

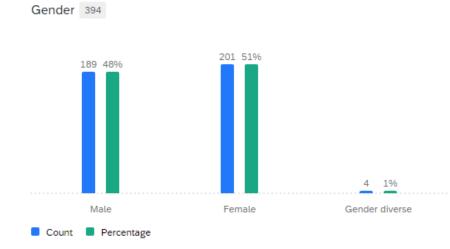
# ATTACHMENTS

## Strategy, Finance and Risk Committee meeting Separate Attachments 2

Monday, 13 November 2023

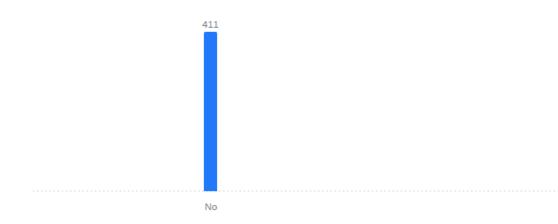
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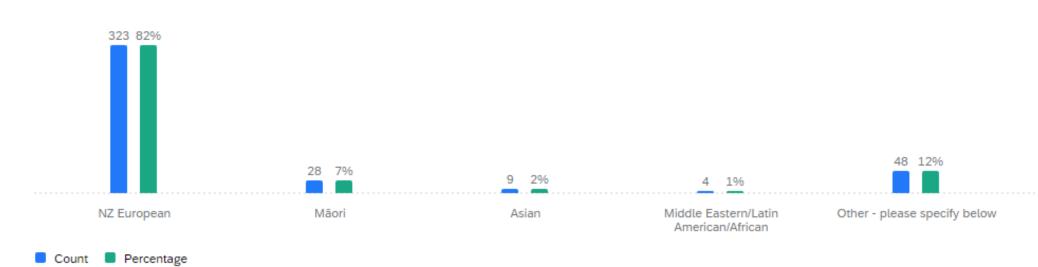


### Demographic information from submitters who provided the information

Are you making this submission on behalf of a business or organisation 444



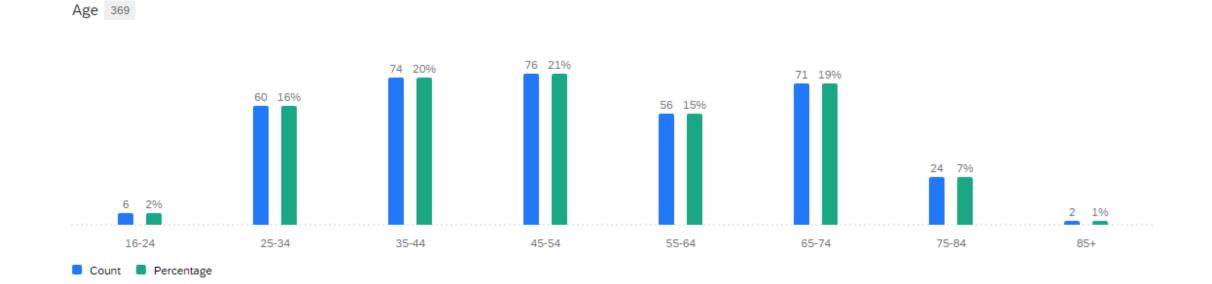
### Ethnicity 393



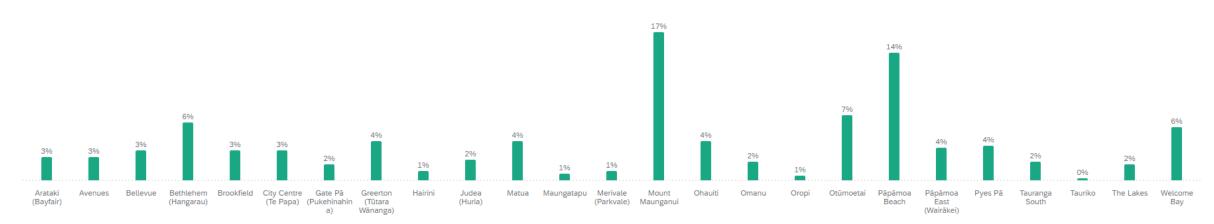


4 1%

Pacific peoples



Suburb 387





Gambling Venues and Street Use Policies, and Traffic & Parking Bylaw

We are suggesting a set of updates to our policies and bylaws on:

- if gambling venues should be allowed to move within certain criteria
- how public streets can be used by businesses and the community
- making street dining areas smoke and vape free
- supporting environmentally friendly berms
- clarifying the rules on second driveways
- making free parking fairer

We would like to know your thoughts on the proposed changes.

To get started, please choose one or more of the following policies or bylaws you would like to provide feedback on.

- Gambling Venues Policy
- Street Use Policy
- Traffic and Parking Bylaw

#### **Gambling Venues Policy**

We want to change the policy to allow gambling venues (also called 'pokies' or 'TABs') to move locations, within certain criteria, which the current policy doesn't allow. This change will not increase the number of places people can gamble in the city.

We are particularly keen to enable gambling venues to move out of areas where research tells us they are likely to do more harm. You can see these areas on the maps at the back of the survey.

How strongly do you agree, or disagree, we should allow gambling venues to move, so they can leave areas that research tells us they are likely to do more harm?

- Strongly agree
- Agree
- Neither agree nor disagree
- Disagree
- Strongly disagree
- Don't know / unsure

Can you share with us why you gave this answer?

Page 1 of 6



### Street Use Policy

Currently, some businesses pay to use public streets, and some don't.

We have suggested a change to the policy to help us consistently manage and charge how public streets are used, such as restaurants putting tables on the footpath, or with balconies that overhang the footpath used for dining. The charges are administration fees, rental fees and refundable bonds for any potential damage caused by businesses using these spaces, and this money contributes to the maintenance and improvement of the city's public spaces.

The proposed change covers four zones, and the charge for each zone will be set through the council's annual user fees and charges process. The zones group together streets with similar levels of popularity, use and vibrancy.

The zones are:

- City zone 1 Inner City Centre, South of Marsh Street to First Ave (inclusive)
- City zone 2 South City Centre, Second Ave to Eleventh Ave (inclusive)
- Mount zone 1 Mount Central, North of SH2, Hewletts Road and Golf Road (inclusive)
- Mount zone 2 Mount Mainstreet, Maunganui Road from Grace Road to Salisbury Avenue (inclusive)

You can see these zones in the attached maps at the back of this survey.

We want to make the policy fairer by phasing in charges over several years for businesses that benefit from public street spaces across these popular dining areas in the city centre and Mount Maunganui.

How strongly do you agree, or disagree, that we should phase in charges across the city for the businesses that use public streets and footpaths?

- Strongly agree
- Agree
- Neither agree nor disagree
- Disagree
- Strongly disagree
- Don't know / unsure

Can you share with us why you gave this answer?

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#### Street Use Policy (continued)

We think it's fair to make dining areas on our public streets and footpaths smoke and vape free, so that streets are places for everyone to enjoy.

How strongly do you agree, or disagree, that we should make public dining spaces smoke and vape free?

- Strongly agree
- Agree
- Neither agree nor disagree
- Disagree
- Strongly disagree
- Don't know / unsure

Can you share with us why you gave this answer?

Is there anything else you think we should consider if we put this policy in place?

Grass and other plants manage heavy rain and stormwater better than artificial grass. We suggest stating in the policy that residents should use environmentally friendly methods to manage berms outside their houses, rather than artificial grass.

How strongly do you agree, or disagree, that we should encourage residents to plant their berms, and stop using artificial turf?

- Strongly agree
- Agree
- Neither agree nor disagree
- Disagree
- Strongly disagree
- Don't know / unsure

Could you share with us why you gave this answer?

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### Traffic and Parking Bylaw

The current, standard rule is one vehicle crossing (driveway) per property. We suggest updating the bylaw to clarify that developers, and people wanting to add a second driveway, should check with the council first before going ahead. That way we can check if a second driveway is necessary, safe and offers a public benefit (such as putting a caravan off the street).

Do you think we should make it clear that council permission is required to create a second driveway?

- Strongly agree
- Agree
- Neither agree nor disagree
- Disagree
- Strongly disagree
- Don't know / unsure

Do you have any other thoughts on clarifying this rule about second driveways that you want to share?

Currently, our parking wardens manually monitor the free, timed car parks. By futureproofing the parking bylaw, we can potentially ask drivers to provide their car registration (rego) when parking in free, timed parks. Registration required parking is easier and more cost-effective to make sure that carparks are being used for the time period allowed.

We don't need this now, but we might in the future as our city grows. It's a useful tool to make sure drivers stick to the time limits and that car parks are more fairly available.

Do you think we should add an option in the bylaw for drivers to potentially provide their registration number for free, timed car parks?

- Strongly agree
- Agree
- Neither agree nor disagree
- Disagree
- Strongly Disagree
- Don't know / unsure

Do you have any other comments you would like to provide on this suggested parking management tool?

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Gambling Venues and Street Use Policies, and Traffic & Parking Bylaw

Would you like to provide any supporting documents?

O Yes

No

If you have any supporting documents, please attach / enclose it with this survey.

Please provide your contact details.

First name:	 	
Last name:		
Email:		
Email:	 	

Are you making this submission on behalf of a business or organisation?

Yes (please provide business / organisation name) \_

O No

#### Privacy statement

Written submissions may contain personal information within the meaning of the Privacy Act 2020. By taking part in this public submission process, submitters agree to any personal information (including names and contact details) in their submission being made available to the public as part of the consultation and decision-making process. Council may choose to redact information from submissions before making them public. You don't have to answer all the questions on the form except for those marked with an \*. If you don't answer the questions marked with an \*, we may be unable to contact you about your submission such as to arrange a time for you to speak to Council in support of your submission or update you on the outcome of your submission. All information collected will be held by Tauranga City Council, He Puna Manawa, 21 Devonport Road, Tauranga. Submitters have the right to request access to and correction of their personal information. For further information about this and our obligations and your rights under the Privacy Act 2020, please refer to <u>Tauranga City Council's privacy statement</u>.

### Tell us a bit more about yourself.

Age:					
$\bigcirc$	Under 16	$\bigcirc$	35-44	$\bigcirc$	65-74
$\bigcirc$	16-24	$\bigcirc$	45-54	$\bigcirc$	75-84
$\bigcirc$	25-34	$\bigcirc$	55-64	$\bigcirc$	85+

Gender:

Male

Female

Gender diverse

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Gambling Venues and Street Use Policies, and Traffic & Parking Bylaw

### Suburb:

- Arataki (Bayfair)
- Avenues
- Bellevue
- Bethlehem (Hangarau)
- Brookfield
- City Centre (Te Papa)
- Gate Pā (Pukehinahina)
- Greerton (Tūtara Wānanga)
- Hairini
- Judea (Huria)
- Kairua
- The Lakes
- Matapihi
- Matua
- Maungatapu
- Merivale (Parkvale)
- Mount Maunganui

### Ethnicity (select all that apply):

- NZ European
- Māori
- Pacific peoples
- Asian
- Middle Eastern/Latin American/African
- Other please specify below \_

How did you find out about the survey?

- Council flyer / letter dropped in my mailbox
- Council website Let's Talk Tauranga
- Council e-mail newsletter Let's Talk Tauranga
- Council social media council's Facebook page
- Council advertising posters, flyers, local radio, newspaper, website, billboards, etc
- Council drop-in sessions
- Article/story in the media e.g., radio, newspaper, website, etc
- Other social media local Facebook community groups, newspaper Facebook page, etc
- Word of mouth, friends & family, work colleagues, etc
- Other (please specify)

I'd like to be contacted to give feedback on other council projects and topics

- Ohauiti
- Omanawa
- Omanu
- Oropi
- Pāpāmoa Beach
- Pāpāmoa East (Wairākei)
- Pāpāmoa Hills (Waitao)
- Poike (Windermere)
- Sulphur Point
- Tauranga South
- Tauriko
- Te Maunga (Mangatawa)
- Waimapu
- Welcome Bay
- Other (please specify): \_

Otumoetai

- Pyes Pā

Sign up to stay informed.

### Statement of Proposal: Draft Traffic and Parking Bylaw 2023 Proposal

### This Statement of Proposal includes:

- the proposed changes to the Traffic and Parking Bylaw 2012
- the reasons for the proposed changes
- an outline of the local authority's determinations under section 155 of the Local Government Act 2002.

### Proposed Traffic and Parking Bylaw 2023

Council proposes to amend its existing Traffic and Parking Bylaw 2012.

The amended Traffic and Parking Bylaw is to be made under the Local Government Act 2002 and the Land Transport Act 1998 and forms part of this proposal.

### **Reason for Proposal**

The current Traffic and Parking Bylaw 2012 must be reviewed to remain valid, and this bylaw is now due for review under the Local Government Act 2002. The council proposes to retain most of the content of the Traffic and Parking Bylaw 2012 with the following amendments to:

- update references to legislative changes enacted since the 2012 Bylaw was made, and remove any redundant provisions now covered by other legislative changes, for example, the Land Transport (Setting of Speed Limits) Rule 2022
- clarify that installing a secondary vehicle crossing requires council approval
- introduce a registered parking option which would require people to register at a parking machine to use a registered parking space, or registered parking area (registered parking spaces or registered parking areas would be established by a Council resolution)
- make editorial changes for reasons of clarity and consistency.

### Legal Requirements

Under section 155 of the Local Government Act 2002, a council must, before commencing the process for making a bylaw, determine whether a bylaw is the most appropriate way of addressing the perceived problem. If it is, a council must determine whether the proposed bylaw is the most appropriate form of bylaw and whether it gives rise to any implications under the New Zealand Bill of Rights Act 1990.

Council is of the view proposed changes to the bylaw are the most appropriate means of addressing the issues of safety for secondary vehicle crossings and for setting and enforcing parking areas and spaces. Council is satisfied that the amended, proposed bylaw is the most appropriate form of bylaw. Other options such as taking an educational approach to issues, or not regulating traffic and parking were considered but determined to be inappropriate due to the need to ensure compliance for the safe and efficient working of the transport system.

Council has determined that the proposed bylaw is the most appropriate form of bylaw to address the perceived problems and does not give rise to any implications under the New Zealand Bill of Rights Act 1990.

In council's view the proposed bylaw:

- is authorised by the bylaw-making powers conferred on Council under the Local Government Act 2002 and the Land Transport Act 1998
- does not conflict with existing New Zealand law
- is not unreasonable.

### **Submissions**

The submissions period will run from **Wednesday 4 October 2023 until Saturday 4 November 2023**, with hearings and deliberations to be held in November/December 2023.

Full copies of the draft policy and submission forms are available from:

- Council's website at <u>www.tauranga.govt.nz/</u>
- Council's Customer Service Centre at He Puna Manawa 21 Devonport Road
- Council's Mount Hub 9 Prince Avenue
- Tauranga, Mount Maunganui, Greerton and Papamoa libraries
- contact policy@tauranga.govt.nz or 07 577 7000 with any queries.

### DRAFT TRAFFIC AND PARKING BYLAW 2018



First adopted	2007	Minute reference	M07/60
Revisions/amendments	October 2011	Minute reference	M12/68
	TBC		
Review date	This bylaw is to be reviewed 10 years after date of adoption		
Relevant legislation	This bylaw was made under the Local Government Act 2002		nment Act 2002

This Bylaw is made under the Land Transport Act 1998, Local Government Act 2002 and Bylaws Act 1910. In addition, traffic and parking issues are also regulated by other Acts and Regulations which should be referred to in conjunction with this bylaw. These include:

- the Land Transport (Driver Licensing) Rule 1999
- the Land Transport (Vehicle Dimensions and Mass) Rule 2002
- the Land Transport (Road User) Rule 2004
- the Land Transport (Traffic Control Devices) Rule 2004
- the Utilities Access Act 2010
- the Land Transport (Setting of Speed Limits) Rule 2022
- the Land Transport (Vehicle Dimensions and Mass Amendment) Rule 2016.

