



Date: Tuesday, 30 July 2024
Time: 1:30pm
Location: Council Chamber, Wairoa District Council,
Coronation Square, Wairoa

AGENDA

Late Reports

Ordinary Council Meeting

30 July 2024

MEMBERSHIP: His Worship the Mayor Craig Little, Cr Denise Eaglesome-Karekare, Cr Jeremy Harker, Cr Melissa Kaimoana, Cr Chaans Tumataroa-Clarke, Cr Benita Cairns, Cr Roslyn Thomas

The agenda and associated papers are also available on our website: www.wairoadc.govt.nz

For further information please contact us 06 838 7309 or by email info@wairoadc.govt.nz

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8 GENERAL ITEMS

8.1 COUNCIL BYLAW REVIEW PROGRAMME

Author: Michael West, Business Analyst

Authoriser: Gary Borg, Pouwhakarae - Putea Tautawhi Rangapu | Group Manager Finance and Corporate Support

Appendices: Nil

1. PURPOSE

- 1.1 This report provides information for Council on the setting up of a bylaw review programme to coordinate bylaws due for review or renewal and the proposed review schedule. No decisions are required by Council at this stage.
- 1.2 Council currently administers 10 bylaws, of these 3 were due for review or renewal in 2003 with the remaining 7 due for review or renewal in 2024. This paper provides a proposed schedule for reviewing current bylaws and proposed Council adoption dates.

RECOMMENDATION

The Business Analyst RECOMMENDS that Council receive the report.

2. BACKGROUND

- 2.1 A schedule of Council bylaws due for review or renewal has been lacking for some time due to staffing resources, as such current bylaws have not been reviewed at their expected review date.
- 2.2 A programme management approach is required to get the Bylaw review schedule on track to ensure all council bylaws meet current legislative requirements.
- 2.3 3 of the 10 bylaws currently in place were due for review or renewal in 2023, due to staffing resources and competing workloads these did not come to council and as such are now a priority. The remaining 7 Bylaws are also due for review or renewal by the end of this year hence the need for a programme management approach.
- 2.4 A functioning bylaw management programme will allow Council to meet its Economic and Environmental wellbeing outcomes.

3. BYLAW REVIEW PRIORTIES

- 3.1 As noted above there are 3 bylaws which missed review in 2023 and as such need urgent review. These are:
 - Land Transport Bylaw
 - Public Safety Bylaw
 - Dog Control Bylaw
- 3.2 **Land Transport Bylaw:** This bylaw came into force in September 2013 and covers a wide scope from speed limits to cattle stops. At first glance this bylaw may be too wide ranging in its current form.

- 3.3 **Public Safety Bylaw:** The Public Safety bylaw first came into force in 2007 and was last reviewed in 2019. At first glance this bylaw also appears to be a wide-ranging piece of legislation which may benefit from a review of its current scope.
- 3.4 **Dog Control Bylaw:** This bylaw came into force in 2011 and was last revised in October 2017. The Dog Control Policy was also revised at this time however this policy was scheduled for review in 2022. A review of both the Policy and Bylaw is expected to come to council before the end of this year.
- 3.5 At first glance the current bylaws do not follow a consistent format, these 3 bylaws will be the first set reviewed to ensure they are consistent, reflective of the current environment and are in line with current legislative requirements.

4. PROPOSED BYLAW REVIEW SCHEDULE

4.1 Proposed Bylaw Review Schedule

Bylaw	Review Start Date	Proposed Council Adoption date
Land Transport Bylaw	August 2024	October 2024
Public Safety Bylaw	August 2024	October 2024
Dog Control Bylaw	August 2024	October 2024
Freedom Camping Bylaw	September 2024	November 2024
Cemeteries Bylaw	September 2024	November 2024
Urban Fire Prevention Bylaw	October 2024	January 2025
Trade Waste Bylaw	October 2024	January 2025
Stormwater Bylaw	November 2024	February 2025
Wastewater Bylaw	November 2024	February 2025
Water Supply Bylaw	November 2024	February 2025

- 4.2 In the proposed schedule above each of the bylaw reviews will include a public consultation period before coming to council for adoption.
- 4.3 Given the uncertainty as to the Local Waters Done Well policy change and indications from Central Government that they expect this legislation to be passed in mid-2024, the reviews of the Stormwater, Wastewater and Water Supply bylaws have been scheduled for review at the end of this year with council adoption in early 2025.
- 4.4 It is proposed that the bylaw review programme is led by the Finance and Corporate Support Group following a programme management approach with actual bylaw content reviewed and rewritten the council departments directly impacted by each bylaw.

Further Information

Council Bylaws can be found on the Council Website at: www.wairoadc.govt.nz/documents-and-forms.

