

Exemptions and Objections Committee Agenda

Date: Wednesday, 11 September, 2019

Time: 11:00 am

Location: Committee Room 1
Forum North, Rust Avenue
Whangarei

Elected Members: Cr Greg Innes (Chairperson)
Her Worship the Mayor Sheryl Mai
Cr Shelley Deeming
Cr Sue Glen

For any queries regarding this meeting please contact
the Whangarei District Council on (09) 430-4200.

1. Declarations of Interest	
2. Apologies	
3. Confirmation of Minutes of Previous Exemptions and Objections Committee Meeting	
3.1 Minutes Exemptions and Objections Committee Meeting held 14 August 2019	3
4. Decision Reports	
4.1 Application from the Whangarei RSA Inc to Relocate 9 Gaming Machines	7
5. Closure of Meeting	

Exemptions and Objections Committee – Terms of Reference

Parent Committee: **Planning and Development Committee**

Membership

Chairperson: Councillor Greg Innes

Members: Her Worship the Mayor Sheryl Mai
Councillors Shelley Deeming, Sue Glen

Meetings: As required.
The relevant legislative requirements shall be taken into consideration when setting meeting dates.

Quorum: **2**

Purpose

To hear and determine objections, appeals and applications in respect of the regulatory functions and responsibilities of Council.

Delegations

- Hear and decide s357 objections under the Resource Management Act where staff recommend decline.
- Determine and grant of Territorial Authority consents under S100 of the Gambling Act 2003 (as it relates to Class 4 Gambling Venues) and s65C of the Racing Act 2003 (as it relates to Board Venues).
- Determine applications for exemptions under the Fencing of Swimming Pools Act 1987.
- Consider objections relating to the classification of any dog as a dangerous dog under the Dog Control Act 1996.
- Power to consider an objection to classification as a menacing dog under s33A and s33C of the Dog Control Act 1996.
- Power to consider and determine an objection to any notice issued requiring abatement of a barking dog nuisance under s55 of the Dog Control Act 1996.
- Hear and determine appeals in respect of an invoice under Council's Development Contribution Policy (no ability to waiver).
- Hear and determine objections in respect to s120 of the Reserves Act 1977.
- Hear and determine statutory appeals or objections in respect to any matter where no specific delegation applies.

Item 3.1
Exemptions and Objections Committee Meeting Minutes

Date:	Wednesday, 14 August, 2019
Time:	11:00 a.m.
Location:	Council Chamber Forum North, Rust Avenue Whangarei
In Attendance	Cr Greg Innes (Chairperson) Her Worship the Mayor Sheryl Mai Cr Shelley Deeming Cr Sue Glen
Also present	Amy Abernethy (Objector) Don Hedges (Objector) Reiner Mussle (Manager Health and Bylaws) Nina Darling (Bylaws Co ordinator) Shaun Holland (Animal Control Officer Armouguard)
Scribe	C Brindle (Senior Democracy Adviser)

1. Declarations of Interest

There were no declarations of interest made.

2. Apologies

There were no apologies.

3. Confirmation of Minutes of Previous Exemptions and Objections Committee Meeting
**3.1 Minutes Exemptions and Objections Committee meeting held
16 October 2018**

Moved By Cr Shelley Deeming

Seconded By Her Worship the Mayor

That the minutes of the Exemptions and Objections Committee meeting held on Tuesday 16 October 2018, having been circulated, be taken as read and now confirmed and adopted as a true and correct record of proceedings of that meeting.

Carried

4. Decision Reports

4.1 Objection to Menacing Dog Classification

The Committee heard the objection.

Moved By Cr Greg Innes

Seconded By Cr Shelley Deeming

That the Committee having heard the objection to the menacing dog classification, reserve their decision until such time as the Committee has considered the evidence and all relevant matters and the Committee's decision be issued in due course.

Carried

The Chairman closed the hearing.

4.2 Objection to Probationary Ownership

Moved By Her Worship the Mayor

Seconded By Cr Greg Innes

That the Committee hear the objection to the classification as probationary owner.

Carried

The Committee heard the objection.

Further motion

Moved By Her Worship the Mayor

Seconded By Cr Sue Glen

That the Committee's decision on the probationary owner classification be reserved until such time as the Committee has considered the evidence and all relevant matters and the Committee's decision be issued in due course.

Carried

The Chairman closed the hearing.

The meeting adjourned at 12.26pm and reconvened at 12.45pm. The Committee commenced deliberations following the break.

The Committee deliberated on the matters heard.

RESOLVED

4.1 Objection to Menacing Dog Classification

Moved By Cr Greg Innes

Seconded By Cr Sue Glen

That the Committee, having considered all of the evidence placed before it, determines that the menacing dog classification imposed on the dog 'Star' owned by Amy Abernathy on 23 April 2019, be **upheld**.

Carried

4.2 Objection to Probationary Ownership Classification

Moved By Cr Greg Innes

Seconded By Cr Shelley Deeming

That the Committee, having considered all of the evidence placed before it determines that the probation owner classification imposed on Don Hedges, be **upheld**.

Carried

5. Public Excluded Business

There was no business conducted in public excluded.

6. Closure of Meeting

The meeting concluded at 1.03pm.

Confirmed this 11th day of September 2019

Councillor Greg Innes (Chairperson)

4.1 Relocation of gaming machines to 12-14 Hannah Street, Whangarei – Submission and determination hearing

Reporting officer: Reiner Mussle (Manager, Health and Bylaws)

Date of meeting: 11 September 2019

1 Purpose

To hear a submissions on an application by the Whangarei Returned and Services Association Incorporated to relocate gaming machines to new premises and to consider and determine the application.

2 Recommendations

That the Committee:

- a) Receive the submissions made on the application by the Whangarei Returned and Services Association Incorporated to relocate gaming machines to new premises and hear from those submitters wishing to be heard.

Following deliberations:

- b) Determines that the application from the Whangarei Returned and Services Association Incorporated to relocate nine (9) gaming machines to 12 – 16 Hannah Street, Whangarei, be **either** granted or declined.

3 Background

On 16 October 2018 and under section 100 of the Gambling Act 2003 (Act), Council's Exemptions and Objections Committee heard and granted an unopposed application to the Whangarei Returned and Services Association Incorporated (the RSA) to relocate nine (9) gaming machines from their current premises at 9 Rust Avenue to their new premises at 12-16 Hannah Street, Whangarei. (**attachment 1**)

Section 100(5) of the Act states that a territorial authority consent for a class 4 venue expires 6 months after its date of issue if no application for a class 4 venue licence in relation to the venue has been submitted to the Secretary for Internal Affairs.

The RSA informed that it did not apply to the Secretary for Internal Affairs for a class 4 venue licence in relation to the new premises within 6 months of the issue of the territorial authority consent i.e. by 16 April 2019.

As the territorial consent has expired, it is not possible for Council to simply “reissue” a territorial consent and the RSA needed to apply for a new territorial consent under section 99 of the Act and the Whangarei District Council Class 4 Gambling Venue Policy.

Therefore, on 10 July 2019, Jarrod True from True Legal Limited on behalf of the Whangarei Returned and Services Association Incorporated reapplied for consent to relocate nine (9) gaming machines to their new premises at 12 – 16 Hannah Street, Whangarei. **(attachment 2)**

Council’s Class 4 Gambling Venue Policy (the Policy), as amended, prescribes an application process, which includes a consultation requirement, to relocate class 4 venues. **(attachment 3)**

The new application again fully complies with the Policy provisions.

The application was publicly notified, as required under the Policy. Council invited submissions on the proposal, between 17 July 2019 and 4pm on 15 August 2019.

4 Discussion

At the conclusion of the submission period, Council had received one (1) written submission in support of the application. No submissions in opposition to the application were received.

The written submission in support of the application received from True Legal Limited, on behalf of the applicant, provides further arguments why the application should be granted, including signed statements from six (6) nearby property owners in support of the relocation. The submission also highlights the wish of Chris Harold, club president and Jarrod True, club solicitor, “to make a presentation at the upcoming oral hearing” of the application. **(attachment 4)**

5 Next Steps

Councillors will hear the submitters, Jarrod True and Chris Harold on behalf of the applicant, in support of the application and consider the submissions.

Considering that the application fully satisfies the Policy provisions and not having attracted any matters in opposition, staff recommend that the application be granted.

6 Significance and engagement

The decisions or matters of this Agenda do not trigger the significance criteria outlined in Council’s Significance and Engagement Policy, and the public will be informed via the agenda publication on Council’s website

7 Attachments

1. Original territorial consent dated 16 October 2018 (expired)
2. Consent application dated 10 July 2019
3. Council’s Class 4 Gambling Venue Policy
4. Submission in support of the application

**Report and Decision of the Whangarei District Council
 through its Exemptions and Objections Committee Meeting held in the
 Council Chambers, Forum North, Whangarei on 16 October 2018,
 commencing at 1.00pm**

A Committee of the Whangarei District Council was convened to determine an application lodged by the Whangarei Returned and Services Association Incorporated for the Relocation of gaming machines to 12-16 Hannah Street, Whangarei.