### 1. TITLE

1.1 This bylaw is the Traffic and Parking Bylaw

### 2. COMMENCEMENT

2.1 This bylaw comes into force on (TBC)

### 3. APPLICATION

- 3.1 Unless otherwise stated, this bylaw shall apply to the whole of the city other than roads which are not under the control of Tauranga City Council.
- 3.2 Words which refer to the singular include the plural and the plural includes the singular.
- 3.3 Any resolution of Council may be amended, rescinded or reinstated by a further resolution of Council. The most recent resolution of Council shall be the operative resolution.
- 3.4 Reference to any Act or Rule or provision of any Act or Rule includes any amendment to that Act or Rule or any Act or Rule passed in substitution for it.
- 3.5 A power for the Council to make a resolution includes the power to amend or revoke the resolution or to revoke it and replace with another.
- 3.6 Notes in italics are for information only and are not part of this bylaw.

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### 4. PURPOSE

4.1 The purpose of this bylaw is to set the requirements for control of traffic and parking in respect of roads, parking places and transport stations owned or controlled by Tauranga City Council.

### 5. DEFINITIONS

Term	Definition	
Access Way and Service Lane	As defined in section 315 of the Local Government Act 1974.	
Angle Parking	Parking other than parallel with the roadway in the direction of travel, and with the front of the vehicle facing towards the kerb or footpath. "Angle parks" has a corresponding meaning.	
Authorised OfficerAny person appointed or authorised in writing by the Chief Exe by the Council to act on its behalf and includes any Parking appointed under the provisions of the Land Transport Act 1994 		
Bus	As defined in the Land Transport (Road User) Rule 2004.	
Bus lane	As defined in the Land Transport (Road User) Rule 2004.	
City	City means the district of the Tauranga City Council.	
Corridor Manager	As defined in the Utilities Access Act 2010.	
Council Refers to the elected member body representing Taurang Committee, Sub-committee or elected member of the Council to exercise the authority of the Council.		
Cycle	As defined in the Land Transport (Road User) Rule 2004.	
Cycle lane	As defined in the Land Transport (Road User) Rule 2004.	
Cycle path	As defined in the Land Transport (Road User) Rule 2004.	
Disabled Persons Motor Vehicle	A parked motor vehicle displaying a Mobility Parking Permit issued by CCS Disability Action Incorporated or Somerville Centre for Special Needs Wanganui Incorporated or approved by Tauranga City Council.	
Driver	As defined in the Land Transport (Road User) Rule 2004.	
Enforcement Officer	As defined in the Land Transport Act 1998.	
Footpath	Footpath has the same meaning as in the Land Transport (Road User) Rule 2004.	
Heavy Motor Vehicle	As defined in the Land Transport (Road User) Rule 2004.	

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High- Productivity Motor Vehicle	As defined in the Land Transport (Vehicle Dimensions and Mass) Rule 2002.	
Leased Area	A parking space or group of parking spaces where a parking fee is payable by written agreement with Tauranga City Council.	
Leased Space	Space Means a parking space within a leased area.	
Loading Zone	As defined in the Land Transport (Road User) Rule 2004.	
Mobility Device	As defined in the Land Transport Act 1998.	
Moped	As defined in the Land Transport Act 1998.	
Motorcycle	As defined in the Land Transport Act 1998.	
Motor Vehicle	As defined in the Land Transport Act 1998.	
Owner	In relation to a motor vehicle, the person lawfully entitled to possession of that vehicle, except where:	
	<ul> <li>(a) the motor vehicle is subject to a bailment for a period not exceeding 28 days; or</li> </ul>	
	(b) the motor vehicle is let on hire under the terms of a rental-service licence;	
	in which case "owner" means the person who, but for the bailment or letting on hire, would be lawfully entitled to possession of the motor vehicle; and "owned" and "ownership" have corresponding meanings.	
Parking	As defined in the Land Transport (Road User) Rule 2004.	
Parking Area	A specific parking place or part of a parking place set aside by Council for parking.	
Parking Fee	The amount payable for parking:	
	<ul> <li>(a) in a Pay Space, as calculated in accordance with the parking charges prescribed by the Council from time to time; or</li> </ul>	
	(b) in a leased space, by the relevant written agreement with Tauranga City Council.	
Parking Machine	A parking meter or other device used to facilitate the payment of parking fees for parking a vehicle in a Pay Area for a limited time, for example through the collection of payment or the processing of an electronic payment.	
Parking Place	As defined in section 591(6) of the Local Government Act 1974.	
Parking Place		
Parking Space	A portion of a parking place marked out with painted lines for the specific purpose of accommodating a parked vehicle.	
-		

Pay Area	A parking space or group of parking spaces declared by the Council to be a Pay Area, and includes any area previously declared under this Bylaw to be a Pay and Display Area.
Pay Space	A parking space within a Pay Area where a parking fee is payable.
Public Holiday	As defined in section 44 of the Holidays Act 2003.
Registration Required Parking Area	A parking area where a person must register their vehicle upon arrival, even where they will not be required to pay a fee for parking.
Residents' Parking AreaAn area declared to be a residents' parking area under Section 22 Bylaw.	
Residents' Parking Scheme	A scheme for residents' only parking in a Residents' Parking Area.
Road	As defined in the Land Transport Act 1998.
Roadway	As defined in the Land Transport (Road User) Rule 2004.
Sign	Sign and all components of a Sign (including but not limited to the face, legend, panel, plate or stand) have the same meanings as in the Land Transport (Traffic Control Devices) Rule 2004.
Special Vehicle Lane	As defined in the Land Transport (Road User) Rule 2004.
Street	Street has the same meaning as "Road".
Tauranga City Council	Tauranga City Council or any person authorised or delegated to act on its behalf.
Тахі	As defined in the Land Transport Act 1998.
Trailer	As defined in the Land Transport (Road User) Rule 2004.
Traffic Control Device	<ul> <li>A device used on a road for the purpose of traffic control; and includes a:</li> <li>(a) sign, signal or notice;</li> <li>(b) traffic calming device;</li> <li>(c) marking or road surface treatment.</li> </ul>
Traffic Sign	As defined in the Land Transport (Traffic Control Devices) Rule 2004.
Transport Station	As defined in section 591(6) of the Local Government Act 1974.
Use	As defined in the Land Transport (Road User) Rule 2004.
Utility Operator	As defined in the Utility Access Act 2010.
Vehicle	As defined in the Land Transport Act 1998.
Vehicle Class	As defined in the New Zealand Transport Agency Vehicle Equipment Standards Classification.

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These definitions apply unless the context requires otherwise.

### Part One: Traffic

### 6. TURNING RESTRICTIONS

- 6.1 The Council may by resolution:
  - prohibit vehicles on a specified roadway or any part of a specified roadway turning from facing or travelling in one direction to facing or travelling in the opposite direction (No 'U-turns')
  - (b) prohibit vehicles or specified classes of vehicles on a specified roadway turning to the right or to the left or from proceeding in any other specified direction
  - (c) permit turning movements by specified classes of vehicles prohibited by all other vehicle types.

Note: See Attachment 1 for the resolutions made under this clause

6.2 No person shall drive a vehicle contrary to any turning restriction made under clause 6.1.

### 7. DIRECTION OF TRAVEL

7.1 The Council may by resolution specify roads or portions of road where vehicles may travel in one specified direction only.

Note: See Attachment 2 for the resolutions made under this clause

- 7.2 No person being the driver or in charge of any vehicle shall:
  - (a) drive the vehicle other than in any direction specified under clause 7.1
  - (b) drive the vehicle otherwise than on the left hand side of any central island or strip, unless otherwise indicated by appropriate signs, where any road or portion of road is divided longitudinally by a traffic island, central plot, enclosure or other dividing structure
  - (c) travel over a road or parking place in any direction other than the direction indicated by the prescribed signs or markings.

### 8. FOOTPATHS AND CYCLE PATHS

8.1 Subject to clauses 5.2, 5.5 and 5.9, no person shall park or drive any vehicle on any footpath or any part thereof.

- 8.28.1 A vehicle may be driven over a footpath by means of a vehicle crossing constructed on the road for the purpose of gaining vehicular access to or from any property on that road.
- 8.38.2 No person may stop a vehicle so that any part of the vehicle or its load remains upon or over a footpath or any part of a footpath other than temporarily while in the process of gaining access to or leaving a property.
- 8.48.3 No person may load or unload a vehicle in such a manner as to cause, or be likely to cause, damage to the footpath or any part of it.

8.5 The Council may by resolution declare specified footpaths or portions of footpath to be cycle paths, for the use of pedestrians and cyclists, either permanently or for a set period of time.

Note: See Attachment 3 for the resolutions made under this clause

- 8.6 The Council will establish signs and markings for cycle paths in accordance with the Traffic Control Devices Manual 2008 or subsequent amendments.
- 8.78.4 The Council may, by resolution, regulate control or prohibit the use of footpaths and cycle paths.
- 8.8 No person may use a footpath or cycle path contrary to any resolution under clause 8.4. Nothing in this section prohibits on a footpath:

(a) the use of a mobility device; or

(b) the use of a bicycle, moped or motorcycle for the purpose of delivering newspapers, mail or printed material to letterboxes.

### 9. SPECIAL VEHICLE LANES

- 9.1 The Council may by resolution declare specified roads or parts of specified roads to be Special Vehicle Lanes, use of which is restricted either permanently or for a set period of time, to specified:
  - (a) passenger service vehicles (including buses) and/or
  - (b) motorcycles and/or
  - (c) mopeds and/or
  - (d) cycles and/or
  - (e) motor vehicles carrying not less than a specified number of persons (including the driver).

Note: See Attachment 4 for the resolutions made under this clause

9.2 No person being the driver or in charge of a vehicle shall use a Special Vehicle Lane contrary to a restriction made under clause 6.1.

9.3 These restrictions shall not apply to the use of a Special Vehicle Lane for a distance of not more than 50 metres for the purpose of turning into or out of a side street or property.

9.4 Any restrictions on the use of the road made under clause 6.1 shall be marked out with the appropriate traffic signs or markings.

### 10. PROHIBITED STREET RACING IN INDUSTRIAL AREAS

10.1 The Council may by resolution specify roads on which a person may not use, or permit to be used, a motor vehicle under 3,500kg between 9pm and 5am.

Note: See Attachment 5 for the resolutions made under this clause

- 10.2 Nothing in a resolution made under clause 10.1 shall apply to:
  - (a) the owner or occupier of any land having a frontage to the road described in the resolution, or to his or her bona fide visitors

- (b) any fire appliance, ambulance, police or medical motor vehicle being used for genuine business purposes
- (c) any trade or service vehicle for the provision or maintenance of a utility on the road or on the land having a frontage to the road being used for genuine business purposes
- (d) any vehicle owned by the Council being used for genuine business purposes
- (e) any vehicle operated by a security service being used for genuine business purposes.
- 10.3 The Council shall erect signs on the roads described in resolutions made under clause 10.1 advising the times of the prohibition and that the prohibition applies to motor vehicles weighing less than 3,500 kilograms.

### 11. HEAVY MOTOR VEHICLES

11.1 The Council may by resolution specify roads or parts of roads on which the operation of an engine brake or similar is prohibited.

Note: See Attachment 6.1 for the resolutions made under this clause

- 11.2 The Council may by resolution:
  - (a) specify roads on which heavy motor vehicles are prohibited at specified times
  - (b) specify the maximum weight of vehicles or loads that may pass over bridges or culverts.

Note: See Attachment 6.2 for the resolutions made under this clause

- 11.3 No person shall drive or permit to be driven any heavy motor vehicle on or along those roads or parts of roads specified in a resolution made under clause 11.2(a) at the times set out in the resolution, except for the purpose of picking up or delivering goods to an address in those roads when alternative access is not available for this purpose.
- 11.4 No person shall drive or permit to be driven a High-Productivity Motor Vehicle on any road which is not authorised in terms of the permit for that vehicle issued under the Land Transport (Vehicle Dimensions and Mass) Rule 2002.
- 11.5 A prohibition under clause 11.1, or 11.2, shall not apply to:
  - (a) any fire appliance, ambulance, police or medical motor vehicle
  - (b) any passenger service vehicle
  - (c) a utility operator or its authorised agent or contractor engaged in the provision of, or maintenance of a utility operation
  - (d) any Council vehicle undertaking emergency works
  - (e) refuse collections carried out by either the local authority or a contractor engaged by the local authority
  - (f) construction, horticultural or agricultural vehicles which the Council has given permission to use the road.
- 11.6 The Council shall erect signs on the roads or parts of road described in a resolution made under clause 8.1 advising that the use of an engine brake or similar is prohibited.

- 11.7 The Council shall erect signs on the roads described in a resolution made under clause 8.2(a) advising the times of the prohibition and that the prohibition applies to heavy motor vehicles.
- 11.8 The Council shall erect signs in the vicinity of a bridge or culvert described in a resolution made under clause 8.2(b) advising the maximum weight of vehicles or loads that may pass over the bridge or culvert.

### 12. Temporary Restrictions on the Use of Roads

- 12.1 The Council may temporarily restrict the use of, or speed of, or class of vehicles which may use any part of a road when Council's Corridor Manager considers that:
  - (a) There is, or is likely to arise at any place on that road a risk of danger to the public or to a person working on or near a road or a risk of damage to the road; or
  - (b) It is necessary for the safety of a special event.
- 12.2 Any temporary speed limit will be set in accordance with the Land Transport Rule: Setting of Speed Limits 2003.
- 12.3 No person being the driver or in charge of a vehicle shall drive or use the vehicle contrary to any restriction made under clause 9.1.
- 12.4 Any restriction under clause 9.1 above must be defined by the display of temporary warning signs in conformity with any rules.
- 12.5 Any vehicle being used for the purpose of maintenance or construction of roading, or a vehicle of a utility operator, may, with permission of an authorised officer, be driven or parked in a manner contrary to any restriction in force under clause 9.1, provided it is driven or parked with due consideration of other road users.

### 13.12. VEHICLE CROSSINGS

- <u>12.1</u> Any vehicle crossing must be constructed in accordance with the standards set out in the Tauranga City Council Infrastructure Development Code applicable at the time the crossing is constructed.
- 13.1
   Property owners must have written permission from the Tauranga City

   Council transportation team before installing a secondary vehicle crossing.

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### Part Two: Parking

### 14. Parking Wardens

14.1 The Council may appoint Parking Wardens to undertake parking enforcement activity on behalf of Council under the Land Transport Act 1998.

### **15.13.** STOPPING, STANDING AND PARKING, AND PARKING AREAS

**15.1**13.1 The Council may by resolution:

- (a) prohibit or restrict the stopping, standing or parking of vehicles on any roads
- (b) limit the stopping, standing or parking of vehicles on any road to vehicles of any specified class or descripton.

15.213.2 The Council may by resolution:

- (a) declare areas of road, land or building under its control to be parking areas
- (b) declare the number and situation of parking spaces
- (c) prohibit a specified class or classes of vehicles from using a parking area or specified parking spaces
- (d) restrict the use of a parking area or specified parking spaces to a specified class or classes of vehicles
- (e) set the maximum time allowed for parking in any parking area or parking space and restrict the hours of availability of any parking area or specified parking spaces
- (f) regulate entry to, and exit from, parking areas and prescribe direction of travel within a parking area
- (g) declare a parking area or part of a parking area or group of parking spaces to be a Pay Area
- (g)(h) declare a parking area or part of a parking area or group of parking spaces to be a Registration Required Parking Area
- (h)(i) declare a parking area or part of a parking area or group of parking spaces to be a leased area
- (i)(j) fix the charges payable for the parking of vehicles or a specified class or classes of vehicles in a Pay Area, leased area or Residents' Parking Area, including how such charges will be measured
- (j)(k) prescibe the method of payment of the parking fee, by the use of parking machines or in any other specified manner, and any requirements as to proof of that payment and/or the period of time paid for, for example through the display of a parking voucher or receipt
- (k)(l)\_declare days and times for which parking fees are payable and declare days on which no parking fees are payable
- (<u>H)(m)</u> declare a parking area or part of a parking area or group of parking spaces to be for a specified class or classes of vehicle (e.g. tour coach) or class of road user (e.g. disabled parking) or for a designated activity (for example a loading zone) and the charges payable, if any, for that area or space
- (m)(n) declare that parking in a specified parking space or parking spaces is free of charge

(n)(o) specify any other conditions which apply to parking in a specified parking area.

