



# MINUTES

## Ordinary Council Meeting Tuesday, 26 November 2019

Ref: 1299780

**Minutes of Timaru District Council  
Ordinary Council Meeting  
Held in the Council Chamber, District Council Building, King George Place, Timaru  
on Tuesday, 26 November 2019 at 9am**

**Present:** Mayor Nigel Bowen (Chairperson), Cllr Allan Booth, Cllr Peter Burt, Cllr Barbara Gilchrist, Cllr Richard Lyon, Cllr Gavin Oliver, Cllr Paddy O'Reilly, Cllr Sally Parker, Cllr Stu Piddington, Cllr Steve Wills

**In Attendance:** **Submitters – For Item 7.2**  
Hospitality New Zealand – South Canterbury – Anna Halliday and Kristy Phillips  
Trust Aoraki – Anne-Marie McRae and Irene Emond  
Gaming Machine Association of New Zealand – Jarrod True  
Pub Charity Limited – Martin Cheer  
Problem Gambling Foundation of New Zealand – Sarah Campagnolo

**Community Board Representatives**

Temuka Community Board - Gaye Broker  
Point Community Board - John McDonald  
Geraldine Community Board - Wayne O'Donnell

**Council Officers**

Chief Executive (Bede Carran), Group Manager Commercial and Strategy (Donna Cross), Group Manager Infrastructure (Ashley Harper), Group Manager Community Services (Sharon Taylor), Group Manager Environmental Services (Tracy Tierney), Group Manager People and Digital (Symon Leggett), Policy Analyst (Fabia Fox), Environmental Compliance Manager (Debbie Fortuin), Development Manager (Frazer Munro), Strategy and Corporate Planning Manager (Mark Low), Land Transport Manager (Andrew Dixon), Governance Advisor (Jo Doyle), Governance Support Officer (Joanne Brownie)

**Opening Prayer and Waiata**

Josh Taylor of St Johns Anglican Church offered a prayer for the work of the Council.

The meeting opened with the Timaru District Council waiata.

**1 Declaration by Councillor**

Stuart Bruce Piddington who as a result of the elections held during the period commencing on Friday 20 September 2019 and ending on Saturday 12 October 2019, was duly elected as a Councillor of the Timaru District, made and signed a declaration as required by the provisions of Clause 14, Schedule 7 of the Local Government Act 2002.

**2 Apologies**

There were no apologies.

### **3 Public Forum**

There was no public forum.

### **4 Identification of Urgent Business**

#### **Committee Resolution 2019/64**

Moved: Cr Sally Parker

Seconded: Cr Steve Wills

That a change to Council's representative on the Regional Transport Committee be considered as urgent business at this meeting.

**Carried**

### **5 Identification of Matters of a Minor Nature**

There were no matters of a minor nature.

### **6 Declarations of Conflicts of Interest**

The following conflicts of interest were declared –

- Mayor Bowen declared an interest in the Gambling Venue Policy consultation hearing due to his involvement with South Canterbury Football, and his business activities relating to the Hospitality Association.
- Clr Piddington declared an interest in the Gambling Venue Policy consultation hearing due to his involvement with the Board of Tennis South Canterbury.

The Mayor and Clr Piddington retired from the meeting chamber. The Deputy Mayor took the Chair.

### **7 Reports**

#### **7.2 Gambling Venue Policy Consultation Hearing**

The Council considered a report by the Policy Analyst and the Environmental Compliance Manager, together with the submissions received on the draft Gambling Venue Policy.

The following submitters spoke to their submissions:

#### **Hospitality New Zealand**

Kristy Phillips SC Branch President and Anna Halliday SC Branch Manager of Hospitality NZ congratulated Council on the fairness of the draft policy, then set out the concerns the organisation has with the policy.

Hospitality NZ does not support removing the exemption clause. The organisation would support discretion, they want a policy that will be fit for purpose. Ms Phillips and Halliday pointed out that 99% of the population does not have a gambling problem and the pokies are not the main reason for patrons being at the Association members' premises - people are there for food, drink and social interaction.

If regulations become too strict, people might turn to offshore gambling, which is unregulated, not monitored and has no limits on the amount spent, and with no benefit to the community from proceeds. To illustrate the offshore gambling activity, the meeting was informed that over an 18 month period, \$38m was spent on online gambling. Companies benefitting from overseas gambling are not contributing to the local community. Who will fill the funding gap if the beneficiary community organisations do not continue to receive funding from the gaming organisations?