Present	Hearings Committee Jarrod True - agent for applicant Chris Harold - RSA President Several unnamed RSA members and interested parties in the gallery
Applicant	Whangarei Returned and Services Association Incorporated represented by Jarrod True from True Legal Limited
Consent Authority	Whangarei District Council
In Attendance	Reiner Mussle (Manager Health and Bylaws) C Brindle (Senior Meeting Co-ordinator)

1 Objection

There were no objections submitted or recorded against the application.

2 Presentation of objection

Not applicable

3 Staff report

The staff report was taken as read and the Manager Health and Bylaws summarised the report by stating that the application fully complied with the relevant policy and that only submissions in support to the application had been received.

The committee determined

That the application from the Whangarei Returned and Services Association Incorporated to relocate nine gaming machines to 12 – 16 Hannah Street, Whangarei, be granted for the following reasons:

- a) The application complies with the Whangarei District Council Class 4 Gambling Venue Policy.
- b) The application will not have a negative impact on the character of the area.
- c) The proposed reduction in the number of gaming machines from 14 to 9, in a safe and well managed environment, meets the needs of Council's Class 4 Gambling Policy.

Issued this 16th day of October 2018


 Councilor Greg Innes
 Chairperson

TRUE LEGAL

Specialist legal advisors.

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Portland Park Business Centre
First Floor, TVC Building
697B Wairere Drive, Hamilton
Jarrod.True@truelegal.co.nz
027 452 7763
truelegal.co.nz

10 July 2019

Email: Reiner.Mussle@wdc.govt.nz

Whangarei District Council
Private Bag 9023
WHANGAREI 0148

Attention: Reiner Mussle

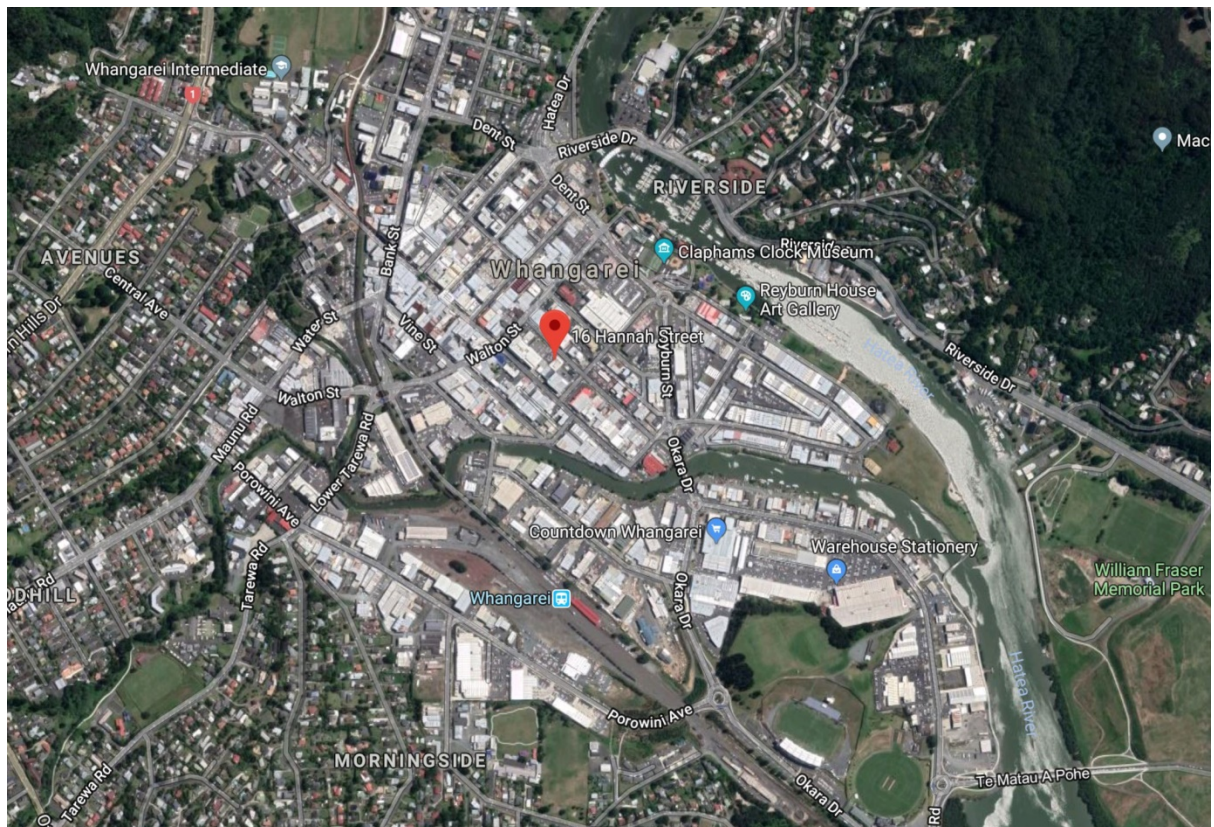
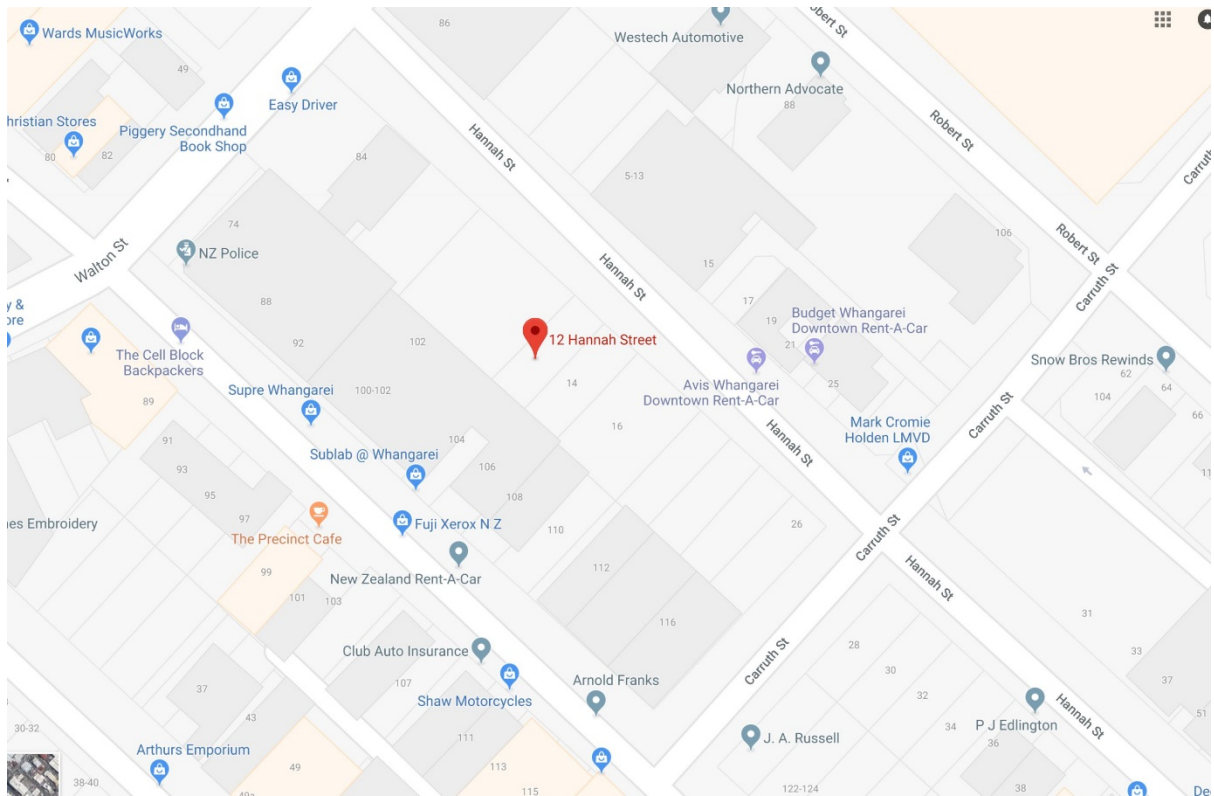
Resubmitted Application to Relocate 9 Gaming Machines From 9 Rust Ave, Whangarei to 12-16 Hannah Street, Whangarei – Whangarei Returned and Services Association Inc

Need for Fresh Application

1. I act for the Whangarei Returned and Services Association Inc ("the RSA"). On 26 June 2018, the RSA sought consent to relocate 9 of its 14 gaming machines from 9 Rust Ave, Whangarei to its new premises at 12-16 Hannah Street, Whangarei as part of the RSA's relocation. After a full public consultation public process and public hearing, the consent was granted on 18 October 2018 (decision enclosed).
2. Gambling venue consents expire after six months: s 100(5) of the Gambling Act. The prior consent has now expired. A fresh consent is sought. The application is identical to the original application that was made and unanimously approved.
3. The RSA wishes to undertake the physical relocation in December 2019 or January 2020.