Note: See Attachment 7 (parts 7.1 – 7.27) for the resolutions made under this clause

- **15.313.3** Tauranga City Council may temporarily prohibit, restrict or control parking in a parking area or parking space by placement of a sign. The sign must clearly state the nature of the parking prohibition, restriction or control.
- <u>15.413.4</u> No person being the driver or in charge of any vehicle shall stop, stand or park the vehicle, or leave it parked, contrary to any prohibition, condition or restriction made under clause 13.1, 13.2 or 13.3.
- <u>15.513.5</u> No driver or person in charge of a vehicle shall allow that vehicle to remain in or occupy a parking space for longer than the period allowed for parking in that parking space.
- 15.613.6 No driver or person in charge of a vehicle shall without the written approval of Tauranga City Council, park that vehicle (whether attended or unattended) on any parking place for the primary purpose of displaying or promoting any trade, business or event. In granting approval, Tauranga City Council may impose conditions.
- <u>15.7</u><u>13.7</u> Any prohibition, condition or restriction under clause 13.1 or 13.2 shall be marked out with the appropriate traffic signs or markings.

### 16.14. PAY AREAS

**16.1**<u>14.1</u> Without limiting Part 13 of this bylaw, the Council may by resolution:

- (a) declare any parking place or transport station, including a road or part of a road or a parking area, to be a Pay Area
- (b) declare the number and situation of Pay Spaces within a Pay Area
- (c) declare the time allowed for parking in a Pay Area beyond which it shall be unlawful to remain parked
- (d) fix the charges payable for the parking of vehicles within the Pay Area, and how such charges will be measured
- (e) prescribe the method of payment of the parking fee, by the use of parking machines or in any other specified manner
- (f) prescribe any requirements as to proof of that payment and/or the period of time paid for, for example through the display of a parking voucher or receipt.

Note: See Attachments 7.12 to 7.14 for the resolutions made under this clause

- 16.214.2 Pay Area parking requirements apply between 8am and 6pm every day of the week except Sundays and public holidays, except where signs relating to those Pay Areas indicate otherwise.
- 16.314.3 Parking machines shall be located within or reasonably adjacent to the Pay Area they control.
- 16.4 Parking spaces within Pay Areas shall be indicated by white lines painted on the road in accordance with the Land Transport Rule: Traffic Control Devices 2004.

### **17.15.** PAYMENT FOR PARKING

- <u>47.115.1</u> Where the Council has fixed a charge for parking in a parking place, the driver or person in charge of the vehicle parking in that area must pay the applicable parking fee without delay and in the manner prescribed in or under this bylaw.
- <u>17.215.2</u> The driver or person in charge of a vehicle shall also comply with any prescribed requirements as to proof of payment of the parking fee and/or the period of time paid for, for example through the display of a parking vourcher or receipt.
- <u>17.315.3</u> No driver or person in charge of a vehicle shall allow that vehicle to remain in or occupy a parking space for which a parking fee is payable:
  - (a) without paying the appropriate parking fee; and
  - (b) in excess of the time authorised by the payment of the parking fee.
- <u>15.4</u> This Part does not apply to any parking paid for by a prepaid parking voucher authorised by and used in accordance with clause 25 of this bylaw.

### 18-16. REGISTRATION REQUIRED PARKING AREAS

- 16.1 Without limiting part 13 of this bylaw, the Council may by resolution:
  - (a) declare any parking place or transport station, including a road or part of a road or a parking area, to be a Registration Required Parking Area
  - (b) declare the number and situation of Registration Required Parking Spaces within a Registration Required Parking Area
  - (c) declare the time allowed for parking in a Registration Required Parking Area beyond which it shall be unlawful to remain parked
  - (d) declare the time allowed for for parking free of charge in a Registration Required Parking Area beyond which it shall become a Pay Space
  - (e) prescribe the method of registration, by the use of parking machines or in any other specified manner
  - (f) prescribe any requirements as to proof of registration, for example through the display of a parking voucher or receipt.

Note: See Attachments 9 for the resolutions made under this clause

### **19.17. EXEMPT VEHICLES**

- <u>19.117.1</u> The driver or person in charge of any of the following vehicles may park free of charge in any parking space within a Pay Area:
  - (a) a vehicle used as an ambulance and which is at the time being used on urgent ambulance service
  - (b) a vehicle used by the fire service for attendance at fires, and which is at the time attending a fire or responding to a fire alarm
  - (c) a vehicle used by the police service and which is at the time being used for police service

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- (d) a vehicle used by a medical practitioner and at the time being used on urgent medical service
- (e) a branded Tauranga City Council vehicle, but only when being used by an officer of the Tauranga City Council on specific Tauranga City Council business away from the premises where that officer customarily works.

### 20.18. INTERFERENCE WITH PARKING MACHINES

20.118.1 No person shall:

- (a) misuse or wilfully damage any Parking Machine or barrier arm
- (b) interfere or tamper with the working operation of any Parking Machine or barrier arm
- (c) unless authorised by Tauranga City Council, affix any placard, advertisement, notice, list, document, board or thing on any Parking Machine or barrier arm
- (d) unless authorised by Tauranga City Council, paint or write on any Parking Machine or barrier arm
- (e) place, park or leave a motorcycle or cycle on or against a Parking Machine or barrier arm or its supporting post
- (f) operate any Parking Machine except in accordance with the instructions printed on the Parking Machine, or on any nearby notice or sign
- (a) deposit in any Parking Machine which accepts payment by cash anything other than payment in New Zealand currency.

### 24.19. PARKING IN LEASED AREAS

21.119.1 No driver or person in charge of any vehicle may park a vehicle in a leased area or leased space other than in accordance with a current valid written agreement with Tauranga City Council for the lease of that area or space.

### 22.20. LOADING ZONES

<u>22.120.1</u> The Council may by resolution:

- (a) declare any road, land or building under the control of Tauranga City Council or portion of such road, land or building to be a loading zone
- (b) prescribe any conditions prohibiting, limiting, controlling or restricting the use of any loading zone
- (c) declare the types of vehicles which may use a loading zone.

Note: See Attachments 7.15 to 7.18 for the resolutions made under this clause

- <u>22.220.2</u> Land vested in Tauranga City Council as service lane is deemed to be a loading zone unless any stopping restrictions are on, or in, the near vicinity of the service lane.
- <u>22.320.3</u> No person being the driver or in charge of a vehicle shall park in or use a Loading Zone contrary to a requirement or restriction in or made under clause 20.1 or 20.2.
- 22.4 The restrictions made under clause 18.1 shall be marked out with the appropriate traffic signs or markings.

### 23.21. ANGLE PARKING

<u>23.121.1</u> The Council may by resolution:

- (a) declare that a parking space or group of parking spaces is to be used for angle parking only
- (b) regulate the use of angle parks.

#### Note: See Attachment 7.19 for the resolutions made under this clause

23.221.2 Vehicles must be parked in an angle park on the angle indicated and front first.

23.321.3 No person being the driver or in charge of a vehicle shall park in or use a parking space contrary to a requirement or restriction in or made under clause 21.1 or 21.2.

### 24.22. PASSENGER SERVICE AND OTHER VEHICLE STANDS

- 24.122.1 The Council may by resolution declare an area of road, land or building under the control of Tauranga City Council to be a vehicle stand for a specified vehicle or class, or classes, of vehicles and may prescribe the following in respect of that vehicle stand:
  - (a) the location and size of any vehicle stand
  - (b) the fee for using any vehicle stand
  - (c) the hours of operation of any vehicle stand
  - (d) the place and size of any temporary vehicle stand
  - (e) any conditions of use of any vehicle stand.

Note: See Attachments 7.20 to 7.27 for the resolutions made under this clause

- 24.222.2 No driver or person in charge of any taxi, bus, or other passenger service vehicle shall park that vehicle, other than within a vehicle stand, while soliciting for passengers or dropping off passengers.
- 24.322.3 No driver or person in charge of a vehicle may park a vehicle on a vehicle stand unless the vehicle is of the class authorised to park in that vehicle stand and all conditions made under clause 22.1 are complied with.
- 24.4 The restrictions in clause 20.1 shall be marked out with the appropriate traffic signs or markings.

### 25.23. PARKING OF HEAVY MOTOR VEHICELES IN RESIDENTIAL AREAS

- 23.1 No person shall stop, stand or park a heavy motor vehicle for a period of more than one hour in any part of a road where there is adjacent residential zoned land on either side of the road except for sites that have been designated for motor homes in accordance with Tauranga City Council policy.
- 25.123.2 provided however, that Notwithstanding clause 23.1, it shall not be an offence to stop, stand or park a heavy motor vehicle on any such road for such period as is reasonably required for the purpose of loading or unloading that vehicle and that

such loading or unloading takes place. and except in any area of road, which by way of Council resolution is declared a parking area for heavy vehicles.

25.223.3 The Council may by resolution declare roads or parts of roads where heavy motor vehicle parking is permitted at specified times.

Note: See Attachment 7.26 for the resolutions made under this clause

### 26.24. RESIDENTS' PARKING AREA

<u>26.124.1</u> The Council may by resolution:

- (a) specify parking places or parking spaces to be a residents' parking area the subject of a residents' parking scheme
- (b) specify the hours and days of the week during which a residents' parking scheme shall operate
- (c) impose conditions, and prescribe fees and charges, for use of residents' parking scheme
- (d) specify any other conditions related to the residents' parking scheme.

Note: See Attachment 7.27 for the resolutions made under this clause

- <u>26.224.2</u> A residents' parking area is for the exclusive use at the specified times of vehicles owned by residents of the surrounding area and which display a residents' parking permit issued for the vehicle.
- <u>26.324.3</u> A residents' parking area shall be indicated by appropriate signage.
- 26.424.4 Where a permit is required to be held for the use of a resident's parking scheme:
  - (a) the parking permit shall be displayed so as to be legible through the front window where fitted, or visible on the vehicle where no front window is fitted, on a motor vehicle stopped, standing or parked in the residents' parking area
  - (b) the permit shall identify the motor vehicle for which it has been issued. The permit only applies to the motor vehicle displayed in the permit
  - (c) the permit shall be returned to Tauranga City Council immediately after the resident ceases to be entitled to the permit
  - (d) the permit is valid and effective only during the time specified on the permit and in the road or roads specified on the permit.

26.524.5 No person shall park, stop or stand a vehicle in a residents' parking area without displaying a valid permit, except for:

- (a) vehicles operated by or for Tauranga City Council if necessary for the provision of, or maintenance of, facilities within the road reserve
- (b) vehicles operated by utility operators if necessary for the provision of, or maintenance of, a utility operation
- (c) vehicles driven by Tauranga City Council officers (e.g. dog control officers, building inspectors) attending the property of a resident holding a residents' parking scheme permit
- (d) vehicles being used to pick up or deliver goods to, or in connection with emergency maintenance of, the property of a resident holding a residents' parking scheme permit

- (e) medical practitioners such as doctors, district nurses and midwives who are attending a patient
- (f) vehicles specified in clause 17.1(a), (b) or (c) of this bylaw.

### 27.25. PREPAID PARKING VOUCHERS

- 27.125.1 Tauranga City Council, or any person authorised on its behalf may issue to any person parking vouchers on payment of the appropriate parking fees.
- <u>27.225.2</u> All such prepaid parking vouchers must be issued with printed instructions as to the required display and activation of the vouchers.
- 27.325.3 Each prepaid parking voucher shall state:
  - (a) the prescribed fees for specified periods of parking
  - (b) the authorised parking spaces or parking area
  - (c) the parking time limit
  - (d) rules about displaying the voucher.
- 27.425.4 A prepaid parking voucher must be activated in accordance with the instructions printed on it and the date and time of the commencement of parking must be displayed so as to be legible through the front window where fitted, or visible on the vehicle where no front window is fitted.
- 27.525.5 Any Authorised Person may require the driver or person in charge of, or any passenger in, any motor vehicle to produce for inspection any parking voucher displayed in that vehicle and that Authorised Person may retain the voucher.

### 28.26. TEMPORARY DISCONTINUANCE

- 28.126.1 Where Tauranga City Council is of the opinion that any parking space or spaces should be temporarily discontinued as a parking space or should be reserved for use by a utility operator or other specified vehicle, Tauranga City Council may place or erect a sign or notice that sufficiently indicates 'No Stopping' at such parking space or spaces, or may issue a Parking Voucher for sole use of the space or spaces to the trades vehicle or other specified vehicle.
- 28.226.2 No person shall park a vehicle in a discontinued parking space, except with the permission of Tauranga City Council.

### 29.27. OTHER UNLAWFUL CONDUCT IN PARKING PLACES

- <u>29.127.1</u> No person shall park any vehicle in a parking space except as permitted by the provisions of this bylaw.
- <u>29.227.2</u> No driver or person in charge of any vehicle shall stop, stand or park a vehicle:
  - (a) outside the extremities of any parking space unless the vehicle by virtue of its size cannot be contained in one space. If that vehicle is parked, the driver or person in charge of that vehicle is liable for a parking fee for each Pay Space occupied or encroached on by that vehicle
  - (b) in a parking space if that vehicle is of a class not permitted to use that parking space or parking place

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- (c) in any parking space already occupied by another vehicle or vehicles unless that vehicle is a motorcycle
- (d) in any parking space for longer than the maximum period allowed for parking in that space
- (e) in a Pay Space for longer than the maximum indicated on the Parking Machine if the Parking Machine is not in operation.
- 29.327.3 No driver or person in charge of any vehicle shall drive a vehicle in any parking area contrary to the direction of travel prescribed by the Council and shown by marks on the surface or other indications.
- 29.427.4 No driver or person in charge of any vehicle shall within 30 minutes of leaving a parking space or parking area re-park in that parking space or parking area or in any other parking space or parking area within 50 metres of that parking space or parking area and which is subject to the same parking restriction.
- <u>29.527.5</u> No driver or person in charge of any motorcycle or moped, shall park closer than 1 metre from the front and/or rear of a parking space.
- <u>29.627.6</u> No person may park a motorhome or immobilised vehicle on any road for a continuous period exceeding seven days without prior approval from Tauranga City Council.
- <u>27.7</u> No person may leave a vehicle on the road for the purpose of storage in connection with their trade or business without prior approval from Tauranga City Council.

### **30.28.** DISPLAYING VEHICLES FOR SALE ON ROADS

<u>30.128.1</u> The Council may by resolution declare roads or parts of roads where vehicles may not be displayed for sale.

Note: See Attachment 8 for the resolutions made under this clause

30.228.2 No person shall stop or park a vehicle on any section of any road to which a resolution made under clause 28.1 applies, or on any other road within 30 metres of any intersection of any road to which a resolution made under clause 28.1 applies, for the purpose of selling that vehicle or advertising that vehicle for sale to the public, or for the purpose of selling to the public any matter, object or thing within the vehicle.

### 31.29. VEHICLE REMOVAL

- 31.129.1 An authorised officer may remove or cause to be removed any vehicle or other thing from any road or other area controlled by Tauranga City Council, if that vehicle or thing is parked or present in breach of this bylaw, or any resolution made under this bylaw, and Tauranga City Council may recover from any person responsible for committing the breach all expenses incurred by Tauranga City Council in connection with the removal of the vehicle or thing.
- 31.229.2 Tauranga City Council must use reasonable care in the removal and storage of any vehicle removed under this clause but is not liable for any loss or damage

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<sup>29.727.8</sup> A person commits an infringement offence who, having parked in a Registration Required Parking Area, fails to register their vehicle, even where that person otherwise complies with the conditions of parking in that area.

arising directly or indirectly from the removal of any vehicle under this clause unless caused by the negligence of its agents or employees.