8.2 REVIEW OF CLASS 4 GAMING POLICY AND BOARD (T.A.B) POLICY

Author: Hinetaakoha Viriaere, Pouwhakarae - Whakamahere me te Waeture | Group Manager Planning and Regulatory

Authoriser: Kitea Tipuna, Tumu Whakarae Chief Executive

Appendices: 1. [Class 4 Gaming Venue Policy](#) ↓
2. [Board-\(T.A.B\) Policy](#) ↓

1. PURPOSE

- 1.1 For Council to consider the review of the existing Class 4 Gaming Venue Policy and the Board – (T.A.B) Venue Policy

RECOMMENDATION

The Pouwhakarae - Whakamahere me te Waeture | Group Manager Planning and Regulatory RECOMMENDS that Council commence a review of the existing Class 4 Gaming Venue and Board (T.A.B) Venue Policies.

2. BACKGROUND

- 2.1 Under the Gambling Act 2003, applicants for Class 4 gaming venue licenses must have the consent of the territorial authority in which the venue is, or will be, situated. In order to consider and determine applications for consent, territorial authorities are required by section 101 of the Act to have a policy specifying whether or not Class 4 venues may be established in their district, where Class 4 licensed venues may be located in the district, may specify any restrictions on the maximum number of gaming machines that may be operated at a class 4 venue; and may include a relocation policy. The current policy was previously reviewed on February 14th, 2017, and was adopted by Council at their meeting on the 10th of June 2014.
- 2.2 The Class 4 Gaming Venue Policy gives Council and the community influence over the location of venues, number of new venues, and number of new electronic gaming machines in the district.
- 2.3 The Board (T.A.B) Venue Policy gives Council and the community influence over the location of new T.A.B venues in the district.

3. CLASS 4 GAMING VENUE POLICY

- 3.1 Any change to the Class 4 Gaming Venue Policy would need to be consulted upon. Council is required to consult upon the policy in accordance with the legislative requirements to use special consultative procedure to adopt, amend or replace a policy under the Gambling Act 2003.

4. BOARD (T.A.B) VENUE POLICY

- 4.1 Any change to the Board T.A.B Venue Policy would need to be consulted upon. Council is required to consult upon the policy in accordance with the legislative requirements to use special consultative procedure to adopt, amend or replace a policy under the Racing Act 2003.

5. OPTIONS

- 5.1 The options identified are:

- a. Alternative policy proposal – Council to make changes to one or both of the policies and consult on proposed amendments to the policies.
 - b. Status quo – retain the status quo and consult on the existing attached policies as part of the review process under the Gambling Act 2003 and the Racing Act 2003.
- 5.2 If Council has a particular wish to amend any of the current provisions of these policies, then Option A is the best way forward. The community will still have a say on the Class 4 Gaming Venue and Board (T.A.B) Venue Policy review and will be consulted with in accordance with the Special Consultative Procedure regarding the existing policy and any proposed amendments.
- 5.3 There are some additional policy measures that Council could make that other local authorities have included in their policies. The impact of these would need to be looked at before being able to give advice on a specific measure desired by Council.

6. CONCLUSION

- 6.1 Council is asked to consider the review process for the Class 4 Gaming Venue and Board (T.A.B) Venue Policies, suggest any changes they wish to see, and commence the review process for the policies.

7. CORPORATE CONSIDERATIONS

Compliance with legislation and Council Policy

- 7.1 The review and use of the special consultative procedure when reviewing the Class 4 Gaming Venue and Board (T.A.B) Venue Policies will be required under the Gambling Act 2003 and Racing Act 2003.

What are the key benefits?

- a) Council meets their legislative requirements under the Gambling Act 2003 and Racing Act 2003.
- b) The community has a chance to voice their opinions and contribute to the policy and decision-making processes.

What is the cost?

Consultation costs to be confirmed. Currently Council has a vacancy in the Policy team, therefore due to current capacity, consultant support is likely required.

What is the saving?

N/A

Who has been consulted?

- 7.2.1 The Council previously consulted the community during the last review of both policies in 2017.
- 7.2.2 No communication or consultation has yet been undertaken.
- 7.2.3 The special consultative procedure is required under the relevant pieces of legislation.
- 7.2.4 Under the Act entities that represent Māori in the district are identified as parties which the Council must notify of the review of the policy.

Service delivery review.

N/A

Māori Standing Committee

This matter has not been referred to the committee.

8. SIGNIFICANCE

8.1 High Impact

8.2 The policies can be amended at any time by the Council if the parties in the Act are notified and the special consultative procedure is used.

9. RISK MANAGEMENT

9.1 There are no strategic risks identified in the implementation of the recommendation – there are risks if the Council chooses not to review the policies or does not follow the procedure outlined in the relevant legislation.

Further Information

- Gambling Act 2003
- Racing Act 2003

References (to or from other Committees)

- Council 14 February 2017 – Adoption of Class 4 Gaming Venue & Board (T.A.B) Venue Policies.

Confirmation of statutory compliance

In accordance with section 76 of the Local Government Act 2002, this report is approved as:

- a. containing sufficient information about the options and their benefits and costs, bearing in mind the significance of the decisions; and,
- b. is based on adequate knowledge about, and adequate consideration of, the views and preferences of affected and interested parties bearing in mind the significance of the decision.