Application Information

4. The maps and photo below show the new site.





5. Clause 3 of council's gambling venue policy permits the relocation of gaming venues, but limits the maximum number of machines at the relocated site to 9. The club accepts that its machine numbers will reduce from 14 to 9 as a consequence of the relocation.
6. The relocation is due to circumstances beyond the control of the RSA. The current premises at 9 Rust Ave were built in the 1940s. The building is no longer suitable to host the RSA due to its poor condition. The current building is in need of a new roof, new spouting, and extensive interior renovations. The physical condition of the current building has meant that the RSA cannot continue to operate at the site.
7. The current building is to be demolished and the site redeveloped. Council has purchased the land. It is understood that council intends to redevelop the site for new council offices or a new theatre. The RSA has purchased replacement premises at 12-16 Hannah Street, Whangarei.
8. The prior application was reviewed by council and held to have met the relocation policy criteria.
9. I confirm that in accordance with clause 3.2(a) of the policy, the venue operator at the new site shall be the same as the venue operator at the site to be vacated. The current operator is the RSA. The new operator will be the RSA.
10. Clause 4.1 of the policy provides that relocated venues may only be established in a Business 1, Business 2, or a Business 4 Environment as defined under the Whangarei Operative District Plan. The new site is zoned Business 1.
11. The policy provides that all consent applications will be subject to public notification and be determined at a council hearing. Please proceed with the public notification and advise of the format of the notice that you require to be displayed in the window of the new site.
12. The applicant is the Whangarei Returned and Services Association Inc. The applicant's contact details are care of the writer. The venue name will be the "Whangarei RSA". The street address is 12-16 Hannah Street, Whangarei. Enclosed is a scale plan showing the gaming room and other activities. The venue management staff will be:
 - a. Angela Joy Thomas DOB 13/01/1972
 - b. Pamela Eva Chestnut DOB 28/08/1954

- c. Danielle McCallion DOB 01/06/1995
 - d. Edward Arthur Small DOB 28/05/1962
 - e. Diana Mary Rogers DOB 28/10/1969
13. The RSA will initially operate the following 9 gaming machines:
- a. Gaming machine serial number 01953231
 - b. Gaming machine serial number 01910071
 - c. Gaming machine serial number 01971073
 - d. Gaming machine serial number 01923649
 - e. Gaming machine serial number 01953462
 - f. Gaming machine serial number 01980101
 - g. Gaming machine serial number 01965790
 - h. Gaming machine serial number 01971074
 - i. Gaming machine serial number 01971077
14. The primary activity of the venue will not be the operation of gaming machines. The primary activity of the venue is a club (a safe place for social interaction). The floor plan shows the bar and restaurant area. The RSA will continue to have live country music, raffles, darts, pool, line dancing, and bingo. The RSA will continue to incorporate numerous adjuncts including a fishing club, rifle club, and women's section. The RSA will continue to provide a Welfare Officer who provides support services.
15. The RSA will hold a club liquor licence for the new premises.
16. No concern exists with the potential cumulative effects of additional gambling opportunities. When the current policy was adopted in April 2013 there were 24 gaming venues with 322 gaming machines in the Whangarei District. As at 31 March 2019, there were 19 gaming venues and 274 gaming machines. Class 4 gambling opportunities in the district are naturally reducing.
17. The current 14-machine site is a mere 655 metres (as the crow flies) from the new site. The relocation will result in the number of gaming machines in the vicinity decreasing by 5 (14 machines to 9 machines). The application is a relocation application, rather than an application to establish an entirely new and additional venue in the district. There will be no adverse social impact by allowing the machines. The machines, compared to the machines located at commercial bars, have a very modest turnover. The machines are operated by the RSA in a very responsible manner.
18. A certificate of compliance under the Resource Management Act 1991 has not been obtained. This will be duly assessed by council as part of the club liquor licence application.

Decision Criteria

19. Clauses 6.5 and 6.9 of the gambling venue policy set out the decision-making criteria. The clauses provide that the Committee shall have regard to the provisions of the Gambling Act 2003, the objectives of the gambling venue policy, the cumulative effects of additional

gambling, and the potential impact of the venue on the character of the area. Each point is addressed in turn.

Gambling Act 2003 Provisions

20. Granting the application meets the purpose and intent of the Gambling Act 2003. The Gambling Act 2003 was expressly amended in September 2013 to encourage and facilitate the relocation of existing venues. Section 97A of the Gambling Act 2003 now expressly deals with venue relocations.
21. The purpose of the Gambling Act 2003 is to:
 - a. Control the growth of gambling; and
 - b. Prevent and minimise harm from gambling, including problem gambling; and
 - c. Authorise some gambling and prohibit the rest; and
 - d. Facilitate responsible gambling; and
 - e. Ensure the integrity and fairness of games; and
 - f. Limit opportunities for crime or dishonesty associated with gambling and the conduct of gambling; and
 - g. Ensure that money from gambling benefits the community; and
 - h. Facilitate community involvement in decisions about the provision of gambling.
22. “Controlling the growth of gambling” is not a synonym for “reducing gambling”. Controlling the growth means to ensure that any expansion is not excessive. In the current case, no additional venue will be established, and the overall number of machines will reduce (14 machines down to 9 machines).
23. The harm from gambling will be minimised. The venue is a low turnover venue that has very high harm minimisation measures in place.
24. The machines will be operated in a club environment. Such an environment is recognised as being safer than the commercial bar environment. The culture that exists at the RSA is one of care and protection of the club’s members. The RSA will limit access to the premises to members and guests of members. This controlled access removes the ability to gamble anonymously. Club members are well known by the club staff. This makes it easier to identify a person who has a potential problem with their gambling and to intervene early.
25. The RSA has invested considerably in harm minimisation measures, including the ClubCare programme. The ClubCare programme is an industry-leading harm minimisation training package that was developed in conjunction with the Problem Gambling Foundation. The training includes a half-day training course.

26. The RSA staff attend the ClubCare face-to-face training annually. If a new RSA staff member is unable to immediately attend a half-day training session, the staff member undertakes the ClubCare online harm minimisation training course that has been developed as an intermediate step.
27. Granting the application will facilitate responsible gambling. The RSA has held a gaming licence for over 20 years without incident. The RSA is a very diligent and conscientious operator.
28. Granting the application will enable the RSA to continue to provide welfare support to its members and continue to provide a safe and welcoming place for social interaction, especially for senior members of the local community.
29. The gaming machines currently fund external grants such as the recent \$5,000.00 grant to Tikipunga High School to assist students with their trip to Vietnam; and internal grants such as funding for ANZAC and Armistice commemorations (including wreaths, advertising and monument repair). Permitting the gaming machines to operate at the new premises will enable this community support to continue.

Policy Objectives

30. The application meets the objectives of the gambling venue policy. Relocations are expressly permitted in the policy. The objective to control the growth of gambling is met. Granting the application will result in the number of gaming machines in the district reducing by 5. No additional gaming venue will be created (an existing venue will simply relocate a short distance). The objective of minimising harm is met. As set out above, the RSA is a very responsible host. Granting the application accords entirely with the objective of allowing those who choose to use class 4 gaming machines to do so in a safe and well-managed environment.

The Cumulative Effects of Additional Gambling

31. The current 14-machine site is a mere 655 metres (as the crow flies) from the new site. The relocation will result in the number of gaming machines in the vicinity decreasing by 5. The application is a relocation application, rather than an application to establish an entirely new and additional venue in the district. There will be no adverse cumulative effect by allowing the relocation; quite the opposite.

Potential Impact of the Venue on the Character of the Area

32. The relocation of 9 gaming machines to 12-16 Hannah Street will not have any negative impact on the character of the area. The site is zoned Business 1 and is surrounded by commercial premises (car rental premises, a car audio store, a photocopy store, car insurance premises, a farming supplies store, car dealerships, and a plumbing supplies store). The site is also located close to the Police Station. The Police are RSA service members. The site is centrally located in the heart of the CDB, a considerable distance from residential areas. The proposed site is ideal from a town planning perspective.

33. Contact has been made with the occupiers of the neighbouring properties close to the Hannah Street site. None of the occupiers have indicated that the relocation of the RSA (including 9 of its gaming machines) will adversely impact on the character of the area. All the feedback received has been positive. Enclosed are signed statements from the occupiers of the following properties confirming that the relocation of the RSA (with its gaming machines) will not negatively impact on the character of the local area:
- a. 5-13 Hannah Street (directly opposite the new RSA site);
 - b. 19 Hannah Street (directly opposite the new RSA site);
 - c. 23-27 Hannah Street;
 - d. 31 Hannah Street;
 - e. 42 Hannah Street; and
 - f. 84 Walton Street.
34. The machines will not be visible or audible from the street. The machines will be contained within a discreet gaming room inside the premises. Access to the premises is limited to members and guests of members who are accompanied by a member. The RSA members and guests are accustomed to the machines at the club; the RSA has hosted gaming machines at its clubrooms for over 20 years.
35. There are no sensitive land use sites in close proximity to the new site.