31.329.3 The powers that may be exercised under this clause are in addition to those provided by the Land Transport Act 1998 and sections 356 and 356A of the Local Government Act 1974.

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### Part Three: Offences, Breaches, Penalties, Notices and Documents

### 32.30. OFFENCES, BREACHES AND PENALTIES

32.130.1 Every person commits an offence against this bylaw who:

- (a) does, or causes or permits to be done, or is concerned in doing, anything contrary to or otherwise than in accordance with this bylaw
- (b) omits, or neglects to do, or permits to remain undone, anything which according to this bylaw ought to be done by that person at the time and in the manner provided
- (c) does not refrain from doing anything which that person is required to refrain from doing under this bylaw
- (d) causes or permits any condition or thing to exist or continue to exist contrary to this bylaw
- (e) does anything, or causes anything to exist, for which a licence, permit or approval is required under this bylaw without first obtaining that licence, permit or approval
- (f) fails to comply in all respects with any prohibition, restriction, direction or requirement indicated by lines, markings, traffic signs or other signs or notices laid down, placed, made or erected by Tauranga City Council on any road, car park, reserve or other place controlled by the Tauranga City Council, under any of the provisions of this bylaw
- (g) fails, refuses or neglects to comply with any notice direction or order served on that person under this bylaw
- (h) obstructs or hinders any Authorised Officer or other person for the time being appointed, employed or authorised by the Tauranga City Council in the performance or attempted performance of any duty to be discharged by such person under or in the exercise of any power conferred by this bylaw
- (i) fails or refuses to comply with any notice or conditions contained in any licence, permit or approval granted by Tauranga City Council under this bylaw.
- <u>32.230.2</u> Subject to any provision to the contrary, any person convicted of an offence against this bylaw is liable for the penalties set out in section 242 of the Local Government Act 2002.
- 32.330.3 Any person breaching a bylaw made under section 22AB of the Land Transport Act 1998 and in respect of which no other penalty provision applies is liable for a fine of \$500.
- <u>32.430.4</u> Every person guilty of an infringement offence is liable for the applicable infringement fee relating to that offence.

### 33.31. DEFENCES

<u>33.131.1</u> A person is not in breach of this Bylaw if that person proves that the act or omission complained of:

- (a) took place in compliance with the directions of an authorised officer, a parking warden or a traffic control device; or
- (b) was performed by an authorised officer or a parking warden and was necessary in the execution of that person's duty.

### 34.32. SERVING OF NOTICES AND DOCUMENTS

34.1<u>32.1</u> Except as otherwise expressly provided for in any Act, where any notice, order, or other document is required to be served on any person for the purposes of this bylaw, Tauranga City Council may serve notice by:

- (a) delivering it personally
- (b) sending it by messenger
- (c) sending it by registered post to the person's last known place of residence or business.
- <u>34.232.2</u> If that person is absent from New Zealand, the notice may be sent to his or her agent instead of to that person.
- 34.332.3 If that person has no known name or address or is absent from New Zealand and has no known agent, and the notice relates to any land or building, the notice may be served on the occupier, or if there is no occupier the notice may be put on some conspicuous part of the land or building without the notice naming the owner or occupier.
- 34.4<u>32.4</u> If that person has died, the notice may be served on his or her personal or legal representative or executor.
- 34.532.5 Where a notice is sent by registered post it will be sent to arrive in the normal course no later than the notice is required to be served and will be deemed to have been served at the time when the registered letter would be delivered in the ordinary course of post.

Objective ID: A5999744

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Gambling Venues and Street Use Policies, and Traffic & Parking Bylaw

We are suggesting a set of updates to our policies and bylaws on:

- if gambling venues should be allowed to move within certain criteria
- how public streets can be used by businesses and the community
- making street dining areas smoke and vape free
- supporting environmentally friendly berms
- clarifying the rules on second driveways
- making free parking fairer

We would like to know your thoughts on the proposed changes.

To get started, please choose one or more of the following policies or bylaws you would like to provide feedback on.

- Gambling Venues Policy
- Street Use Policy
- Traffic and Parking Bylaw

#### **Gambling Venues Policy**

We want to change the policy to allow gambling venues (also called 'pokies' or 'TABs') to move locations, within certain criteria, which the current policy doesn't allow. This change will not increase the number of places people can gamble in the city.

We are particularly keen to enable gambling venues to move out of areas where research tells us they are likely to do more harm. You can see these areas on the maps at the back of the survey.

How strongly do you agree, or disagree, we should allow gambling venues to move, so they can leave areas that research tells us they are likely to do more harm?

- Strongly agree
- Agree
- Neither agree nor disagree
- Disagree
- Strongly disagree
- Don't know / unsure

Can you share with us why you gave this answer?

Page 1 of 6



### Street Use Policy

Currently, some businesses pay to use public streets, and some don't.

We have suggested a change to the policy to help us consistently manage and charge how public streets are used, such as restaurants putting tables on the footpath, or with balconies that overhang the footpath used for dining. The charges are administration fees, rental fees and refundable bonds for any potential damage caused by businesses using these spaces, and this money contributes to the maintenance and improvement of the city's public spaces.

The proposed change covers four zones, and the charge for each zone will be set through the council's annual user fees and charges process. The zones group together streets with similar levels of popularity, use and vibrancy.

The zones are:

- City zone 1 Inner City Centre, South of Marsh Street to First Ave (inclusive)
- City zone 2 South City Centre, Second Ave to Eleventh Ave (inclusive)
- Mount zone 1 Mount Central, North of SH2, Hewletts Road and Golf Road (inclusive)
- Mount zone 2 Mount Mainstreet, Maunganui Road from Grace Road to Salisbury Avenue (inclusive)

You can see these zones in the attached maps at the back of this survey.

We want to make the policy fairer by phasing in charges over several years for businesses that benefit from public street spaces across these popular dining areas in the city centre and Mount Maunganui.

How strongly do you agree, or disagree, that we should phase in charges across the city for the businesses that use public streets and footpaths?

- Strongly agree
- Agree
- Neither agree nor disagree
- Disagree
- Strongly disagree
- O Don't know / unsure

Can you share with us why you gave this answer?

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#### Street Use Policy (continued)

We think it's fair to make dining areas on our public streets and footpaths smoke and vape free, so that streets are places for everyone to enjoy.

How strongly do you agree, or disagree, that we should make public dining spaces smoke and vape free?

- Strongly agree
- Agree
- Neither agree nor disagree
- Disagree
- Strongly disagree
- Don't know / unsure

Can you share with us why you gave this answer?

Is there anything else you think we should consider if we put this policy in place?

Grass and other plants manage heavy rain and stormwater better than artificial grass. We suggest stating in the policy that residents should use environmentally friendly methods to manage berms outside their houses, rather than artificial grass.

How strongly do you agree, or disagree, that we should encourage residents to plant their berms, and stop using artificial turf?

- Strongly agree
- Agree
- Neither agree nor disagree
- Disagree
- Strongly disagree
- Don't know / unsure

Could you share with us why you gave this answer?

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### Traffic and Parking Bylaw

The current, standard rule is one vehicle crossing (driveway) per property. We suggest updating the bylaw to clarify that developers, and people wanting to add a second driveway, should check with the council first before going ahead. That way we can check if a second driveway is necessary, safe and offers a public benefit (such as putting a caravan off the street).

Do you think we should make it clear that council permission is required to create a second driveway?

- Strongly agree
- Agree
- Neither agree nor disagree
- Disagree
- Strongly disagree
- Don't know / unsure

Do you have any other thoughts on clarifying this rule about second driveways that you want to share?

Currently, our parking wardens manually monitor the free, timed car parks. By futureproofing the parking bylaw, we can potentially ask drivers to provide their car registration (rego) when parking in free, timed parks. Registration required parking is easier and more cost-effective to make sure that carparks are being used for the time period allowed.

We don't need this now, but we might in the future as our city grows. It's a useful tool to make sure drivers stick to the time limits and that car parks are more fairly available.

Do you think we should add an option in the bylaw for drivers to potentially provide their registration number for free, timed car parks?

- Strongly agree
- Agree
- Neither agree nor disagree
- Disagree
- Strongly Disagree
- Don't know / unsure

Do you have any other comments you would like to provide on this suggested parking management tool?

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Gambling Venues and Street Use Policies, and Traffic & Parking Bylaw

Would you like to provide any supporting documents?

O Yes

No

If you have any supporting documents, please attach / enclose it with this survey.

Please provide your contact details.

First name:	 
Last name:	 
Email:	
Linui.	 

Are you making this submission on behalf of a business or organisation?

Yes (please provide business / organisation name) \_

O No

#### Privacy statement

Written submissions may contain personal information within the meaning of the Privacy Act 2020. By taking part in this public submission process, submitters agree to any personal information (including names and contact details) in their submission being made available to the public as part of the consultation and decision-making process. Council may choose to redact information from submissions before making them public. You don't have to answer all the questions on the form except for those marked with an \*. If you don't answer the questions marked with an \*, we may be unable to contact you about your submission such as to arrange a time for you to speak to Council in support of your submission or update you on the outcome of your submission. All information collected will be held by Tauranga City Council, He Puna Manawa, 21 Devonport Road, Tauranga. Submitters have the right to request access to and correction of their personal information. For further information about this and our obligations and your rights under the Privacy Act 2020, please refer to <u>Tauranga City Council's privacy statement</u>.

#### Tell us a bit more about yourself.

Age	:				
$\bigcirc$	Under 16	$\bigcirc$	35-44	$\bigcirc$	65-74
$\bigcirc$	16-24	$\bigcirc$	45-54	$\bigcirc$	75-84
$\bigcirc$	25-34	$\bigcirc$	55-64	$\bigcirc$	85+

Gender:

Male

Female

Gender diverse

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Gambling Venues and Street Use Policies, and Traffic & Parking Bylaw

## Suburb:

- Arataki (Bayfair)
- Avenues
- Bellevue
- Bethlehem (Hangarau)
- Brookfield
- City Centre (Te Papa)
- Gate Pā (Pukehinahina)
- Greerton (Tūtara Wānanga)
- Hairini
- Judea (Huria)
- Kairua
- The Lakes
- Matapihi
- Matua
- Maungatapu
- Merivale (Parkvale)
- Mount Maunganui

## Ethnicity (select all that apply):

- NZ European
- Māori
- Pacific peoples
- Asian
- Middle Eastern/Latin American/African
- Other please specify below \_

How did you find out about the survey?

- Council flyer / letter dropped in my mailbox
- Council website Let's Talk Tauranga
- Council e-mail newsletter Let's Talk Tauranga
- Council social media council's Facebook page
- Council advertising posters, flyers, local radio, newspaper, website, billboards, etc
- Council drop-in sessions
- Article/story in the media e.g., radio, newspaper, website, etc
- Other social media local Facebook community groups, newspaper Facebook page, etc
- Word of mouth, friends & family, work colleagues, etc
- Other (please specify)

I'd like to be contacted to give feedback on other council projects and topics

- Ohauiti
- Omanawa
- Oropi
- Otumoetai
- Pāpāmoa Beach
- Pāpāmoa East (Wairākei)
- Pāpāmoa Hills (Waitao) Poike (Windermere)
- Pyes Pā
- Sulphur Point
- Tauranga South
- Tauriko
- Te Maunga (Mangatawa)
- Waimapu
- Welcome Bay
- Other (please specify): \_

Omanu

Sign up to stay informed.

## DRAFT STREET USE POLICY



Policy type	City				
Authorised by	Council				
First adopted	Occupation of Road Berms for Public Parking and for Planting on Berms in front of Private Residences 11/12/2000 Lease of subsoil of roads		M00/131.9 M02/234.7		
	8/04/2002 Lease of Airspace above Roads 28/02/2000	reference	M00/9.2 M96/9.10		
	Licence to Occupy Road Reserves 19/02/1997				
Revisions/amendments	Policy consolidated into single: Street Use Policy 2023	Minute references			
Review date	As required				

## 1. PURPOSE

1.1. To provide a consistent approach on leasing, licencing or use of streets owned or administrated by Tauranga City Council.

## 2. SCOPE

- 2.1. This policy covers the leasing, licencing or use of streets (including road berms, road reserves and unformed roads). It does not include leasing, licencing or use of roadways, except for the lease of subsoil below roadways.
- 2.2. This policy does not cover the use of streets (including road berms, road reserves and unformed roads) by mobile shops, events or promotions and giveaways, which is covered by the Use of Council Land Policy.

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## 3. DEFINITIONS

Term	Definition
Airspace	The right of the council to the space above the roadway, road berm, road reserve or unformed legal road.
Balcony	A structure protruding into the airspace that has a habitable floor.
Berm	The area of land under the control of the council between the road and the property boundary, this includes the footpath and vehicle crossings.
Council	Tauranga City Council or any committee, subcommittee or elected member of the council or officer or other person authorised to exercise the authority of the council.
Licence	A licence to occupy agreement.
Street	Includes the road berm, road reserve and unformed legal road, it excludes the roadway, except when referring to subsoil leases
Subsoil	The right of the council to the land below the roadway, road berm, road reserve or unformed legal road.
Vehicle crossings	Vehicle crossings are the portion of a driveway located on council land between the road and the property boundary.
Veranda or Design Feature	A structure protruding into the airspace for the purpose of providing shelter and/or visual appeal to the streetscape. A veranda or design feature may not have a habitable floor (see balcony).

## 4. PRINCIPLES

- 4.1. Streets support a well-connected city and make it easy to move around in and with a range of sustainable transport choices.
- 4.2. Streets are safe, inclusive, and accessible public spaces for the community to use, any use of a street must comply with relevant legislation and plans, including appropriate health and safety requirements.
- 4.3. Streets are public spaces; any private or commercial use of a street should offer a public benefit.
- 4.4. The activation of streets through alfresco dining, events or commercial activities can create vibrant and diverse commercial centres.
- 4.5. Streets can support environmental and wellbeing outcomes through providing green spaces and spaces for nature within the city.
- 4.6. Street spaces with high cultural, archaeological, and historical value are recognised, valued, and protected.

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## 5. USE OF THE STREET

- 5.1. The use of the street for private plantings is permitted under the conditions and criteria set out in Schedule One. The Group Manager: Infrastructure<sup>1</sup> is authorised to exercise discretion in waiving criteria and conditions where, in his professional opinion, such waiver is appropriate.
- 5.2. Converting the street into parking is discretionary and requires the permission of the Group Manager: Infrastructure and considering the conditions outlined in Schedule Two.
- 5.3. The use of artificial grass is not permitted on the street.

## 6. LICENCE TO OCCUPY THE STREET

- 6.1. The following criteria must be met before a licence will be issued:
  - the licence aligns with the principles of this policy
  - the licence will not prevent the adjoining landowners access to their land
  - the licence does not constitute a pedestrian or vehicular obstruction or hazard
  - there is no immediate requirement for the land
  - the access to all services are readily available
  - there is a land survey conducted in the relevant area as to the license proposal
  - the licence of the area is beneficial to the general public (ie. council no longer has to maintain the land at our cost, or provides a public benefit)
  - the proposed use of the land does not contravene the City Plan
  - no compensation for any improvements put on the land by the licensee.
- 6.2. Licences must be issued on a month-to-month basis determinable on one month's notice.
- 6.3. Private and commercial use of the street will require an application fee reflective of the costs of administering the licence as set out in council's user fees and charges.
- 6.4. Private and commercial use of the street will require an asset bond reflective of the cost of removing the activity and restoring the streetscape to its original condition.
- 6.5. The council will require businesses with street dining in the zones outlined in Schedule Three to:
  - have a licence to occupy the footpath
  - pay fees as per the council users fees and charges
  - promote smoke and vape free street dining
  - align with the street dining design guidelines.