There are advantages with registered premises as patrons are in an environment where people are looked after and the Department of Internal Affairs and Hospitality NZ have strong training programmes across the country. Also in smaller centres, business owners know their patrons.

In response to a question from Council, the meeting was advised that a portion of gambling proceeds is allocated to social agencies, the problem gambling levy and prevention.

### **Trust Aoraki**

Chairperson of the Trust Aoraki Board Anne-Marie McRae and General Manager Irene Emond presented Trust Aoraki's submission.

The sole aim of the Trust is to distribute funds to community groups, education, arts and sport. The Trust has 57 machines over 11 venues. The Trust's strategic vision is to provide support to community wellbeing, with all funds to go back to the community. It has distributed \$17m since the Trust's inception, with significant contributions made to Fraser Park, the Tennis Centre, SC Movement Centre and CBay.

The Trust is opposed to the removal of the venue establishment exemption clause as the Trust believes it will result in unfairness.

The Trust also opposes the sinking lid policy, would like the number of machines increased to 9, and an overall cap on machines across the District. Despite the reduction of gaming venues and the number of machines, there has been an increase in gaming machine proceeds in the District. The Trust submitted that there is no proof that a sinking lid policy would minimise harm but it could reduce community grant funding and ultimately community wellbeing.

### **Gambling Machine Association of New Zealand**

Jarrold True spoke in support of the Gambling Machine Association's submission, summarising the Association's main requests. The Association represents the majority of gaming machine operators in New Zealand.

Mr True advised that over 50 councils have adopted a relocation policy and the Association believes it is important to allow venues to be able to relocate (eg if new higher quality premises are built, which encourages better behaviour in the clientele and supports tourism).

People have always gambled and restricting gambling operations will not stop people from gambling - the Association believes that gamblers will move to offshore gambling operations if there are increased restrictions in New Zealand, and New Zealand will lose the current benefits that gambling brings to the community. At gambling venues there are trained staff and there are limits on the amount that can be gambled, which is not the case with online gambling.

The organisation is requesting that Council -

- Adopts a relocation policy.
- Retains the open policy on gaming machine numbers.
- Retains the location exemption clause.

- Removes the 7 machine per venue limit.

### **Pub Charity Limited**

Martin Cheer, Chief Executive of Pub Charity, explained that the organisation is the oldest gaming trust in NZ and has been operating in this district since 1987, operating 3 venues and 41 machines in the Timaru District. In the period from January 2018 to October 2019 Pub Charity has made donations of \$2m in the area.

The organisation generally supports the current policy but would like to see 9 machines being permitted per venue and relocations being allowed. The organisation opposes a sinking lid policy as it believes this will have no impact on gambling growth, and exposure to gaming machines is already falling in Timaru. Gambling machines in local areas are cash only, supervised and they generate benefits to the community. Further restrictions could result in the potential loss of the sustainability of the funding source.

### **Problem Gambling Foundation of NZ**

Sarah Campagnolo spoke on behalf of the Problem Gambling Foundation of NZ, noting that the Foundation acknowledges there are some good parts in the policy and supports a sinking lid policy but does not support allowing relocations.

Ms Campagnolo explained the negative effects of problem gambling which include mental health issues, domestic violence, substance abuse, problems at work, and breakdowns in relationships. The Foundation firmly believes that the decrease in pokie machine venues has had an impact on problem gambling not increasing. Most New Zealanders want a reduction in gambling machines, the machines are designed to be addictive, and when gamblers run out of money, some start stealing to fund their habit and in some instances the gambling leads to other social problems. It was also noted that there is a high suicide rate amongst people with addiction and 80-90% of people will not seek help due to the shame involved. There is also likely to be a large number of people who are problem gamblers that have not sought help.

The Foundation is working with the government to reduce harm from gambling activities.

### **Consideration of Submissions**

The Council then considered all the written and oral submissions made on the draft Gambling Venue Policy.

#### **Topic 1 Relocation Policy**

Council agreed that business owners should have the opportunity to apply for relocation of gambling machines as this could be justified in some cases. Council needs discretion to consider such situations on a case by case basis, with a decision to be made by the Environmental Services Committee.

Council **agreed** to establish a relocation policy, but require that applications for relocation of gambling machines be referred to the Environmental Services Committee for a decision, as it is considered to be a governance issue.