True Legal Limited

Jarrold True
Director

**Report and Decision of the Whangarei District Council
 through its Exemptions and Objections Committee Meeting held in the
 Council Chambers, Forum North, Whangarei on 16 October 2018,
 commencing at 1.00pm**

A Committee of the Whangarei District Council was convened to determine an application lodged by the Whangarei Returned and Services Association Incorporated for the Relocation of gaming machines to 12-16 Hannah Street, Whangarei.

Present	Hearings Committee Jarrod True - agent for applicant Chris Harold - RSA President Several unnamed RSA members and interested parties in the gallery
Applicant	Whangarei Returned and Services Association Incorporated represented by Jarrod True from True Legal Limited
Consent Authority	Whangarei District Council
In Attendance	Reiner Mussle (Manager Health and Bylaws) C Brindle (Senior Meeting Co-ordinator)

1 Objection

There were no objections submitted or recorded against the application.

2 Presentation of objection

Not applicable

3 Staff report

The staff report was taken as read and the Manager Health and Bylaws summarised the report by stating that the application fully complied with the relevant policy and that only submissions in support to the application had been received.

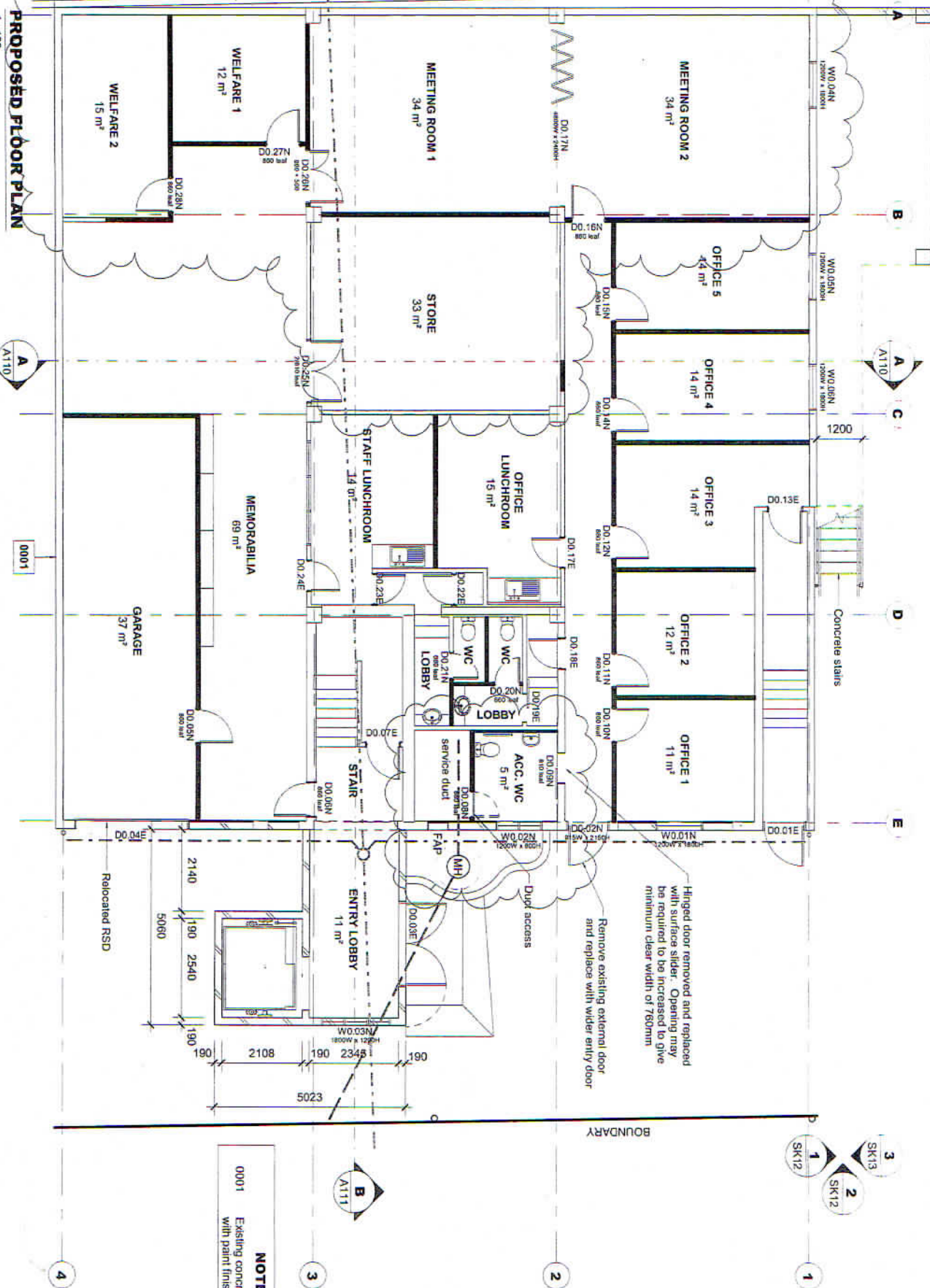
The committee determined

That the application from the Whangarei Returned and Services Association Incorporated to relocate nine gaming machines to 12 – 16 Hannah Street, Whangarei, be granted for the following reasons:

- The application complies with the Whangarei District Council Class 4 Gambling Venue Policy.
- The application will not have a negative impact on the character of the area.
- The proposed reduction in the number of gaming machines from 14 to 9, in a safe and well managed environment, meets the needs of Council's Class 4 Gambling Policy.

Issued this 16th day of October 2018


 Councillor Greg Innes
 Chairperson



PROPOSED FLOOR PLAN
1:100

0001

0001

Relocated RSD

0001

0001

0001

0001

Hawthorn Geddes
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CLIENT: WHANGAREI RETURNED AND SERVICES ASSOC.
PROJECT: NEW RSA PREMISES
16 HANNAH STREET, WHANGAREI
PROPOSED GROUND FLOOR PLAN