CLASS 4 GAMING VENUE POLICY

ADOPTED 22 AUGUST 2017



TE WAIROA
WAIROA DISTRICT

PERSON RESPONSIBLE:	Chief Operations Officer	FILE REFERENCE:	118.01
CATEGORY:	Regulatory	STATUS:	FINAL
DATE POLICY ADOPTED:	22 August 2017	APPROVAL BY:	Council
REVIEW PERIOD:	3 years	NEXT REVIEW DUE BY:	August 2020
DATE PREVIOUSLY ADOPTED:	10 June 2014	REVISION NUMBER:	2

BACKGROUND

This Policy is made for the purposes of Section 101 of the Gambling Act 2003.

Under the Gambling Act 2003, applicants for Class 4 gaming venue licenses must have the consent of the territorial authority in which the venue is, or will be, situated. In order to consider and determine applications for consent, territorial authorities are required by the Act to have a policy specifying whether or not Class 4 venues may be established in their district, where Class 4 licensed venues may be located in the district, and may also place additional limits on the number of machines per venue, which the Act sets at nine.

This policy has been developed to enable the Council to consider and determine consent applications. As required by the Act, all decisions by Council to grant or decline consent must be made in accordance with this policy.

SCOPE OF THE POLICY

This policy covers Class 4 venues licensed under the Gambling Act 2003.

OBJECTIVES OF THE POLICY

- To ensure the Council and the community has influence over the location of new Class 4 gambling venues in the Wairoa District.
- To control the extent of Class 4 gambling within the Wairoa District in a manner which will prevent and minimise the potential harm caused by gambling, particularly problem gambling.

- To reduce the number of gaming machines in the Wairoa District to the extent that Council is empowered by the Gambling Act 2003.
- To recover costs where appropriate.

GOALS

The Council supports the primary objectives of the Gambling Act, which are to ensure that:

- Gambling is primarily used to raise funds for community purposes;
- The harm caused by gambling is prevented or minimised;
- Local involvement in decisions about the availability in communities of various forms of gambling is facilitated;
- The growth of gambling is controlled.

In terms of this policy, the objectives of the Council are to:

- Ensure that community input, via the Local Government Act 2002 Special Consultative Procedure, is sought from the Community in the preparation of the Policy.
- That gaming machines are located in appropriate venues.

GAMBLING VENUES

No further gaming machine venues to be established in the Wairoa District.

GAMING MACHINES

Council will NOT grant territorial authority consent to:

- Operate gaming machines at any venue not already operating machines; or
- Increase the number of gaming machines operating at an existing Class 4 venue above that licensed by the Department of Internal Affairs or granted territorial authority consent at the time of this policy coming into force; or
- Re-establish a Class 4 venue with gaming machines once a licence is no longer held for that venue and territorial authority consent is required.

Note: This situation usually applies when no licence has been held by any society for a particular venue within the previous six months.

RELOCATION OF CLASS 4 VENUES

Subject to the requirements of the Gambling Act 2003, Council may permit a class 4 gaming venues to re-establish to a new site where:

a) Due to the 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; or
- ii. Acquisition of property under the Public Works Act; or
- iii. Site redevelopment

Any permission to establish a new class 4 venue under this clause will be subject to the following conditions:

- iv. The venue operator of the business at the new site shall be the same venue operator at the site to be vacated;
- v. Subject to the requirements of the Gambling Act 2003, the maximum number of gaming machines shall be the same as approved at the time of closing the former premises.

Subject to the requirements of the Gambling Act 2003, clubs that rebuild or relocate may be allowed a maximum of the number of gaming machines approved at the time of closing of the former premises.

b) In the case of a club only, as defined in the Gambling Act 2003, Council will permit the relocation to a new site of a club. Where two or more existing clubs legally and physically combine into one, the resulting club may be allowed to operate the sum of the number of gaming machines specified in all Class 4 venue licences at the time of application or 24 machines whichever is the lesser.

PRIMARY ACTIVITY OF CLASS 4 GAMBLING VENUES

The primary activity of any Class 4 gambling venue shall be:

- For the sale of liquor or for liquor and food, or
- For sporting activities.
- For race and sports betting conducted at a TAB Board Venue.

APPLICATION FEES

These will be set by Wairoa District Council, and shall include consideration:

- The cost of processing the application, including any consultation and
- hearings involved;
- The cost of triennially reviewing the Class 4 (Gaming Machines) venue policy;

- The cost of inspecting Class 4 gambling venues on a regular basis to ensure compliance with consent or license conditions.

The application fee will be reviewed by Council as part of the Annual Plan Fees and Charges review.

POLICY REVIEW

This policy will be reviewed on a three-yearly basis.

This policy may be reviewed at any time where there is an urgent concern or request from the community.

10 PUBLIC EXCLUDED ITEMS

RESOLUTION TO EXCLUDE THE PUBLIC

RECOMMENDATION

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

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

General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Ground(s) under section 48 for the passing of this resolution
10.1 - Cost benefit analysis for changing supplier for library book purchases	s7(2)(b)(ii) - the withholding of the information is necessary to protect information where the making available of the information would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information	s48(1)(a)(i) - the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist under section 6 or section 7