<sup>1</sup> Or any equivalent future role.

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- 6.6. The licence fees payable in respective street dining zones will be set through user fees and charges considering information (where available) on:
  - the footfall of the area
  - the hospitality spend information
  - the traffic and volume parking information
  - the relevant rental/lease assessments
  - the related use of council land zoning fees
  - the standard of public infrastructure in wider area (eg, destination playgrounds, walkways, community facilities).
- 6.7. The zone fee should aim to reflect the average commercial value for street dining in that zone. In considering the information in 6.6, council will consider information from different time periods in the year to account for the seasonal differences in the value of street dining.
- 6.8. Council may consider reducing the fees for street dining for a limited time, subject to financial considerations, when circumstances arise that result in:
  - a limited-time disruption to foot traffic in an area, and
  - a significant reduction in the likelihood of people utilising street dining, and
  - an impact on ongoing viability of the business.

## 7. LEASE OF AIRSPACE ABOVE STREETS

7.1. As a general principle public airspace is not available for private development.

- 7.2. Requests may be made for approval for buildings to encroach into the airspace above public streets. This creates potential for development which may conflict with public objectives of ensuring continued functioning of the street and protecting the amenity of the street space and the loss of the use and enjoyment of space for the public. In considering requests to use the airspace the council will consider the principles of this policy, in addition to:
  - maintaining public benefits provided by the street space
  - ensuring that the safe and efficient functioning of the street for the movement of pedestrians and vehicles is not compromised in any way by building encroachment
  - avoiding any loss of amenity or potential amenity including the planting of trees as well as pleasantness, coherence and harmony of the street space caused by building encroachment
  - enabling development of street airspace which is consistent with established urban design themes and alfresco dining experience within commercial areas.

7.3. Encroachment of buildings into airspace above streets generally should be limited to:

- 1. verandas allowed or required by the District Plan, or verandas or design features approved by council as appropriate for the area
- 2. "alfresco" dining on open balconies above verandas at first floor level adjoining premises in commercial business zones.

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- 7.4. Verandas and design features under 7.3 (1) do not require a licence to occupy or need to pay fees. The property owner is responsible for the ongoing safety and maintenance of the structure.
- 7.5. Balconies under 7.3 (2) require approval from the Group Manager: Infrastructure<sup>2</sup> and must have a licence to occupy. Fees for balconies under 7.3 (2) will be set at 75% of the relevant street dining rate for the area occupied as set out in councils user fees and charges.
- 7.6. Encroachment of buildings into airspace above roads other than that set out in 7.3. above should:
  - be allowed only in unusual or exceptional circumstances
  - not be contrary to section 7.2 (1) or (2) above
  - ensure that public amenities are provided which completely offset the effects of the loss of any public space
  - pay fees set at a market rate or provide public amenities to offset the loss of public space at a value of at least equal to the market value of the lease, capitalised over 50 years.
- 7.7. When considering an application to lease airspace above streets, the following factors must be assessed to ensure that the public interest is protected, and legal requirements are met:
  - An encroachment must ensure that sufficient airspace remains above the surface of the street for the free and unobstructed passage of vehicles and pedestrians lawfully using the road.
  - No encroachment will be allowed into the airspace above the vehicular carriageway, nor be lower than a height to be specified by the council in each case, above the surface of the footpath or street below.
  - An encroachment must not interfere with or in any way obstruct the right of the Crown, or of any authorised person to run utility services along the road as set out in Section 357(2) of the Local Government Act.
  - An encroachment must comply with the City Plan and be subject to obtaining all necessary consents whether under Resource Management Act, Building Act or otherwise.
  - Council must have no immediate or foreseeable use for the air space.
- 7.8. Private and commercial use of the street will require an application fee reflective of the costs of administering the licence as set out in council's user fees and charges.
- 7.9. Private and commercial use of the street will require an asset bond reflective of the cost of removing the activity and restoring the streetscape to its original condition.

<sup>2</sup> Or any equivalent future role.

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## 8. LEASE OF SUBSOIL BELOW STREETS<sup>3</sup>

- 8.1. That, as a matter of general policy, the council would not lease subsoil below streets for the use of private developers.
- 8.2. The following items are specifically excluded from consideration under this policy for leasing of subsoil below streets and will require specific council approval in each case:
  - leases for underpasses
  - leases for pedestrian walls
  - leases for occupied space.
- 8.3. When considering any application to lease subsoil below streets, the following factors must be assessed to ensure that the public interest is protected, and legal requirements are met:
  - Public benefits provided by the street space are maintained
  - The safe and efficient functioning of the road for the movement of pedestrians and vehicles is not compromised in any way by the building encroachment.
  - No loss of amenity or potential amenity, including the planting of trees, as well as pleasantness, coherence and harmony of the street space caused by building encroachment.
  - The encroachment of buildings into subsoil below streets is limited to: foundation pads, wall beams or piles at least two metres below the road surface.
  - The encroachment of buildings into subsoil below roads other than that set out above would require specific approval of the council.
  - The encroachment must ensure that at least two metres of subsoil space remains below the surface of the street for the free and unobstructed passage of underground services lawfully laid in the street.
  - The encroachment must not interfere with or in any way obstruct the right of the Crown, or of any authorised person to run utility services along the road as set out in Section 357 (2) of the Local Government Act 1974.
  - The encroachment must comply with the City Plan and be subject to obtaining all necessary consents whether under Resource Management Act, Building Act or otherwise.
  - The council or other network utilities who have rights to lay services in the road must have no immediate or foreseeable use for the subsoil space.

8.4. Lease rentals, shall be payable:

- at a market rate, or
- by providing public amenities to offset the loss of public space at a value of at least equal to the market value of the lease, capitalised over 50 years.

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<sup>&</sup>lt;sup>3</sup> Note in the case of subsoil leases can be considered for land below the roadway in addition to the street.

- 8.5. A lease may only be granted to the owner and occupier of any adjacent site. Any such lease is not capable of registration.
- 8.6. The term of the lease should not exceed fifty (50) years (subject to obtaining subdivision for a lease greater than 20 years) and should include a condition allowing the council to terminate the lease and require the removal of the foundations if required for a public purpose, upon 12 months' notice.
- 8.7. The terms of the lease may be reviewed in the event of the loss or destruction of the building to which the lease applies.
- 8.8. The lessee must pay all costs associated with any lease.
- 8.9. The applicant must provide written evidence that he has consulted all those that have rights to lay services in the road and that none of them have any objection to their proposal.
- 8.10. Leases shall be granted on terms and conditions as advised by the council's solicitor and approved by the chief executive.

## 9. ROAD STOPING

- 9.1. Council will consider permanent road stopping and disposal, where:
  - the road is not likely to be required for council or community purposes, or
  - the road stopping is required to meet the operational requirements of either council or the Crown.
- 9.2. Road stopping will be undertaken in accordance with the processes outlined in the Local Government Act 1974 or the Public Works Act 1981.
- 9.3. All costs associated with the road stopping shall be met by the requesting party or as otherwise specified by council's user fees and charges in the long-term plan or annual plan.
- 9.4. Road stopping requests will not be treated as surplus property under the Property Acquisitions and Disposals Policy 2021 and are not subject to right of first refusal process.

#### 10. VEHICLE CROSSINGS

- 10.1. Property owners may install vehicle crossings as per the conditions set out in the Traffic and Parking Bylaw.
- 10.2. Council may relocate vehicle crossings when:
  - a street or area is being redeveloped and the existing vehicle crossing obstructs the desired outcome from the redevelopment
  - a suitable alternative vehicle crossing is already available to service the property, or a relocated vehicle crossing could be developed to service the property.

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### 11. RELEVANT DELEGATIONS

- 11.1. The implementation of this policy is delegated to the chief executive and their subdelegates.
- 11.2. The chief executive may make changes to the schedules of this policy. Any changes to schedules must be notified on the Tauranga City Council website.

#### 12. REFERENCES AND RELEVANT LEGISLATION

- Local Government Act 2002
- Local Government Act 1972
- Land Transport Act 1998
- 13. ASSOCIATED BYLAWS AND POLICIES/USE OF COUNCIL LAND POLICY 2022
  - Street Use and Public Places Bylaw 2018
  - Property Acquisitions and Disposals Policy 2021

## 14. SCHEDULES

- Schedule One: Conditions for private plantings on streets
- Schedule Two: Conditions for converting streets into parking
- Schedule Three: Street dining zones

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#### Schedule One: Conditions for private plantings on streets

Private property owners may plant on road berms along the frontage to their property in special circumstances where there will be a saving in maintenance costs to the council or the proposed planting compliments a plan for the streetscape in the area, subject to the following requirements:

- 1. The Group Manager: Infrastructure has provided a letter of permission<sup>4</sup>.
- A sketch plan of the area to be planted showing all underground and overhead services with a detailed plant list naming those plant species to be used is to be submitted for approval to the Group Manager: Infrastructure<sup>5</sup> prior to any on site work.
- 3. The plants shall not be poisonous or have spines, thorns or prickles.
- 4. The plants used shall not be contained in either "National Surveillance Plant Pests" or "Plant Pests of the Bay of Plenty" as set out in the "Plant Pest Management Strategy for the Bay of Plenty Region" prepared by Environment Bay of Plenty.
- 5. Aany planting shall be entirely at the approval of council and may be removed, trenched, or altered by council or service authorities with no compensation paid, however notice will be given where practicable.
- 6. The planting shall be maintained by the property owner on whose frontage it is. This maintenance shall include keeping the vegetation low, clear of the footpath and free of weeds, excluding tree species where their natural shape and form is desirable.
- 7. lif the planting is not maintained to a tidy standard, then council reserves the right to remove the planting, reinstate the grass and to recover the costs from the licence holder or the property owner.
- 8. No private structures are to be erected or alterations to the ground level are to be permitted within the berm frontage (other than structures associated with public works and official signs).
- 9. The garden planting on the berm cannot be fenced.
- 10. The property owner enters into a written agreement accepting these conditions which will be held on the property file.

<sup>4</sup> Or any equivalent future role. <sup>5 5</sup> Or any equivalent future role.

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#### Schedule Two: Conditions for converting streets into parking

Converting streets into parking is at the discretion of the Group Manager: Infrastructure considering the conditions and criteria set out in this schedule. The Group Manager: Infrastructure is authorised to exercise discretion in waiving criteria and conditions where, in their professional opinion, such waiver is appropriate. The conditions and criteria to be considered include:

- 1. Road berms that are currently planted in grass can be converted to angle or parallel parking (the parking area), paved where possible with "gobi blocks" or similar permeable surfacing in any of the following situations, subject to specific designs being approved by the Group Manager: Infrastructure.
  - Where the activity on the property adjacent to the "parking area" meets all the requirements of the CityPlan, and any resource consent which may apply.
  - Where there is no physical impediment to pedestrian paths or vehicle flow past the parking area and no adverse impact on road safety.
  - Where the parking area is adjacent to a Residential Zone, the neighbours will be asked by the applicant to comment on the proposal and the comments shall be included with any application.
  - Where the proposed parking area is served by a vehicle crossing(s).
  - Where road widening is undertaken to maintain the traffic flow capacity of the street.
  - Where there are Council Buildings, Properties or Reserves that attract people in cars and there are not enough car parks on the site to cater for the usual demand.
  - Where there are crèches, kindergartens, schools or other community related activities on site, which need short term, pick up and set down areas.
  - Where the significance of any council street trees to the streetscape affected by the paved areas is assessed by the City Arborist prior to consideration of the application.
  - Where consideration is given in the design to the planting of additional street trees to screen the parking and to visually soften the effect. The position, species and grade of tree are to be approved by the City Arborist. Urban safety and traffic safety need to be allowed for when screen planting.
- 2. Road berms that are currently planted in grass can not be converted to angle or parallel parking (the parking area) under the following circumstances:
  - Where home-based businesses or medical rooms are established in residential zones and the demand for parking exceeds what is required under the City Plan to be provided on site.
  - Where businesses have grown beyond their site and are unable to provide sufficient on site car parks.
  - Where high profile garden areas are removed or obscured.
- 3. Council will not contribute to the costs of construction of the extra parking areas and street lighting unless it can be shown that:
  - There is a greater public use and benefit from the work than that to the frontage on which the parking is constructed, or
  - Council owns the building, property or reserve which needs the parking, or

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- Council is undertaking road works in the area and there is road land available on which it is possible to construct such parking at a reasonable cost in conjunction with the planned works, or
- A financial contribution is offered by the owner of the property on whose frontage the parking is to be built which is considered to match the private/public benefit apportionment of the benefits of the works, and
- The council expenditure is in the approved Annual Plan and budget for the year or council resolves to allocate money for the work during the financial year.
- 4. The ongoing maintenance of the paved area and any street gardens or trees will be included into the annual maintenance budgets for the road section.

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## Schedule Three: Street Dining Zones

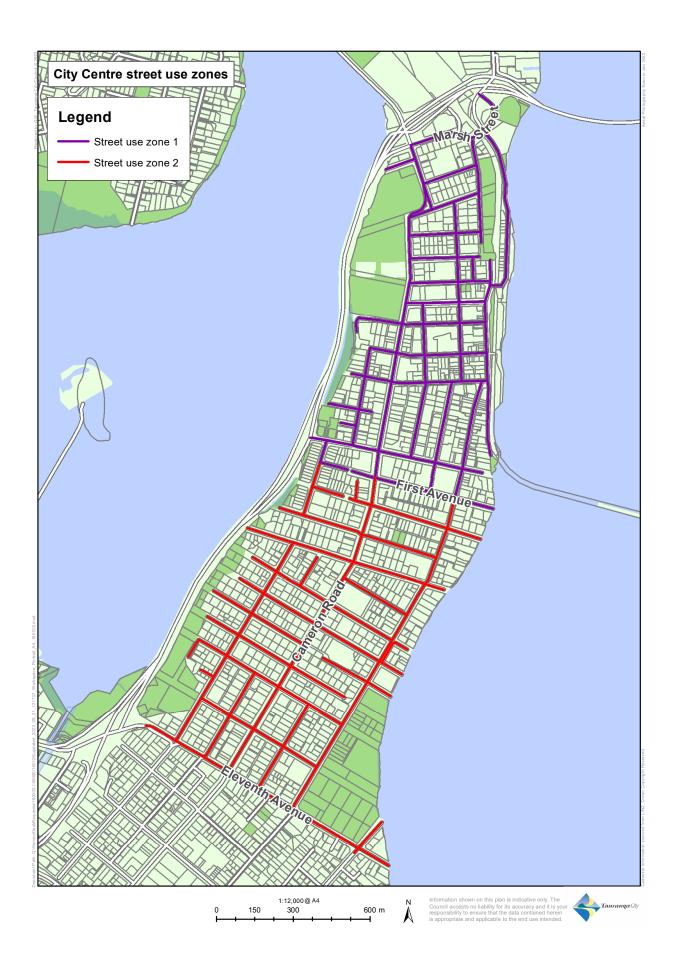
Zone A – Inner City Centre, South of Marsh Street to First Ave (inclusive)

Zone B – South City Centre, Second Ave to Eleventh Ave (inclusive)

Zone C – Mount Mainstreet, Maunganui Road from Grace Road to Salisbury Avenue (inclusive)

Zone D – Mount Central, North of SH2, Hewletts Road and Golf Road (inclusive)

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#### Submissions on the Gambling Venues Policy

Submission	First Name/Business Name	Last name	Name of business or organisation		How strongly do you agree, or disagree, that we should allow gambling venues to move, so they can leave areas that research tells us they are likely to do more harm?	Can you share with us why you gave this answer
1	Eliot	Fenton	Te Whatu Ora	Yes	Strongly disagree	See submission in attached pdf
2	Ash	Gee	Miss Gee's Bar & Eatery / Chair – Downtown Tauranga	Yes	Agree	See submission in attached pdf
3	Martin	Cheer	Pub Charity Limited	Yes	Strongly agree	If the Council seeks to have gamlbing venues relocate to more desirable locations the commerical value of the licence to the business owner must be realised and a supportive policy be put in place.
4	Kim	Ort	DOCA	Yes	Strongly agree	Gambling venues benefit the community greatly by funds flowing back into community and sports groups
5	Jared	True	Gaming Machine Association of New Zealand	Yes	Agree	See submission in attached pdf
6	Luke	van Veen	Hospitality New Zealand	Yes	Strongly agree	See submission in attached pdf
7	Karmen	McGrath	Grassroots Trust Limited	Yes	Strongly agree	See submission in attached pdf
8	Matthew	Hayward		Yes	Agree	
	Claudia	West	Mount Business Association	Yes	Disagree	Given there are no further perimeters associated with the criteria for gambling venues to move (only the approved map) the business Association does not support this. The Mount Business Association would only support this move if there were further criteria in place prior to a venue being approved to move to their new location. Such as 1. the number of existing gambling venues in the same area (for example, we already have two down the Mount Mainstreet within 1km of each other. We would not like to see much more than this). 2. their proximity to social / emergency housing (we have social housing right in the middle of our Mainstreet and that is not captured in your low
9	Qadmiel	Edmonds	The Salvation	Yes	Strongly disagree	deprivation areas on your map) See submission in attached pdf
10 11	Anonymous	Anonymous	Army Oasis	No	Strongly agree	Gambling causes alot of harm to families so if we can move them away from neighbourhoods, that might help
12	Liz	van der Westhuizen		No	Strongly agree	Make these venues less likely to have foot traffic or less available for impromptu gambling.