REVISIONS

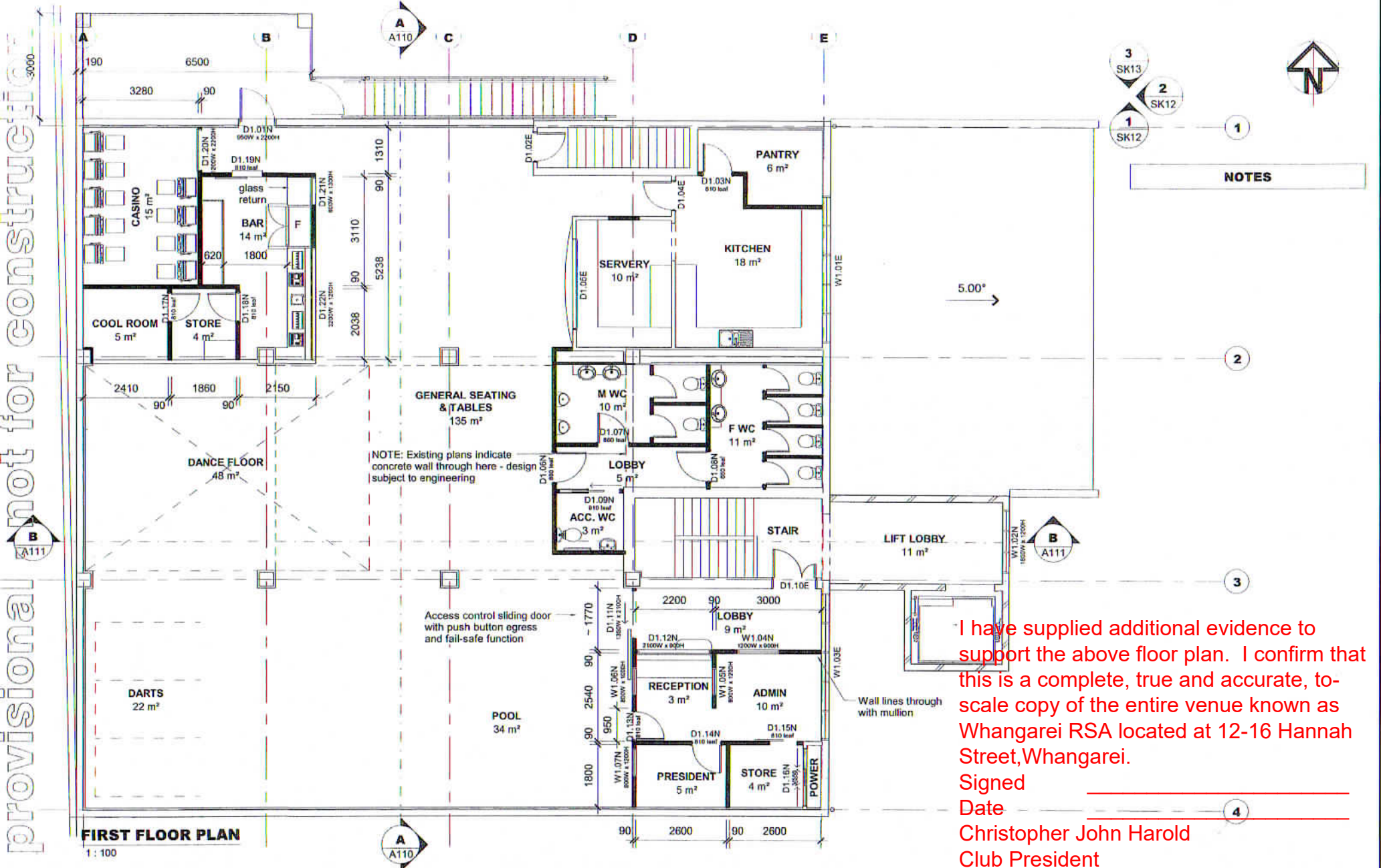
CONCEPT

PROJECT No. 11132

SCALE @ A3 AS SHOWN

13/06/19 8:53:13

K:11132 RSA Relocation to Mark Cromie Building Feasibility Study\11132-01a P4.rvt



BE READ IN CONJUNCTION WITH SPECIFICATION

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CLIENT **WHANGAREI RETURNED AND SERVICES ASSOC.**
PROJECT **NEW RSA PREMISES**
16 HANNAH STREET, WHANGAREI
DRAWING **PROPOSED FIRST FLOOR PLAN**

CONCEPT				SCALE @ A3 AS SHOWN
P4	BAR ITEMS SHOWN DOORS & WINDOWS LABELLED	TKH	13/08/19	PROJECT No 11132 SHEET SK11 REV. P4
P3	LIFT ABOVE BAR DEPTH REDUCED RECEPTION ALTERED	TKH	13/09/19	
P2	LIFT ABOVE BAR & CASINO LAYOUT RECEPTION EXTENDED	TKH	13/04/19	
P1	ISSUED FOR CLIENT COMMENT	TKH	13/07/19	
REV	REVISION DETAILS	BY	DATE	

Provisional - not for construction

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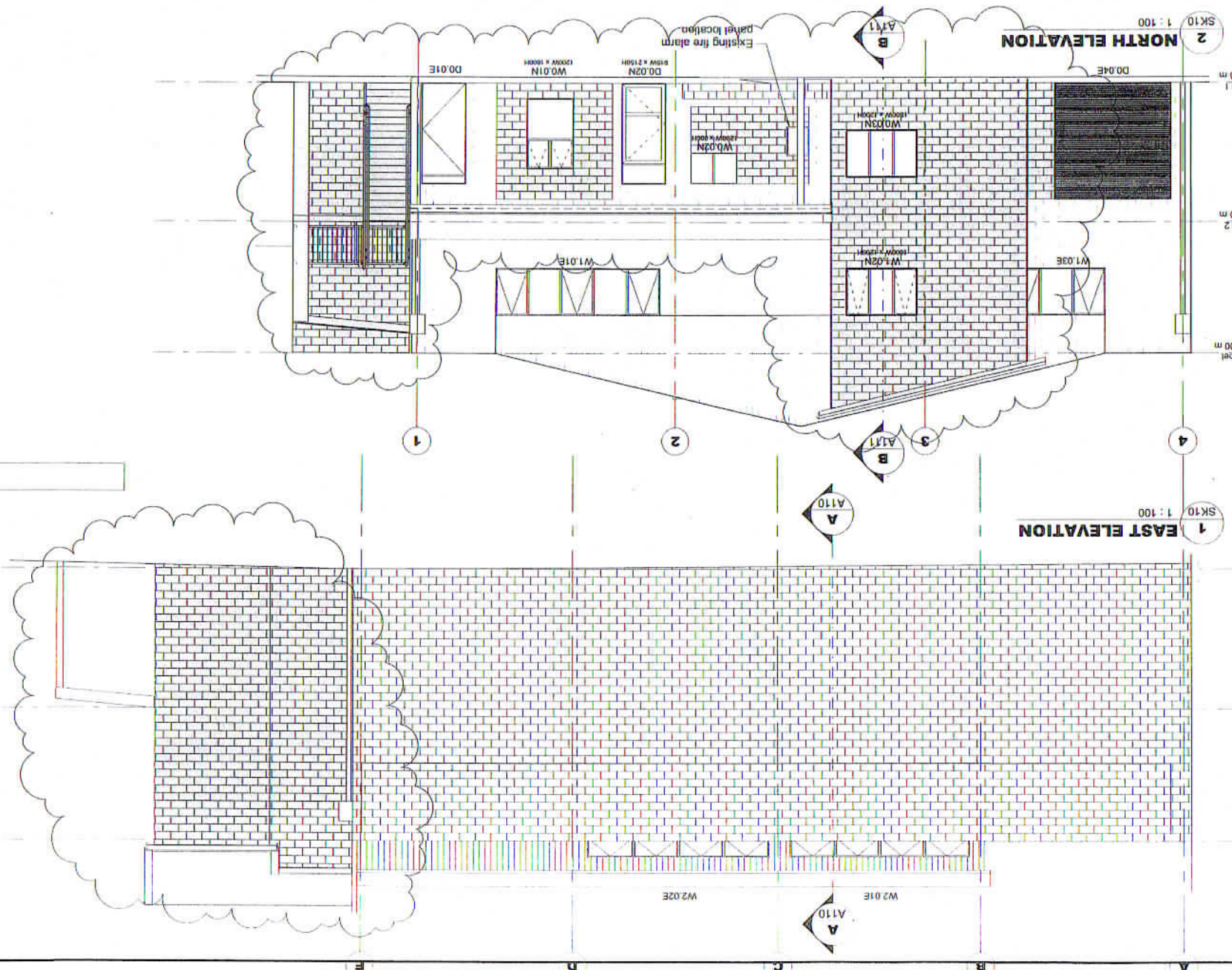
CLIENT: **WHANGAREI RETURNED AND SERVICES ASSOC.**
PROJECT: **NEW RSA PREMISES
16 HANNAH STREET, WHANGAREI**
DRAWING: **PROPOSED ELEVATIONS - SHEET 1**

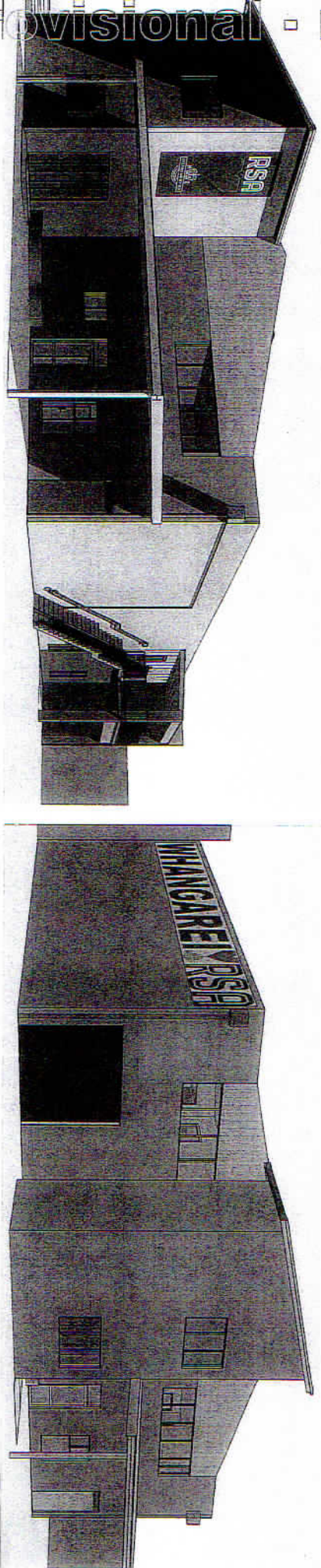
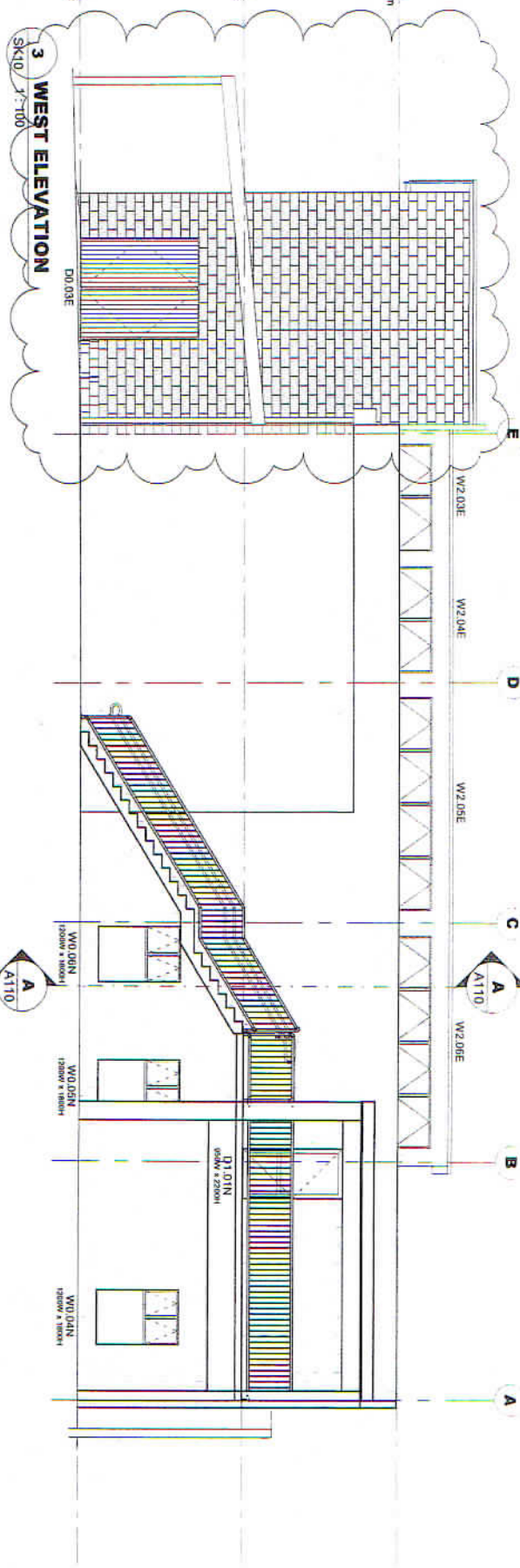
REV	REVISION DETAILS	BY	DATE
01	ISSUED FOR CLIENT COMMENT	TKH	18/04/19
02	LIST A ENTRY RECONFIGURED	TKH	19/04/19
03	CANOPY SHOWN - NEW BLOCKWORK INDICATED	TKH	19/04/19