#### **Topic 2 Machine Cap**

Council was satisfied that there was no convincing evidence to justify increasing the number of machines per venue to 9.

Council **agreed** to retain the current policy of the 7 gambling machines per venue restriction with no overall cap on the number of machines across the District.

**Topic 3 Removing Exemption Clause**

Council **agreed** that an exemption clause be included with respect to location of venues, with applications to be referred to the Environmental Services Committee for a decision.

**Topic 4 Sinking Lid Clause**

Council noted the earlier discussion around a cap on the number of machines.

Council **agreed** that there be no sinking lid clause in the policy.

**Topic 5 Social Impact Assessment**

The Council noted that there could be benefits in undertaking a social impact assessment to ascertain the range of impacts of both gambling and Council's policy on the community but there has been no budget provision made for this work.

The Council **agreed** to consider budget provision for such an assessment at the next policy review.

**Summary**

- Support for relocation policy, requests for relocations requiring referral to the Environmental Services Committee to determine
- Retain limit of 7 gaming machines per venue
- No overall cap on the number of gaming machines in the District
- Retain exemption clause in relation to location of venues, requests for exemptions to be referred to the Environmental Services Committee.
- No sinking lid policy
- Budget for social impact assessment should be considered when policy next reviewed.

**Committee Resolution 2019/65**

Moved: Clr Steve Wills

Seconded: Clr Barbara Gilchrist

1. That Council receives and notes the written and oral submissions, and officer comments on the draft Gambling Venue Policy.
2. That Council provides the following direction to officers for the preparation of the final draft Gambling Venue Policy for adoption:
  - Support for relocation policy, requests for relocations requiring referral to the Environmental Services Committee to determine
  - Retain limit of 7 gaming machines per venue
  - No overall cap on the number of gaming machines in the District
  - Retain exemption clause in relation to location of venues, requests for exemptions to be referred to the Environmental Services Committee
  - No sinking lid policy
  - Budget for social impact assessment should be considered when policy next reviewed.

**Carried**

The Mayor and Cllr Piddington rejoined the meeting and the Mayor resumed the chair.

### **7.3 Dangerous, Affected and Insanitary Buildings Policy**

The Council considered a report by the Building Control Manager and Policy Analyst on the draft Dangerous, Affected and Insanitary Buildings Policy.

It was noted that in regards to Community and Public Health's request for Council to expand the current policy or develop procedures to address the approach taken when dealing with people inhabiting dangerous or insanitary properties, it is current Council practice to give consideration to health factors in these circumstances, but it was not considered necessary to include this in the policy. This approach was agreed to by Council, as Council is mindful of social issues and would provide information and be a conduit for referring people to appropriate services.

#### **Committee Resolution 2019/66**

Moved: Cllr Steve Wills

Seconded: Cllr Paddy O'Reilly

1. That Council receives and notes the submission received on the draft Dangerous, Affected and Insanitary Buildings Policy.
2. That Council adopts the Dangerous, Affected and Insanitary Buildings Policy as presented.

**Carried**

### **7.4 Local Approved Products Policy**

Council considered a report by the Environmental Compliance Manager and the Policy Analyst on the draft Local Approved Products Policy, together with the draft policy.

#### **Committee Resolution 2019/67**

Moved: Cllr Steve Wills

Seconded: Cllr Barbara Gilchrist

That Council adopts the Local Approved Products Policy as presented.

**Carried**

### **7.5 Re-establishment and Membership of Subcommittees and Other Groups**

The Council considered a report by the Mayor on the re-establishment and membership of subcommittees and other groups.

#### **Committee Resolution 2019/68**

Moved: Cllr Sally Parker

Seconded: Cllr Gavin Oliver

1. That Council establishes the Local Arts Scheme Subcommittee and the Sister Cities Subcommittee.

2. That Council approves the delegations and Membership for each of the Subcommittees as set out in Appendix A of the report.
3. That Council resolves that the Council's Delegations Manual be updated to include these Subcommittees and their delegations.

**Carried**

## **7.6 Appointments**

The Council considered a report by the Mayor on appointments to the Audit and Risk Committee, Regional Water Management Committee – Southern Zone and the Biosecurity Advisory Group – Southern Zone.

### **Committee Resolution 2019/69**

Moved: Cr Peter Burt

Seconded: Cr Paddy O'Reilly

That Cr Piddington be appointed to the Audit and Risk Committee.

