bridge request. Garry Jackson ( Mayor-Hurunui) and I will spearhead a campaign as requested along that advice.

Myself, Rupia, Te Tai O Marokura and various expert agencies (A&D/Police/ALAC etc) are working toward a showcase of Alcohol and Drug & Sex information evening for parents, youth and community members. We believe we have identified a need, whereby confusion, misinformation and a lack of information (particularly within families) is evident and should be addressed. External funding options are being sourced.

Cheers  
Kevin

## **Local Government Transport Issues**

### ***Introduction***

The purpose of this paper is to flag issues that have arisen in the past 2 weeks that impact upon roads and transport and will be of particular interest to local government.

Many of the details affecting the implementation of the Budget 2007 announcements and the Next Steps review are yet to be worked through and so by necessity this paper is very much based upon current understanding.

### ***Budget 2007***

The Budget announced on 17<sup>th</sup> May 2007 signalled six issues for local government:

- Hypothecation
- Regional Fuel Tax
- Passenger Transport Investment
- Transit NZ funding increase
- Walking & Cycling
- Financial Assistance Rate

#### ***Hypothecation***

In essence this means that funds collected from road user charges, vehicle registrations and fuel excise will be ring fenced for transport spend. In essence the dedicated fund that has been talked about for some time.

The potential downsides are that:

- Government is proposing to invest \$300m more that is collected from these sources into transport funding over the next 5 years. Does the hypothecation suggest that additional top up funding beyond that period is unlikely?
- It is known that the vehicle fleet is becoming more fuel efficient and therefore income from fuel excise, even taking into account growth of the vehicle fleet, is forecast to decline. Therefore the funding pool could decline.
- There is an increasing investment in passenger transport from the pool. Therefore is there a point at which the pool of funds for roading maintenance comes under threat?

#### ***Regional Fuel Tax***

Initially welcomed as an additional funding tool however the details emerging suggest that it may be of limited application.

- Although it is a regional fuel tax there is nothing to prevent the Crown from levying part of the 10 cents per litre for Crown projects.
- For regions the tax can only apply for capital projects of regional (or inter-regional) significance.
- The recommendation and supporting case for a regional fuel tax has to be presented to the Government by a representative body. The only two

approved representative bodies at the stage are the Auckland and Wellington Regional Councils. Though yet to be finalised it is suggested that other representative bodies are likely to be regional councils.

- A maximum tax of 10 cents per litre for 30 years can be levied. No more than 5 cents per litre can be applied to roading projects.
- The boundaries for the levying of regional fuel taxes are yet to be defined but could be based upon regional council boundaries though this may be too restrictive.
- There are concerns over the accuracy of fuel usage data and forecasts to enable cash flows to be calculated with any certainty.
- There is an issue as to whose books any debt raised under the scheme should be reflected. Should this be the Region (given the regional significance requirement) or the territorial local authority in whose district part or all of the physical work will reside?

#### ***Passenger Transport Investment***

Investment of \$600 million into rail has been signalled. The split between Auckland and Wellington hasn't been announced but is likely to be \$500 million to Auckland and \$100 million to Wellington.

#### ***Transit NZ***

Allocated an additional \$145 million for cost escalations to approved programme.

#### ***Walking & Cycling***

Budget indicated and increase from approximately \$19 million to \$27 million in the coming year.

#### ***Financial Assistance Rate***

Not mentioned so can assume that it isn't a transport priority for Government at this time. *Local Government New Zealand* has sent a letter expressing concern to the Minister of Transport and has also put this item on the next Central/Local Government forum agenda.

#### ***Next Steps Review***

This review announced in February 2007 was the follow on consequence of the Ministerial Advisory Group report. The scope of change envisaged when the Review outcomes were released on 25<sup>th</sup> May 2007 went significantly beyond what most pundits were picking.

As a consequence there is still much detail to be worked through but there are also some significant potential impacts for the local government sector. The issues are addressed in no particular order:

- A Government Policy Statement (GPS) will be prepared and consulted upon on a three yearly basis. This will signal government priorities at a high level and may signal specific regional initiatives that Government will pursue over that period. FED and RUC levels to be set as part of the GPS.

- National Land Transport Programme to become three yearly forecasts.
- New transport agency (possibly to be called Land Transport Authority) responsible for developing the NLTP to give effect to the GPS. It is to be a single Crown Entity which will include a “business unit” to deliver the state highway programme (currently the function of Transit New Zealand).
- Regional councils through arrangements such as the regional land transport committees will be responsible for prioritising all regional transport funding including state highways and territorial local authority subsidised road programmes. This will be done consistent with regional land transport strategies.
- Only activities included in a regional land transport programme will be eligible for funding through the National Land Transport Programme.
- There is to be a review of composition of regional land transport committees.
- Draft legislation to enable these changes is due to be completed within a couple of months. Timeframes are tight.

Quite clearly there are some significant relationship issues between regional and territorial local government to be worked through in order to ensure decision-making around prioritisation isn't seen as being hierarchical.

It is not clear how priorities will affect State Highway Network, currently this is independently prepared. How will the proposals enable a better integration between the state highway network and local road network?

Current funding arrangements mean that territorial authorities land transport programmes are limited by their rating base. How will issues of affordability and equity between contributors be addressed in setting regional Land Transport programmes?

Similarly there may also be issues which need to be resolved in terms of the Local Government Act 2002 section 16.

There are issues of capacity and capability in terms of having the skills and experience to develop and prioritise regional land transport plans which need to be resolved.

There is also the philosophical conundrum to be resolved in that the economic and governance theory which guided the split of funder and service deliverer (Land Transport NZ/Transit NZ split in 2004) is now seen as no longer valid. Until accountabilities can be clearly defined and demonstrated local government must remain wary that the merge will result in transparent decision-making.

### ***Summary***

*Local Government New Zealand* is aware of the concerns that these issues are raising for the sector and we have signalled a strong interest in ensuring that the engagement between the local government sector and the Ministry of Transport is through the *Local Government New Zealand* transport reference group. If we are able to secure this avenue of communication then we will be better able to inform you of the issues as they arise and communicate concerns on your behalf.

At present we are aware of the Ministry of Transport working directly with specific interest groups within local government rather than with the sector as a whole. In these circumstances we have already made it clear that the views being expressed in those forums don't represent the local government view.

## How Might It Look - Planning Relationships