APPROVED: **PHILLIP HIGHAM**
CHECKED: **TANYA H. FEB 2019**
PROJECT NO: **11132**
SHEET: **SK12 P4**

SCALE @ A3
AS SHOWN

NOTES





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CLIENT: **WHANGAREI RETURNED AND SERVICES ASSOC.**

PROJECT: **NEW RSA PREMISES**

16 HANNAH STREET, WHANGAREI

DRAWING: **PROPOSED ELEVATIONS - SHEET 2**

REV	REVISION DETAILS	DATE	BY	DATE	APPROVED	PROJECT NO	SCALE
P1	ISUED FOR CLIENT COMMENT	11/02/19	THH	11/02/19	THH	11132	AS SHOWN
P2	LEFT ABOVE, CANOPIES SHOWN	11/02/19	THH	11/02/19	THH	11132	AS SHOWN
P3	LEFT & ENTRY RECONFIGURED	11/02/19	THH	11/02/19	THH	11132	AS SHOWN
P4	CANOPY SHOWN, NEW BLOWDOWN INDICATED	11/02/19	THH	11/02/19	THH	11132	AS SHOWN

CONCEPT

DRAWN: TANYA H. FEB 2019

APPROVED: PHILIP HIGGINS

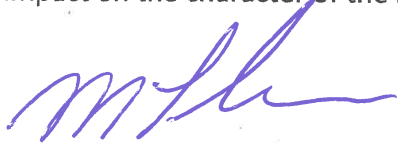
BY DATE

SHEET
SK13
P4

**Application to Relocate 9 Gaming Machines From 9 Rust Ave,
Whangarei to 12-16 Hannah Street, Whangarei – Whangarei
Returned and Services Association Inc**

I am an occupier of premises close to the new RSA site at 12-16 Hannah Street, Whangarei. I have no objection to the RSA relocating to the new site and bringing with it 9 gaming machines.

I do not consider that the relocation of the RSA (with its gaming machines) will negatively impact on the character of the local area.



Signed

Mark Lawrence CROMIE

Name

5-13 Hannah St

Address of nearby premises

2/Aug/2018

Date

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Whangarei to 12-16 Hannah Street, Whangarei – Whangarei
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Bench

Signed

BRIAN BENCH Car Audio

Name

How
2A MEMORIAL DRIVE (19 Hannah St.)

Address of nearby premises

12.9.2008

Date

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Signed

Mark Laurance CROMIE

Name

Avis Budget 23/27 Hannah st

Address of nearby premises

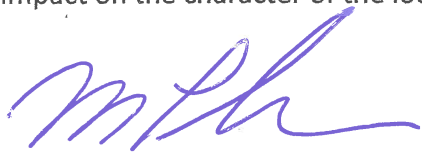
2/8/18

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Name

31 Hannah st Mark CROMIE Holden

Address of nearby premises

2/8/2018

Date

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Signed

Tared Dennis Signs
Name

42 Hannah St
Address of nearby premises

12/09/18
Date

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Signed

Tony Bender

Name

84 WALTON ST.

Address of nearby premises

12 - 9 - 18

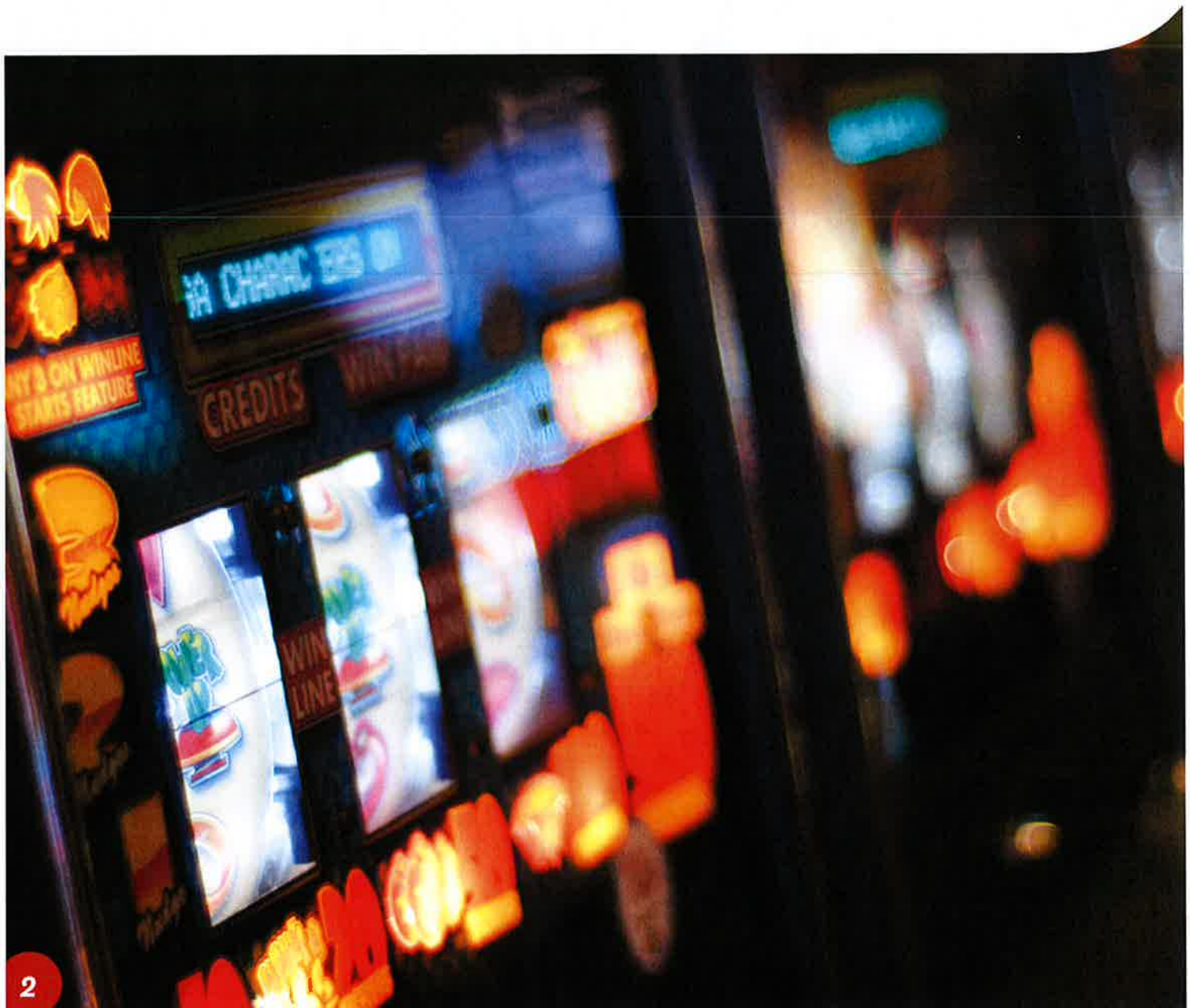
Date

BAYLEY REAL ESTATE

Class 4 Gambling Venue Policy

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1. Legislative requirement

- 1.1 Section 101 of the Gambling Act 2003 requires territorial authorities to adopt a policy on class 4 venues.