13	Keith	Macey	No	Agree	
	Brendon	McHugh	No	Strongly agree	
15	Israel	Bai	No	Strongly disagree	
	Karen	Towes	No	Neither agree nor	
16				disagree	
	Holly	Allison	No	Strongly disagree	Businesses and organisations should not rely on gambling to stay afloa
					Gambling is extremely harmful in our community and should be
					minimised as much as possible. Any policy mechanism to close current
17					gambling sites should be implemented.
	Rachael	Arthur	No	Agree	
19	Alysha	Webster	No	Agree	
	Damian	Van Der Heijden	No	Strongly agree	Get them away from areas that are higher risk.
21	Talor	Duncan	No	Strongly agree	
22	Nadine	Dunlop	No	Agree	
23	Lorraine	Gordon	No	Strongly agree	Gambling is a huge problem in our society and many families suffer because of it.
	Alice	Butler	No	Disagree	Because they shouldn't continue to have licenses. We should just have
24					fewer gambling licensees.
	Hayden	G	No	Neither agree nor	Gamblers are going to gamble wherever the location is
25				disagree	
26	David	Mankin	No	Agree	
27	Mary	Isaac	No	Disagree	I can't see what the criteria are. Also, I would prefer to reduce number of gambling venues. That is, shut down existing ones
	Kimberley	Pilbrow	No	Strongly agree	
28	-				
	Lauren	Turner	No	Strongly agree	Great to be out of areas where they are causing harm! And hopefully
					prevent new gambling areas from opening in their place. Also from an
29					animal rights POV hopefully we are moving away from gambling
		Cunliffe	No	Strongly agree	The less harm the better
31	Luiz	Vasco	No	Strongly agree	
	Josh	Hough	No	Neither agree nor	
32	••			disagree	
33	Alex	Cairns	No	Strongly agree	
34	Therese	OBrien	No	Agree	People will always use them and why should they have to close becaus a building sells etc
	Te poata	Wickliffe	No	Neither agree nor	What do you mean move?
35				disagree	
36	Leah	W	No	Strongly agree	
37	Brian	Cochran	No	Strongly disagree	Gambling venues need to be less not move
38	Celia	Walker	No	Strongly agree	
39	Isaac	Wong	No	Strongly agree	
40	Maree	Walker	No	Don't know / unsure	
41	Ailsa	Mitchell	No	Agree	If they are allowed to move and keep their business as is.
42	borut	zagar	No	Strongly disagree	It doesn't really matter the location of them.
43	Jared	Tutbury	No	Strongly agree	
44	Jesse	Archer	No	Strongly agree	
45	What	For	No	Agree	

46 Brendan	Hodson	No	Strongly disagree	Keep them in tauranga cbd
47 Daneille	Geary	No	Agree	
48 Campbell	Phayer	No	Strongly agree	
Reni	Watson	No	Strongly agree	Safety around kids - gambling should be manage properly and age
49				restrictions area as well
Theresa	Eagle	No	Strongly agree	Because as the areas and cities change, the environments currents bars
50				are in are no longer suited to the area.
51 Reni	Watson	No	Strongly agree	
52 Theresa	Eagle	No	Agree	
53 Paula	Zinzan	No	Strongly disagree	
54 Jen	Lowes	No	Agree	
55 Mitchell	Hales	No	Strongly disagree	
Cam	Wright	No	Agree	I approve of harm reduction techniques, but is this just something that
				will allow them to move or will they be encouraged to move. If they aren't
56				encouraged I don't see them moving of their own volition.
Rich	Farrell	No	Disagree	Get rid of pokies all together.
				They have ruined the feel and the community in Papamoa and I am sure
				it is the same everywhere else.
				Leave them for the city.
				They should not be in beach towns.
57				Nothing good comes from having these in bars in our towns
Makayla	Stewart	No	Strongly agree	Yes we should allow them to move to other areas with less risk factors
				associated to the area. There should also be rules about allowing
				multiple gambling facilities within a walking distance or short drive to
58				another to stop people from bouncing from one place to another.
A	Barclay	No	Strongly agree	If it's not increasing the number of venues available then it doesn't cause
59				further harm
60 Sarah	Thomson	No	Disagree	
61 M	Rainey	No	Strongly agree	
Amy	Stewart	No	Strongly agree	gambling is already easily accessible on phones, shouldn't make it even
62				easier in person also
63 Kathryn	Ison	No	Strongly agree	
64 Kathryn	Dawson Banks	No	Strongly agree	
65 Paul	Gear	No	Strongly agree	Keep away from poor areas ie greeton welcome bay etc
66 Tony	New	No	Agree	
pam	Lees	No	Agree	It makes sense to have them in areas that people cant access so easily
67				for the health of communities.
68 Jim	Benson	No	Agree	Shrinking lid is a terrible policy. Allow them to relocate.
Raewyn	Bell	No	Agree	I personally do not gamble and I think gambling outlets need to be
				restricted in number and location and need to be well away from "easy
				access". Don't support gambling but support the gambling that exists
				being able to move PROVIDED it minimizes harm and gambling is not
69				nade more accessible or attractive.
70 Derek	Postlewaight	No	Agree	
Ryan	Henderson	No	Agree	
71				

Karen	Ball		No	Disagree	I dont think it is going to make a difference where they are. If people wan to gamble, they will and they will go wherever to do so. waste of time and money.
73 Amanda	Byers		No	Disagree	
74 Sandy	Orre		No	Agree	get rid of them altogether would be better!
Sandra 75	Banks		No	Agree	So long as council uses the funds directly to help with the upkeep. If businesses are benefiting from using this space, they should be contributing to their upkeep and this way they do
76 Amber	Wilson		No	Strongly agree	
77 Jennifer	Moore		No	Strongly agree	Because they're shocking.
78 Sheree	Putt		No	Strongly agree	Because it causes fights when people drink
79 Sarah	Englund		No	Strongly agree	
80 Marlo	Torr		No	Strongly agree	Gambling is addictive and causes family issues
Carmen 81	Cristescu		No	Neither agree nor disagree	
82 Dylan	Larsen		No	Strongly agree	
83 Jasmyn	Morrison		No	Strongly disagree	
84 Andrea	Bennett		No	Strongly agree	
85 Oliver	Haycock		No	Strongly agree	
86 Zayne	Davis		No	Strongly agree	
87 Wendy	Dumee		No	Agree	
88 Mrs R	Ormsby		No	Agree	
89 Caa	Acacio		No	Strongly disagree	No gambling for me
90 tisean	hirst		No	Disagree	
Evette 91	Robinson		No	Don't know / unsure	I am on the fence as yes they should move if they can cause more harm. However they cause harm to many people and their lively hood on an everyday basis, so should not be even be available in the first place or regulated with restrictions of hours of opening.
WhetuMarama 92	Atutahi		No	Strongly disagree	More pressing issues then this need addressing!!!
93 Mea	Da Silva		No	Agree	
94 Donna	Jarden		No	Strongly agree	Gambling can be an addiction for vulnerable people
95 Katy	Newman		No	Strongly agree	
96 Sam	Cummins	BayTrust	No	Strongly disagree	See submission in attached pdf
Denise 97	Henigan		No	Neither agree nor disagree	Close them down! Reduce the numbers.
Joan 98	Mitchell		No	Strongly agree	Should be allowed to move - to help people overcome gambling problems especially those on low incomes and vulnerable people who are drawn to possibility of winning.
Alec 99	Whatmough		No	Agree	Whilst I do not support gambling venues, I do understand that they are a commercial enterprise and under the current by-laws can be forced out of business due to such things as earthquake-prone buildings. This is no necessarily a good thing due to the flow-on effects, particularly to staff.
AI	Campbell		No	Agree	Move them out of venues that are solely sustained by gambling machine revenue
01 Zoe	Trower		No	Agree	

Callum 2	Van de Weyer	No	Neither agree nor disagree	Gambling venues should not be allowed to operate in residential areas. also believe gambling shouldn't be part of our city centre.
-	Malfair	Nia		
Nina 3	McKay	No	Strongly disagree	Because high risk people can move away from gambling areas instead
4 Stewart	Taylor	No	Strongly disagree	Should be reducing them
5 Tanya	C	No	Strongly agree	
Caroline	Bramley	No	Agree	Pokies machines should be banned full stop, they destroy families and largely make money from addicted and impoverished persons. If they are going to move it should not be in the CBD OR RESIDENTIAL AREAS. THE SAME SHOULD APPLY TO ALCOHOL AND VAPE STORES.
George 7	Swanepoel	No	Strongly agree	Gambling is so sad and effects the people that are struggeling, as they are desperate to try their luck.
8 Stefan	Senf	No	Agree	
Tom 9	Lehner	No	Agree	I'd like to ensure gambling venues are moved quickly away from residential areas where harm is likely to be caused. ensuring the location of gambling in areas not frequented by footfall would be ideal.
0 JOHN	FLEMING	No	Strongly agree	
1 Dacey	Zelman Fahm	No	Strongly agree	
2 Tim	Donaldson	No	Strongly agree	
3 Duncan	Newington	No	Strongly agree	Make them as difficult to get to as possible
4 Mat	Parnell	No	Strongly agree	
Sue	Reid	No	Strongly agree	Ideally reduce the ease of gambling and likely hood of developing gambling addiction Reduce visibility to young people who may be curious to try gambling
John	PATTERSON	No	Strongly agree	animal research has also shown that the most desperate are the more likely to gamble for example in times of drought the weaker animals which cannot get near the depleted waterholes because of larger predators are more likely to wander off blindly into the dry area looking for an alternative water hole. Sadly generally it is the worse off in our society who feel the need to gamble
7 Daniel	Kulasingham	No	Agree	
Raewyne 8	Tawa	No	Strongly agree	There should be NO gambling venues in suburbs - ever. Same as lique stores. Unbelievable that it is even an option
9 Sandra	Wharton	No	Strongly disagree	Tragic for families of gamblers who gamble financially and emotionally
0 Kevin	May	No	Strongly agree	
1 Mikaela	Julius	No	Agree	
Rachel 2	C	No	Agree	They want to make sure they are targeting the right audiences and accepting change and wellbeing of their clients
Marie	Petersen	No	Strongly agree	Move these gambling venues out of residential areas, people who still want to gamble will find a way to get to them - but those areas where they are likely to do more harm will benefit.
Terry 4	McIntosh	No	Neither agree nor disagree	The problems the people, not the placement of the venue?
Peter 5	Cosnahan	No	Agree	I only agree on the understanding that this is only to mitigate harm and where they move to is equally validated

Peter	Wilson	No	Neither agree nor	
26			disagree	
Scott	Illingworth	No	Agree	
27				
Ewen	Castle	No	Agree	I am NOT in favour of gambling (Pokies) however moving the existing
28				venues to "safer" locations may be beneficial
Nicola	Mulgrew	No	Strongly agree	If there is an area that is 'safer' for them to be, such as industrial areas
				as opposed to commercial or residential, then of course they should be
29				allowed to move.
Ray	Clark	No	Strongly agree	Makes sense to have in established commercial area awar from housir
30				schools etc
31 IAN	BROTHERS	No	Strongly agree	
Nathan	Wansbrough	No	Agree	Reduction in visibility and accessibility of gambling venues is good for
32	Ů Ů		0	our communities.
Lois	Stapleton	No	Strongly disagree	What is meant by "so they can leave areas"? Would this only be a mov
1				by choice? Or are you thinking that you would ban them from their
				current locations? Can they not alreadyd leave and move to another
33				area if they wish to?
34 Saltwater	Jay Thomas	No	Agree	
35 Michelle	Wood	No	Agree	
36 liohn	mcleod	No	Strongly agree	Makes sense
37 Rochelle	Benton	No		Makes sense
-			Strongly agree	lander was been die selfen been die beween Oording beende
Alan 38	Ridley	No	Strongly agree	I only agree because this option lessens the harm. Gambling should be banned.
Chris	Stuck	No	Neither agree nor	
39			disagree	
Ashley	Longhurst	No	Neither agree nor	
40			disagree	
Murray	Bailey	No	Agree	Removing temptation further away makes them a little more
41			0	inaccessible.
42 Carol	Ralph	No	Agree	We dont need to put temptation in front of those who struggle
Davina	Plummer	No	Strongly agree	The rationale of leaving an area where they are likely to cause harm is
43				positive rationale.
44 Graham	Young	No	Strongly agree	I assume you are referring to the Tauranga race course.
Emma	Muller	No	Agree	Whilst I'm sure people who gamble will move with their venue I agree
45			1.9.00	with moving them from harmful areas.
46 Paul	Mathews	No	Strongly agree	just close them down, there is NOWHERE they do not cause harm!
Shane	Eastergaard	No	Agree	
47	Lastergaaru		L'Aice	
47 48 Maureen	Lewis	No	Agree	so long as there isnt more locations
49 Tracey	Mayall	No	Strongly agree	It makes good sense to allow this.
		No		If they are leaving areas where they are causing more harm they going
Lynne	Clayton	INO	Agree	
-				elsewhere is beneficial for the more vulnerable - so long as where they
50				move to isn't also a high-risk area
51 Barclay	Wilkinson	No	Strongly disagree	

_					
Tes	ss	Nesdale	No	Strongly agree	Out of out of the way suburban shops. Not visible to the public. People can 'hide' away. Areas there may not be
152					well supervised?
Chri	do	Pattison	No	Neither agree nor	This could be a good or bad thing. If they are leaving an area where they
Cnn	is	Pallison	INO	U U	could have a negative impact, they may move to another area where the
				disagree	
450					impact is even worse.
153			NL	Otherstein	Better the devil you know than the devil you don't know.
154 Sha		Steenson	No	Strongly agree	
155	herine	Doerr	No	Agree	How do we know they are moving to areas where they will do less harm?
Gler	enda	Phillips	No	Agree	Firstly your maps are really hard to ascertain correct areas as no street
				-	names clear.
					Would agree as long as they are not forced out but can move if they wis
156					to.
Fion	na	Baker	No	Strongly agree	As usual the desirable high decile places will not be zoned to have
				5,5 5	gambling venues established there but the poorer areas will
					accommodate them. How about putting these venues in Matua and
					neighboring suburbs? This will deter the users.( They will need a car to
					get there and will be out of their comfort zone, maybe they will switch
					their transactions to online, as I'm sure they all have mobile phones) Th
					council should stop this classism, it is promoting a separate lifestyle and
					environment for those who have and those who have not. We don't nee
157					ghettos developing thank you. Already I'm afraid to go down to Greerton Village after 5pm
157 158 Olo		Game	No	Strongly disagree	
	becca	Whalley	No	Strongly agree	I have seen the harm gambling venues can do when located near a
Rep	Jecca	whatey	INO	Strongly agree	residential area and near the person's home. Gambling venues shouldr
159					be permitted in these locations at all, including existing. There should be
			NL	Oterrate d'annual	a phase out of such gambling venues.
160 Grai	ant	Wilson	No	Strongly disagree	I the state to the test of the second difference of the second state of the second sta
S		Cole	No	Agree	Like alcohol related harm, gambling causes much harm to many
161					families. Any movement away from residential areas is a good thing.
Mich	hel	Pelzer	No	Strongly agree	I think it is better to have these venues out of sight. If people want to use
					the venues they can, but they should not be in village centers or main
162					roads, promoting spontaneous drop-ins and mass advertising
Alex	xander	Steel	No	Strongly disagree	Allowing a company to do something means they will only do it if it is in
					their best interest. Assuming that high deprivation index areas have
					increased gambling addiction issues, then it follows that moving closer t
					them will increate their revenue and be in their best interest. This will
					simply allow them all to move to exactly 101 meters from the boundary of
					such zones, increasing their revenue, and the gambling issues in
					Tauranga.
					If this proposal was an amendment to the existing bylaws which added
					the ability for venues to move if their existing location does not meet the
100					new location requirements specified in the proposal. I would be fine with
163					it.