**Carried**

### **Committee Resolution 2019/70**

Moved: Cr Richard Lyon

Seconded: Cr Sally Parker

That the Mayor be delegated authority to appoint to the Regional Water Management Committee – Southern Zone and to the Biosecurity Advisory Group – Southern Zone, in conjunction with the Mackenzie and Waimate District Councils.

**Carried**

## **7.7 City Hub Strategy - Project Steering Group membership**

The Council considered a report by the Development Manager on reconstituting the City Hub Strategy Project Steering Group as per the previously approved Terms of Reference, and the appointment of an elected member to the City Hub Strategy Project Steering Group.

Clarification was sought for the newer members of the Council as to the relationship and roles of the City Hub Strategy Project Steering Group and the Central Business District (CBD) group and how these two groups fit together.

It was explained that the steering group was initiated following a workshop which acknowledged the wide range of elements to the CBD revitalisation, and include matters that are both within and beyond Council's control. In order to enable landowners to be part of revitalising the CBD, there needs to be a collaborative approach between the different stakeholders and interest groups, to form a strategic vision. A project delivery manager will be appointed, there will consultation with all stakeholders, and the City Hub group will produce a vision document.

While the city hub group is primarily focussed on Timaru's CBD, there will be some commonalities that will have relevance to the rural communities. Also the Geraldine Community Board has had



some discussion on a strategy for Geraldine, therefore it would be appropriate to appoint someone from the Geraldine Community Board to be part of the City Hub Strategy Project Steering Group.

Clr Parker offered to stand down from the group to allow for new appointments, noting Clr Booth's previous involvement and interest in the CBD project, Clr Gilchrist's campaigning on CBD revitalisation and her community skills. Otherwise the composition of the Group remains unchanged.

#### **Committee Resolution 2019/71**

Moved: Clr Peter Burt

Seconded: Clr Sally Parker

- 1 That Council reconstitutes the City Hub Strategy Project Steering Group as per the previously approved Terms of Reference.
- 2 That Council appoints Clr Allan Booth and Clr Barbara Gilchrist, reappoints Clr Steve Wills and seeks a representative from the Geraldine Community Board to the City Hub Strategy Project Steering Group.

**Carried**

#### **7.8 Timaru District Holdings Limited - Appointment of Directors**

The Council considered a report by the Chief Executive, to confirm Council's approval, as shareholder of TDHL, for the re-appointment or continuation (as appropriate) of directors of TDHL.

The meeting was informed that external director Richie Smith is not seeking reappointment as he wishes to retire. Council noted the appointment at the Inaugural Council meeting of Nigel Bowen to the TDHL Board.

#### **Committee Resolution 2019/72**

Moved: Clr Peter Burt

Seconded: Cr Allan Booth

- a) That current directors Richard Lyon and Ian Fitzgerald be re-appointed as Directors of Timaru District Holdings Limited (TDHL) at the next Annual Meeting of TDHL (December 2019), with Mr Fitzgerald to continue as Chairperson.
- b) That Council notes that Nigel Bowen's directorship continues in the meantime.
- c) That the Chief Executive be authorised to execute, on behalf of Timaru District Council, any shareholder's resolution to give effect to the above.

**Carried**

**8 Consideration of Urgent Business Items****8.1 Regional Transport Committee Representative**

The Land Transport Manager informed the meeting that Cllr Parker, who was appointed as Council's representative on the Regional Transport Committee at the Inaugural Council meeting, cannot attend the RTC meetings due to other commitments and no alternative is permitted under the legislation. A replacement representative therefore needs to be appointed.

The meeting noted that the Mayor would be an appropriate representative as there are synergies with the RTC meeting timetable and it is general practice to have the Mayor represent Council on this committee.

**Committee Resolution 2019/73**

Moved: Cllr Peter Burt

Seconded: Cllr Barbara Gilchrist

That Mayor Nigel Bowen replace Cllr Sally Parker as Council's representative on the Regional Transport Committee.

**Carried**

**9 Consideration of Minor Nature Matters**

There were no minor nature matters to consider.

**10 Public Forum Items Requiring Consideration**

There were no public forum items.

**11 Public Excluded Reports**

There were no public excluded reports.

**The meeting closed at 11am.**

**Minutes Confirmed 10 December 2019**

**Mayor Nigel Bowen  
Chairperson**