2. Objectives

- 2.1 To control the growth of class 4 gambling in the Whangarei District.
- 2.2 To minimise the harm caused by class 4 gambling in the Whangarei District.
- 2.3 To facilitate community involvement in decisions about the provision of class 4 gambling in the Whangarei District.
- 2.4 To allow those who choose to use class 4 gaming machines may do so in a safe and well managed environment.

3. Establishment of new class 4 venues

- 3.1 Whangarei District Council will not permit the establishment of new class 4 gambling venues in the Whangarei District.

4. Relocation of existing class 4 venues

- 4.1 Whangarei District Council may, in accordance with section 98(c) of the Gambling Act 2003, permit a class 4 venue to re-establish at a new site where:
- a. Due to circumstances beyond the control of the owner or lessee of the class 4 venue, the venue cannot continue to operate at the existing site. Examples of such circumstances include but are not limited to the following:
 - i. expiration of lease
 - ii. acquisition of property under the Public Works Act site redevelopment.
 - b. The new site is as a result of the approved merger of two or more clubs under section 95 of the Gambling Act 2003.
- 4.2 Any permission to relocate a class 4 venue will be subject to the following conditions:
- a. Except as provided for in 4.1 (b) above, the venue operator of the business at the new site shall be the same as the venue operator at the site to be vacated.

5. Where class 4 gambling venues may be established

- 5.1 Any class 4 venue may only be established in a Business 1, Business 2 or a Business 4 Environment as defined under the Whangarei District Plan.

6. Restrictions on the maximum number of machines that may be operated at a class 4 venue

- 6.1 Whangarei District Council will, under section 98(a) of the Gambling Act 2003, not consent to any increase in the number of class 4 gambling machines operated at a venue, specifically:
- for an application under section 92 of the Gambling Act 2003
 - for an application under section 93 of the Gambling Act 2003.

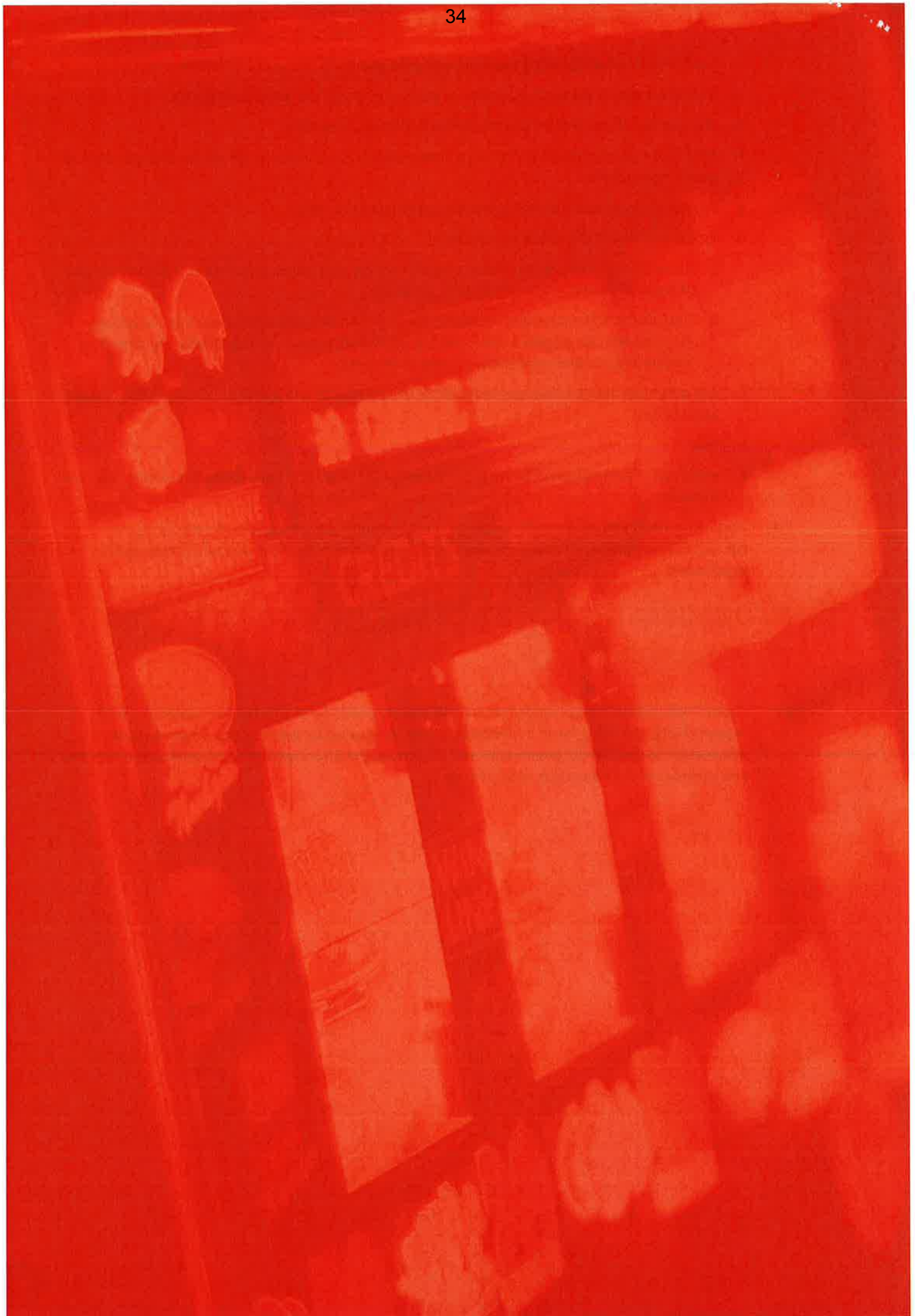
7. The territorial authority consent process

- 7.1 Any application for consent under this Policy to relocate a class 4 venue will be subject to public notification and determined after a Whangarei District Council hearing.
- 7.2 Whangarei District Council has delegated the power to consider and determine applications for a consent under this Policy, to the Licensing Exemptions and Objections Committee and during the terms of this Policy, Whangarei District Council may delegate such powers to such other committees as appropriate.
- 7.3 Submissions in writing shall be invited over a period of not less than 20 working days, with submitters invited to indicate if they wish to be heard on the hearing date. Working days shall have the same meaning as defined in terms of the Resource Management Act 1991.
- 7.4 The Committee shall consider all submissions, written and oral, and shall make a decision including reasons on the application. The Committee's decision shall be final.
- 7.5 Public notification shall be undertaken by Council as follows:
- by publication in a local newspaper circulating within the District
 - by way of a public notice displayed prominently in the window of the proposed venue or by signage on the venue site for the period during which submissions are open
 - by the notification in writing of owners and occupiers of any adjacent properties by notification in writing to any other person or party that Council considers necessary.
- 7.6 In considering an application under this Policy, the Committee shall have regard to the following matters:
- the potential cumulative effects of additional gambling opportunities in that location and the social impact within the District generally
 - the extent of the potential impact of the venue on the character of the area including the potential for negative effects on the operation, amenity or reasonable enjoyment of residential or other sensitive land uses in the area
 - the extent to which the application meets the objectives of the Whangarei District Council Class 4 Gambling Venue Policy and the purpose and intent of the Gambling Act 2003
 - any other matter that Council considers relevant and reasonably necessary to determine the application.
- 7.7 Applications for consent must be made on the approved form and must provide:
- name and contact details of the applicant
 - venue name and street address

- c. a scale plan drawn showing areas set aside for gambling and other activities
 - d. a location plan showing the location of the venue within the wider community
 - e. the number of machines that the applicant intends to operate
 - f. information demonstrating that the primary activity for the venue will not be the operation of gambling machines
 - g. details of any sale of alcohol licence(s) applying to the venue
 - h. an assessment of the following matters:
 - i. the potential cumulative effects of additional gambling opportunities in that location and the social impact within the District generally
 - ii. The extent of the potential impact of the venue on the character of the area including the potential for negative effects on the operation, amenity or reasonable enjoyment of residential or other sensitive land uses in the area.
 - i. any other information that may reasonably be required to allow proper consideration of the application
 - j. fees
 - k. evidence of compliance with the Whangarei District Plan, or a copy of the necessary Resource Consent.
- 7.8 Application fees will be set by Whangarei District Council in accordance with section 150 of the Local Government Act 2002 and shall include consideration of the cost of processing the application.