	Sterne Collective	Mat Sterne		No	Strongly disagree	We know that people residing close to gambling venues are more likely to gamble, less likely to be happy, and more likely to suffer from financial hardship and mental health problems. So why would we relocate these
64	-		0			issues to another neighbourhood and further spread the detrimental effects of gambling across our city? Let's face the real issue here gambling. Revoking licences within the current venues, in the existing locations will be easier to manage than allowing new facilities to be opened and spreading the issues wider. What good does gambling really offer? If we want more money available for funding projects then find other ways fund Jraisers that are community-focused and promote positive social behaviour need to be given priority over what is predominantly a solo, addictive and potentially destructive activity for the individual and their dependants.
65	Kerry	Bird	One Foundation	No	Agree	See submission in attached pdf
66	Janu	Singh	Akarana Community Trust	No	Agree	See submission in attached pdf
67	Katie	Сох		No	Neither agree nor disagree	It doesn't seem like putting them in the middle of town will be any good either! Get rid of them.
68	Masson	Clark		No	Strongly agree	I think it's a good idea to have a bit more policy around where pokies or tab can go. It's sad going to a sports bar to watch a game and seeing the same people deep in the pokies.
	Aidon	Decke		No	Strongly agree	
	Carl	Jones		No	Agree	Only if there are strict rules around the rationale for moving. I.e it should be council driven, not gambling business driven. Also 100m from deprivation seems to low. I would suggest at least 500m would be a minimum re sensible barrier. It would also be a good time to put additional conditions in such as reducing the licensing period or reducing the overall number of machines allowed by 25% particularly if it is going into an areas that has seen rapid population growth or does not have other gambling operations already.
70	DI					
71	Philip	Bourne		No	Agree	Happy to support this over allowing new additional venues to what is out there now. I a city that has many homeless reductions in tempting the least fortunate people should be down to a minimum.
72	Steven	Everill		No	Strongly agree	Seems to make sense to allow flexibility if it moves venue out of higher risk area
73	Russ	Bain		No	Strongly agree	If gamblers have to travel out of their way (closeness) it will make them think twice.do I gamble or stay home.
74	Sue	Crompton		No	Strongly agree	Totally agree these places are high risk for so many people, get rid of.
	Nicky	McCall		No	Strongly agree	low socio regions are constantly targeted by alcohol & gambling outlets, it's beggars believe that our councils a & government agencies allow this to occur - I find the question a bit strange though, "allow gambling venues to move"? why would they move of their own accord from their target market??
	Steve	warren		No	Agree	Not keen on gambling it can lead to poverty and addiction .
• • •	0.010			1.10	1. 9.00	Interneen en gambing it our load to povorty and addition .

Viren	Singh	No	Neither agree nor	
chris	newnham	No	disagree Agree	to shift away from lower social areas
Lisa	Higgins	No	Strongly agree	If people groups who are more susceptible to gambling issues are less
LISA	Higgins	INO	Strongly agree	inclined to visit due to location - that is a good thing!
Trish	Stockley	No	Don't know / unsure	
Penny	Calev	No	Agree	
Stewart	Gebbie	No	Strongly disagree	Moving shifts the problem somewhere else and potentially places a tradable premium on gambling licences. A likely outcome is buying and selling of businesses holding a licence, then moving to a new area, potentially circumventing the new licence application process. If they are doing demonstrable harm where they are, then their licence should be revoked and/or not renewed. If the operator wants a licence somewhere else, they can apply for a new licence.
D	Adnitt	No	Agree	
Dyanne	Dixon	No	Strongly agree	Gambling is addictive and destroys lives; let's keep it away from high risk areas.
Corrin	Quinlan	No	Agree	I think gambling can be an addiction and people should be protected from too easy access.
Kate	Gunning	No	Neither agree nor disagree	
Craig	Morris	No	Agree	The areas of most harm are potentionally areas where those people with lower-incomes, less education, disabilities and other depravations may live. They may benefit from the temptation of gaming venues closing. The vacant places could be offered to community support groups at little or no rental.
Jan	Fraundorfer	No	Strongly agree	Because gambling causes extreme hardship
Henri	David	No	Strongly agree	
Clive	Wright	No	Strongly agree	
Peter	Archer	No	Agree	Anything to reduce harm
Meryl	Crowther	No	Strongly agree	
Claudia	West	No	Agree	I do agree with this to ensure there is reduced harm, however, there also needs to be a reference check to see where they are wanting to relocate to, are there existing gambling venues in that area already. Is there a rule that doesn't allow two gambling venues to be within x distance from each other? Just because they are moving away from one area to reduce harm, it may have a negative impact on the community they are moving to Balancing act, so more parameters need to accompany this criterion to make it benefit the community.
Andrew	Sommerville	No	Agree	Would like them to move or better close, risk is other areas would not want them either.
Belinda	Ruddell	No	Don't know / unsure	Prefer to reduce gambling overall
а	b	No	Strongly disagree	reduce the number
Steph	Macdonald	No	Strongly agree	Keen to support policies that reduce the harm of gambling. Would like to see a sinking lid on number of pokie machines in city

98 Cindy	McQuade	No	Strongly agree	Because pokie operators are targeting poor communities. They need to get out.
			Neither agree nor	
99 Launa	Seddon	No	disagree	gamblers will still go to support their habit.
00 Angela	Fleet	No	Strongly agree	
01 Aifai	Esera	No	Strongly agree	unwanted behavior and temptation.
				Make sense, as long as not moving closer to schools or to higher foot
02 Craig	Williams	No	Agree	traffic zones
03 Janice	Bailey	No	Agree	
				Move or reduction, dos not matter how you pack this it is harming
04 Glen	Sheaff	No	Agree	communities'.
-			3	No reason they shouldn't be 'allowed to move' and keep their licenses
05 James	Gibb	No	Agree	is. But they should not be pushed out of certain areas either.
06 Andrew	Southam	No	Agree	
07 Tanya	Chaffey	No	Strongly agree	If there is more harm they should definitely move
08 Maureen	Bailey	No	Strongly agree	Too many in the areas that poor people live,
9 Richard	Baldwin	No	Agree	Keep them away from housing and schools
10 Reine	Ford	No	Strongly agree	······
11 Mitchell	Handcock	No	Strongly agree	
12 Tom	Rawson	No	Agree	makes sense to move from vulnerable areas.
13 Vanessa	Davis	No	Agree	
10 Vanessa	Davis		Agree	Further than walking distance from deprived areas.
				Gambling areas need to be seen as entertainment, somewhere where
				requires a bit of effort to get to.
14 Jan	Johnstone	No	Agree	Too close to home, it can become an expensive and addictive habit.
			Agree	The ratepayers should be consulted of the area they intend shifting to
15 Keith	Fletcher	No	Strongly disagree	
16 Alan	Wheeler	No	Agree	
10 / liam			Neither agree nor	
17 Mike	Rayner	No	disagree	
18 Heather	Firth	No	Strongly agree	Less harm
				Gambling is a real problem. It should be made illegal, but in the absence
				of that option, ensuring gambling venues are not in locations where the
19 Damian	Skinner	No	Strongly agree	are likely to do more harm is both sensible and ethical.
Damian	Skilliel			where are these venues currently poisitioned vs where they are
20 suz	mog	No	Don't know / unsure	proposed to move?
20 502	mcq		Don't know / unsure	
				Gambling causes great harm to the most vulnerable families. Making
	Lanamidna	Ne	Chan all a sure a	them less accessible to the vulnerable would be a step in the right
21 Paula	Langridge	No	Strongly agree	direction
22 Catherine	McEwan	No	Agree	
23 rod	bailey	No	Agree	common sense
			Neither agree nor	
24 Megan	Lilley	No	disagree	Because if they move the problems just move somewhere else.
				If they move out of areas where there's potential for harm, surely this is
25 Kathryn	Macdonald	No	Strongly agree	good thing? Provided they go to areas where the risks are minimal

226	Ella	Shirley		No	Don't know / unsure	
					Neither agree nor	If the number remains static it won't make a great deal of difference,
227	Christine	Treacher		No	disagree	people will just go to the nearest one
228	Anita	Lepper		No	Agree	As long as it's not to a high profile area
229	Alana	Eady Paterson		No	Strongly agree	
						They will only leave to make more money. So no they can't move. Just
230	Lewis	McDuff		No	Strongly disagree	close.
						Moving them away from areas where they could cause harm is good
231	Richard	Lance		No	Agree	however would like to see total number reduce
232	Nathaniel	Padbury		No	Agree	
233	Mark	Hamilton		No	Strongly agree	Consider requiring this at end of current leases.
234	Vanessa	Hudson		No	Strongly agree	
						How will you manage to potential increased crime in these areas that this
235	Leanne	Elder		No	Agree	may bring?
	dave	Jennings		No	Agree	makes sense to me
					· · · · · · · · · · · · · · · · · · ·	Gambling Venues should be able to move out of areas where they are
						doing more harm than good (if they ever do any good anywhere).
						Communities shouldn't have to worry about illustrous people who are
237	Julia	Suter		No	Strongly agree	attracted by gambling venues.
	Kathryn	Hugill		No	Strongly agree	
200	. aan jii					I agree that these venues, pokies and TAB's cause harm. Great harm. I
						strongly agree that we should not have the TAB down the Mount
						Mainstreet, where children and families spend long periods of time,
						because the TAB clientele appear to me to be very different to other
						tourist users of the area and appear dangerous. Honestly, gambling is a
						scrouge on our society and moving is just a short-term solution to a sad
						thing. I don't really understand the rationale to moving venues, pokies
						and TAB, to areas outside the high depravation index though as won't
						that just mean that the people who frequent pokies and the TAB will
						move into other areas? Isn't this just moving the problem so that the
000		N				people who live outside high depravation areas will then have to suffer
239	JO	Veale	The Lieu	No	Agree	dangerous people around?
040	Comontha	Alexanden	The Lion	Na	A	See submission in attached pdf
	Samantha	Alexander Kristensen	Foundation PGF Group	No No	Agree	
	Kay		PGF Group		Disagree	See submission in attached pdf
242	Sandy	Scarrow		No	Strongly agree	I don't like gambling much but dislike their predatory placement.
0.40	Cherie	Palm		No	Strongly agree	Makes sense to move them out of areas where they do the most harm
243						considering the issues they create.
	Lynley	Powell	Sabal	No	Agree	
	Don	Martin	NZCT	No	Strongly agree	See submission in attached pdf
	Hamish	Carter		No	Agree	
247	Nicki	O'Donoghue		No	Agree	
	Shirley	Hampshire		No	Don't know / unsure	the information is unclear. I would like to see a reduction in gambling
						venues and yes get them away from vulnerable people but can you force
248						them to move?

249	Stephanie	Towers		0,0	As an example ie having seen the pokie addicts in Australia, we don't need easy gambling options. There is already the TAB, Lotto outlets etc.
250	Ivan		Asian Family Services	Disagree	See submission in attached pdf

National Public Health Service, Toi Te Ora Public Health PO Box 2120 TAURANGA 3140

3 November 2023

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#### Feedback on Tauranga City Council (TCC) Gambling Venues Policy Review

#### Introduction

Te Whatu Ora leads the day-to-day running of the health system across Aotearoa New Zealand, and either provides or commissions services at local, district, regional and national levels. Under the Pae Ora (Healthy Futures) Act 2022, one of the key objectives of Te Whatu Ora is "to promote health and prevent, reduce, and delay ill-health, including by collaborating with other agencies, organisations, and individuals to address the determinants of health." The National Public Health Service (NPHS) is a division of Te Whatu Ora and leads the delivery of Health Protection, Health Promotion and Prevention services, as well as working with the Public Health Agency and Te Aka Whai Ora on intelligence, population health and policy. As a Tiriti o Waitangi partner NPHS advocates for equitable health outcomes, by striving to eliminate health differences, particularly for Māori, and build towards pae ora (healthy futures) for everyone. Toi Te Ora Public Health (Toi Te Ora) is the public health service for the Bay of Plenty and Lakes districts.

Toi Te Ora supports evidence-based approaches to improving health and wellbeing. This includes promoting healthy environments and ensuring whānau and communities can live healthy lives. Toi Te Ora is committed to Pae Ora (healthy futures) for all.

Gambling is a significant public health issue. The harms of gambling are experienced by individuals, whānau, and the wider community with disporportionate harms impacting Māori, Pasifika and low income communities. Tauranga City Council is tasked with improving community wellbeing under the Local Government Act (Local Government (Community Wellbeing) Amendment Act 2019). Toi Te Ora welcomes the opportunity to submit on the proposed changes to Tauranga City Council's Gambling Venues Policy and submits the following:

- Toi Te Ora **recommends** Council strictly enforces its existing sinking lid policy and not allow relocation of venues and gambling machines.
- Toi Te Ora strongly recommends removing Section 2.5 from the Gambling Venues Policy.

#### Gambling as a Public Health Issue

Gambling harm exists across a spectrum. Even low-risk gamblers contribute to the harm experienced by communities. One in five people in New Zealand report experiencing harm from their own or someone else's gambling.<sup>1</sup> While they are not directly involved in gambling children often bear the brunt of it.

A 2017 Aotearoa New Zealand study found that gambling may cause more harm across the community than chronic illnesses such as diabetes and heart disease.<sup>2</sup> The study highlights six key areas of gambling harm: financial hardship, relationship disruption, reduced performance, decreased health, mental distress, and criminal activity.<sup>3</sup>

#### Equity and Upholding Te Tiriti o Waitangi

Gambling harms are not distributed evenly. Māori, Pacific peoples, Asian, young people, and people with lower incomes are all disproportionately impacted by gambling harm.<sup>4</sup> The 2020 Health and Lifestyle survey by Te Hiringa Hauora shows that Māori were three times more likely to be moderate risk or problem gamblers compared to non-Māori non-Pacific peoples, while Pacific peoples were 2.5 times more likely.<sup>5</sup>

As shown in the social impact assessment by Council, a significant proportion (two thirds) of Class 4 venues are in medium to high deprivation areas. This will continue to exacerbate gambling harms among communities that already experience disproportionate gambling harms. Policy revisions should focus on reducing harm on the most impacted communities.

As with many challenges for Māori, the drivers of gambling are linked to colonisation, land loss and poverty.<sup>6</sup> Under Te Tiriti o Waitangi, and as kaitiaki protecting the wellbeing of the Tauranga community, Council has a requirement to connect with iwi and protect future generations of Tauranga from gambling harm. Allowing relocation of gambling machines to communities that face disproportionate harms, and not prioritising Māori aspirations, is a breach of Te Tiriti o Waitangi. In particular, a breach of the principle of Tino Rangatiratanga.