8. Promotion of gambling information to the community

- 8.1 Council will, within budget constraints, facilitate the provision of information promoting host responsibility, gambling harm minimisation, problem gambling services and other relevant information to the District community and the industry in an endeavour to contribute towards the achievement of the objectives of this Policy.





Whangarei RSA's Submission in Support of the Relocation of 9 Gaming Machines

Relocation Supported

The Whangarei Returned and Services Association Inc ("the RSA") supports the proposal to relocate 9 of the existing 14 gaming machines from 9 Rust Ave, Whangarei to 12-16 Hannah Street, Whangarei.

On 26 June 2018, the RSA sought consent to undertake the gaming machine relocation. After a full public consultation public process and public hearing, the consent was granted on 18 October 2018. The current application is identical to the original application that was made and unanimously approved.

The RSA wishes to undertake the physical relocation in December 2019 or January 2020.

Proposal Complies with the Policy

Council's policy expressly allows relocations. The application has been reviewed by senior council staff who have confirmed that the application meets the policy criteria.

Given that the policy allows for relocations, and the application meets the policy criteria, it is submitted that only in exceptional circumstances should such a relocation be declined. It is important that clubs and other venues that host gaming machines have commercial certainty and be able to make relocation decisions with confidence.

Care must be taken that the public hearing process does not evolve into a general debate about the merits of gaming machines and problem gambling. The current policy was developed after a full public consultation process. The policy allows relocations. Any debate regarding the merits of gaming machines and relocation policies in general should be reserved for the next full review of the gambling venue policy.

Decision Criteria

Clauses 6.5 and 6.9 of the gambling venue policy set out the decision-making criteria. The clauses provide that the Committee shall have regard to the provisions of the Gambling Act 2003, the objectives of the gambling venue policy, the cumulative effects of additional

gambling, and the potential impact of the venue on the character of the area. Each point is addressed in turn.

Gambling Act 2003 Provisions

Granting the application meets the purpose and intent of the Gambling Act 2003. The Gambling Act 2003 was expressly amended in September 2013 to encourage and facilitate the relocation of existing venues. Section 97A of the Gambling Act 2003 now expressly deals with venue relocations.

The purpose of the Gambling Act 2003 is to:

- a. Control the growth of gambling; and
- b. Prevent and minimise harm from gambling, including problem gambling; and
- c. Authorise some gambling and prohibit the rest; and
- d. Facilitate responsible gambling; and
- e. Ensure the integrity and fairness of games; and
- f. Limit opportunities for crime or dishonesty associated with gambling and the conduct of gambling; and
- g. Ensure that money from gambling benefits the community; and
- h. Facilitate community involvement in decisions about the provision of gambling.

“Controlling the growth of gambling” is not a synonym for “reducing gambling”. Controlling the growth means to ensure that any expansion is not excessive. In the current case, no additional venue will be established, and the overall number of machines will reduce (14 machines down to 9 machines).

The harm from gambling will be minimised. The venue is a low turnover venue that has very high harm minimisation measures in place.

The machines will be operated in a club environment. Such an environment is recognised as being safer than the commercial bar environment. The culture that exists at the RSA is one of care and protection of the club’s members. The RSA will limit access to the premises to members and guests of members. This controlled access removes the ability to gamble anonymously. Club members are well known by the club staff. This makes it easier to identify a person who has a potential problem with their gambling and to intervene early.

The RSA has invested considerably in harm minimisation measures, including the ClubCare programme. The ClubCare programme is an industry-leading harm minimisation training

package that was developed in conjunction with the Problem Gambling Foundation. The training includes a half-day training course.

The RSA staff attend the ClubCare face-to-face training annually. If a new RSA staff member is unable to immediately attend a half-day training session, the staff member undertakes the ClubCare online harm minimisation training course that has been developed as an intermediate step.

Granting the application will facilitate responsible gambling. The RSA has held a gaming licence for over 20 years without incident. The RSA is a very diligent and conscientious operator.

Granting the application will enable the RSA to continue to provide welfare support to its members and continue to provide a safe and welcoming place for social interaction, especially for the senior members of our community.

The gaming machines currently fund external grants such as the recent \$5,000.00 grant to Tikipunga High School to assist students with their trip to Vietnam; and internal grants such as funding for ANZAC and Amistice commemorations (wreaths, advertising, monument repair etc). Enabling the gaming machines to operate at the new premises will enable this community support to continue.

Policy Objectives

The application meets the objectives of the gambling venue policy. Relocations are expressly permitted in the policy. The objective to control the growth of gambling is met. Granting the application will result in the number of gaming machines in the district reducing by 5. No additional gaming venue will be created (an existing venue will simply relocate a short distance). The objective of minimising harm is met. As set out above, the RSA is a very responsible host. Granting the application accords entirely with the objective of allowing those who choose to use class 4 gaming machines to do so in a safe and well-managed environment.

The Cumulative Effects of Additional Gambling

The current 14-machine site is a mere 655 metres (as the crow flies) from the new site. The relocation will result in the number of gaming machines in the vicinity decreasing by 5. The application is a relocation application, rather than an application to establish an entirely new and additional venue in the district. There will be no adverse cumulative effect by allowing the relocation; quite the opposite.

Potential Impact of the Venue on the Character of the Area

The relocation of 9 gaming machines to 12-16 Hannah Street will not have any negative impact on the character of the area. The site is zoned Business 1 and is surrounded by commercial premises (car rental premises, a car audio store, a photocopy store, car insurance premises, a farming supplies store, car dealerships, and a plumbing supplies store). The site is also located close to the Police Station. The Police are RSA service members. The site is

centrally located in the heart of the CDB, a considerable distance from residential areas. The proposed site is ideal from a town planning perspective.

Contact has been made with the occupiers of the neighbouring properties close to the Hannah Street site. None of the occupiers have indicated that the relocation of the RSA (including 9 of its gaming machines) will adversely impact on the character of the area. All the feedback received has been positive. Enclosed are signed statements from the occupiers of the following properties confirming that the relocation of the RSA (with its gaming machines) will not negatively impact on the character of the local area:

- a. 5-13 Hannah Street (directly opposite the new RSA site);
- b. 19 Hannah Street (directly opposite the new RSA site);
- c. 23-27 Hannan Street;
- d. 31 Hannah Street;
- e. 42 Hannah Street; and
- f. 84 Walton Street.

The machines will not be visible or audible from the street. The machines will be contained within a discreet gaming room inside the premises. Access to the premises is limited to members and guests of members who are accompanied by a member. The RSA members and guests are accustomed to the machines at the club; the RSA has hosted gaming machines at its clubrooms for over 20 years.

There are no sensitive land use sites in close proximity to the new site.

Oral Hearing

The club wishes to make a presentation at the upcoming oral hearing. The presentation will be made by Jarrod True (club solicitor) and Chris Harold (club president).

11 July 2019

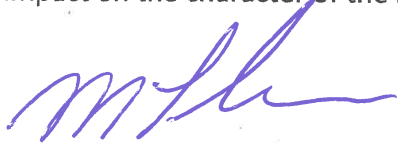
Jarrod True
Solicitor
027 452 7763
Jarrod.True@truelegal.co.nz

Chris Harold
President
027 497 4968
Chris@whangareirsa.co.nz

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Signed

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Name

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Address of nearby premises

2/Aug/2018

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BRIAN BENCH Car Audio

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Signed

Jared Dennis Signs
Name

42 Hannah St
Address of nearby premises

12/09/18
Date

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Signed

Tony Bender

Name

84 WALTON ST.

Address of nearby premises

12 - 9 - 18

Date

BAYLEY REAL ESTATE

RESOLUTION TO EXCLUDE THE PUBLIC

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

The general subject of each 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) of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution are as follows:

1.	The making available of information would be likely to unreasonably prejudice the commercial position of persons who are the subject of the information. {Section 7(2)(c)}
2.	To enable the council (the committee) to carry on without prejudice or disadvantage commercial negotiations. {(Section 7(2)(i))}.
3.	To protect the privacy of natural persons. {Section 7(2)(a)}.
4.	Publicity prior to successful prosecution of the individuals named would be contrary to the laws of natural justice and may constitute contempt of court. {Section 48(1)(b)}.
5.	To protect information which is the subject to an obligation of confidence, the publication of such information would be likely to prejudice the supply of information from the same source and it is in the public interest that such information should continue to be supplied. {Section 7(2)(c)(i)}.
6.	In order to maintain legal professional privilege. {Section 2(g)}.
7.	To enable the council to carry on without prejudice or disadvantage, negotiations {Section 7(2)(i)}.

Resolution to allow members of the public to remain

If the council/committee wishes members of the public to remain during discussion of confidential items the following additional recommendation will need to be passed:

Move/Second

"That _____ be permitted to remain at this meeting, after the public has been excluded, because of his/her/their knowledge of Item _____.

This knowledge, which will be of assistance in relation to the matter to be discussed, is relevant to that matter because _____.

Note:

Every resolution to exclude the public shall be put at a time when the meeting is open to the public.