Toi Te Ora **strongly recommends** that Council prioritises iwi, hapū and whānau views on the proposed policy changes. Council decisions should focus on reducing gambling harm to positively influence the wellbeing of future generations and support sovereignty.

<sup>&</sup>lt;sup>1</sup> Ministry of Health. 2022. Strategy to Prevent and Minimise Gambling Harm 2022/23 to 2024/25. Wellington: Ministry of Health.

<sup>&</sup>lt;sup>2</sup> Auckland University of Technology. 2017. Measuring the burden of gambling harm in New Zealand. Wellington, NZ: Ministry of Health

<sup>&</sup>lt;sup>3</sup> Auckland University of Technology. 2017. Measuring the burden of gambling harm in New Zealand. Wellington, NZ: Ministry of Health.

 <sup>&</sup>lt;sup>4</sup> Te Hiringa Hauora. 2021. Results from the Health and Lifestyles Survey 2020.
 <sup>5</sup> Te Hiringa Hauora. 2021. Results from the Health and Lifestyles Survey 2020.

<sup>&</sup>lt;sup>6</sup> Adams, P. (2004). The history of gambling in New Zealand. *Journal of Gambling Issues*, 12, 1-15

#### **Gambling Harm Outweighs Community Funding Benefits**

The harms of gambling outweigh any benefits to the community through grants and gambling funding.<sup>7</sup> Gambling (Class 4 Net Proceeds) Regulations 2004 do not require funds to be returned directly to the contributing community, or in a manner that addresses socioeconomic inequities.<sup>8</sup> In practice the distribution of funding from gambling is inequitable. A Business and Economic Research report observed that funds are less likely to return to high deprivation communities, who experience significantly greater harms from gambling.<sup>6,9</sup>

Much attention is given to the distribution of funds from gambling charities. Unfortunately, only a small proportion of what is gambled comes back to communities, and as above evidence confirms it tends to go more to communities who gamble less. Additionally, the Social Impact Assessment states that the proposed policy changes will be unlikely to impact community grant funding.

Toi Te Ora **recommends** that harm reduction and community wellbeing should be the focus of policy changes, not the ongoing generation of funding from gambling. Council plays a vital role in this regard. Therefore, Toi Te Ora **strongly recommends** Section 2.5 is removed from the Gambling Venue Policy, because gambling has a greater social and health impact on our vulnerable populations and Council can provide greater protection as part of their role improving community wellbeing.

#### Sinking Lid Policies Require Active Enforcement for Harm Reduction

Allowing relocation of venues does not align with a sinking lid policy. The Social Impact Assessment suggest that the sinking lid policy has not been enforced effectively since its inception in 2019. Since 2019 the number of both machines and gambling venues have increased.

Toi Te Ora is concerned that the proposed relocation policy will directly undermine the effectiveness of the sinking lid policy. Toi Te Ora **recommends** strict enforcement of the existing sinking lid policy to reduce the number of class 4 venues and machines in Tauranga. A recent nationwide study showed that when a sinking lid policy is enforced, they are one of the most effective in reducing class 4 gambling harm.<sup>10</sup>

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<sup>&</sup>lt;sup>7</sup> Malatest International Gambling Harm Needs Assessment 2021. URL:www.health.govt.nz/system/files/documents/publications/gamblingharm-needs-assessment-2021.pdf.

<sup>&</sup>lt;sup>8</sup> Gambling (Class 4 Net Proceeds) Regulations 2004 (SR 2004/365) (as at 01 July 2020) Contents – New Zealand Legislation

<sup>&</sup>lt;sup>9</sup> BERL. 2020. Assessment of the effects of Class 4 gambling on wellbeing in New Zealand. Department of Internal Affairs. 2020

<sup>&</sup>lt;sup>10</sup> Erwin C, Pacheco G, Turcu A. The Effectiveness of Sinking Lid Policies in Reducing Gambling Expenditure. J Gambl Stud. 2022;38(3):1009-1028.

Thank you for the opportunity to provide feedback on the Tauranga City Council proposed gambling policy changes. We look forward to working alongside you and supporting this work.

Toi Te Ora is available to answer any questions or clarify any points raised in this feedback. Please telephone Eliot Fenton (Health Improvement Advisor – ).

**Dr Phil Shoemack** Medical Officer of Health

**TO Tauranga City Council** 

3 November 2023

#### SUBMISSION ON GAMBLING VENUES AND STREET USE POLICIES.

#### By: Ashleigh Gee - Miss Gee's Bar & Eatery / Chair - Downtown Tauranga

My view on the use of Streets in our city is that we should be supporting the operators who pay for the use of the areas, to create exceptional public spaces that add to the overall vibrancy of the area.

#### **Gambling Venue Policies**

I support and agree with The Gaming Machine Association of New Zealand's (GMANZ) submission around the relocation provision being expanded to allow the council to consider relocations in any circumstances when the new site is more desirable from a harm minimisation perspective. This would allow venues to move to areas away from residential areas/sensitive sites. I support updating the proposed maps clearly indicating areas available for venue relocation.

#### **Street Use Policies**

**6. Licence to Occupy the Street** and its intent: Much of what the clause proposes will hurt the majority of our hospitality operators in these areas, through overregulation and unnecessary cost structure increases from the policies outlined.

**6.2 Licence to Occupy** agreements must be no shorter than a **12-month agreement with 6 months' notice to cancel**. A business must put in a considerable amount of investment and planning to utilise these spaces. Operators need certainty to ensure they will not leave out on investment. We are trying to encourage vibrancy and this comes from providing enjoyable open air spaces. Operators will be less likely to take up leases with the risk factor involved, therefore leading to reduction in outdoor dining and overall vibrancy. We should be focusing on how we can make it easier for operators to use their LTO areas to full capacity. Encourage them to make great spaces to attract more customers and increase vibrancy.

**6.5 Regarding the Street dining design guidelines**, Tauranga City Council needs to consult with the industry before developing this guideline to ensure the requirements and expectations meet industry requirements so that excellent outdoor dining spaces can be achieved. As the weather becomes more unpredictable, we need to provide operators with ways to be able to waterproof their areas so that they can use their areas all year round as they pay for them, and encourages more vibrancy year round.

**Regarding the suggestion of operators 'promoting smoke and vape-free areas'**, operators will need clarity on what meets Council expectations of 'promoting'. If the intent is to ban smoking or vaping, that should be stated clearly, not inferred – Council must be clear before formalising any of this in a policy. Consideration of our tourism industry needs to be considered here. We are already talking about reducing hours, this will be yet another unnecessary regulation on operators and negative experience for visitors. The website notes: "As a part of this policy, businesses using public streets for dining will need to have a smoke and vape-free policy for these spaces." However, the policy

document requires the licence holder to <u>promote</u> smoke and vape-free street dining. More clarity is required.

Operators that can provide sectioned areas for smoking/vaping that have no impact on public spaces should reserve the right to do this. As we are a region that is popular with tourists and many tourists still smoke/vape, this will have a negative effect on the experience we can provide. This will be another regulation put on operators that could easily be managed by them on their own terms as they hold the lease for space. Operators shouldn't be held accountable for individual actions, and we do not want to set up operators to lose their right to operate in the street if a customer is found to be vaping or smoking. Additionally, time of day should be considered, as late-night entertainment spaces will be impacted by smoking/vaping regulations.

If the smoke/vape-free requirement is targeted to areas where small footpath clearings/main walkways are used, then this should be on a case-by-case basis at most. For larger LTO spaces that do not directly encroach on footpaths and high foot traffic, this should be left up to the operator to manage and promote.

**6.6 The fees payable** should be a flat fee based on footfall, location and season. If the hospitality owner chooses to make the most of their space and make it into a profitable part of their business, then the city wins on vibrancy and more foot traffic. Operators should not be penalised for providing great experiences for the public as well as increasing financial turnover.

**7. Lease of airspace above streets** - the suggestion of a 75% fee for this area will again have a negative effect on operators. This area is presently accounted for in their private leases – both floor area and airspace charges being passed on to the tenant. This will result in the operator paying twice for the same amount. This charge has already been charged to tenants utilising balconies so I do not support another charge. If the Council proceeds, then it should only apply to any new buildings or lease agreements.

Again, considering the overall goal of arts, culture and vibrancy for our region needs to be considered when developing further regulations on the hospitality industry. This industry is one of the main draw cards for tourists and a high employer of travellers. A Council that considers this industry and works with them to elevate their businesses, will win in increase of foot traffic, vibrancy and tourism. Consultation on this policy should have happened with the industry prior to drawing up the document. Find out how businesses operate and the implications some of these regulations that have been included could impact businesses.

Thank you for the opportunity to provide this submission. I am available to speak on these topics if required.

Ashleigh Gee

## The Gaming Machine Association of New Zealand's Submission on Tauranga City Council's Gambling Venue Policy

### Introduction

1. The Gaming Machine Association of New Zealand ("the Association") represents the vast majority of the gaming machine societies that operate in New Zealand. The Association wishes to provide the Tauranga City Council with pertinent information regarding gaming machine gambling to help council to make a balanced, evidence-based decision.

## <u>Summary</u>

2. The Association supports the relocation provision being expanded to allow council to consider relocations in any circumstances when the new site is more desirable from a harm minimisation perspective. This would allow venues to move to lower deprivation areas and away from residential areas/sensitive sites. This is currently only allowed when the venue cannot continue to operate at the existing site due to a natural disaster, fire, public works acquisition or when the venue is earthquake-prone or has had its lease expire. We should not have to wait for a catastrophic event to move a venue to a more desirable location.

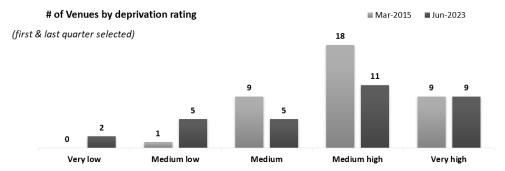
#### **Expanding the Relocation Provision**

- 3. In September 2013, Parliament recognised the merit in enabling venues to relocate, and expressly amended the Gambling Act 2003 to enable venues to relocate and retain the same number of machines when a relocation consent was obtained.
- 4. The amendment was not made to help venues who found themselves needing to move due to circumstances beyond their control. The amendment was made to encourage and facilitate venues to move from undesirable locations to more desirable locations. In the in committee reading of the Gambling (Gambling Harm Reduction) Amendment Bill (the Bill that led to the enactment of section 97A), the Bill's sponsor, Te Ururoa Flavell, stated<sup>1</sup>:

The Government... wanted to allow venues, with permission from territorial authorities, to move their pokie machines out of harm's way—perhaps to central business districts...

- 5. Venue relocation is a harm minimisation tool.
- 6. Currently 63% of the venues in Tauranga are in very high or medium high deprivation areas:

<sup>1</sup> https://www.parliament.nz/en/pb/hansard-debates/rhr/document/50HansD\_20130807\_00000040/gambling-gambling-harmreduction-amendment-bill-in



- 7. If a venue wishes to relocate out of a high deprivation area to a lower deprivation area, the policy should permit this. There is no good policy reason for taking steps to restrict this option. Restricting the option to relocate simply entrenches venues in high deprivation locations.
- 8. If a venue wishes to relocate out of a suburban/residential area to a more suitable area, such as a central business district, the policy should permit this. There is no good policy reason for taking steps to restrict this option. Restricting the option to relocate simply entrenches venues in undesirable residential locations.
- 9. The relocation provision should not be limited to circumstances where the venue cannot continue to operate at the existing site: i.e., relocation should not be limited to cases where there has been a fire or natural disaster. We should not have to wait for a fire or earthquake to move machines from undesirable areas to more desirable areas. We should seize every such opportunity and promptly facilitate it.
- 10. The relocation policy should also be flexible enough to support businesses that wish to move to new, modern, refurbished premises. Allowing local businesses to upgrade their premises and provide a more modern, attractive offering to the public helps to revitalise business districts, improves the local economy and encourages tourism.
- 11. The first venue to relocate under the amendments made to the Gambling Act 2003 was the Te Rapa Tavern in Hamilton. The photos below show the old rundown premises and the new modern premises. The redevelopment cost \$3,000,000.





The old Te Rapa Tavern

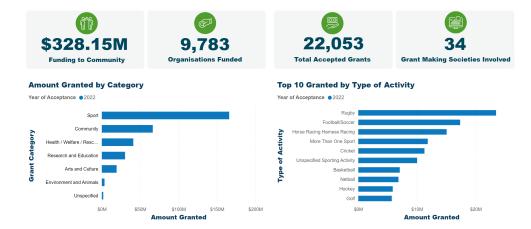
The new Te Rapa Tavern

- 12. The relocation policy should enable venues to move to smaller, more suitable premises. Enabling venues to move away from large premises, with large car parking areas, to newer, smaller premises also has the advantage of freeing up large areas of land, which may be better used for affordable high-density housing.
- 13. The relocation policy should continue to enable venues to move out of earthquake-prone buildings to stronger, more modern buildings. This is a health and safety issue.
- 14. It would also be reasonable to also allow venues to relocate when the move is due to onerous rental sums or lease terms being imposed. Currently, once a venue has obtained a licence to host gaming machines its value is artificially increased. This often leads to landlords demanding higher than normal rentals. Allowing more flexible relocation prevents landlords demanding unreasonable rentals as it gives the venue operator the ability to relocate to an alternative venue.

#### Gaming Machine Funding

- 15. The Gambling Act 2003 seeks to balance the potential harm from gambling against the benefits of using gaming machines as a mechanism for community fundraising.
- 16. In 2022, approximately \$328m of grant funding was approved across 22,053 grants to 9,783 different organisations.<sup>2</sup> In addition, over \$50m was applied by various RSAs and Workingmen's Clubs to support their own activities. Of the grants distributed in 2022, 51% were sports-related. The second most popular category was community (20%). This funding is crucial.

https://granted.govt.nz/dashboard.html

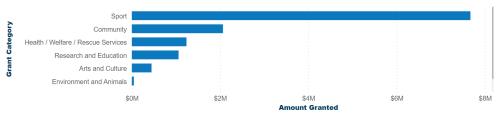


- 17. The local benefit from the gaming machine funding includes the following:
  - External grants made to local community groups;
  - External grants made to national and regional organisations that provide services and support locally; and
  - Gaming profits used by local club venues to fund the upkeep of their clubrooms and to provide sporting and recreational facilities to their members.

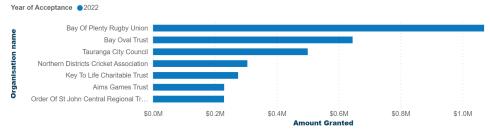
#### External Grants

18. The amount of grants made to Tauranga City-based organisations is posted on the granted.govt.nz website. In 2022, grants totalling **\$12,553,534.00** were made.

#### **Amount Granted by Category**



#### **Amount Granted by Organisation**



Grants to National and Regional Organisations

19. Approximately 6% of all grants are made to national and regional organisations.

Club Authorised Purpose Payments

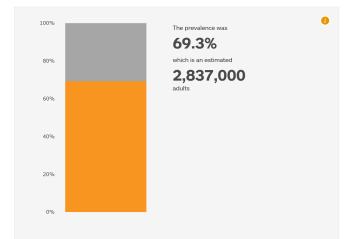
- 20. Four of the 32 venues that operate gaming in Tauranga are clubs:
  - Tauranga Returned and Services Association 18 gaming machines.
  - Tauranga Citizens Club 18 gaming machines.
  - Club Mount Maunganui 18 gaming machines.
  - Mount Maunganui Returned Services Association –18 gaming machines.
- 21. The gaming machine proceeds are used by these clubs to benefit the very members who play the machines. All the profits remain within the local economy. Clubs are required to publish their accounts on the Incorporated Societies website or the Friendly Societies website. The accounts set out the gross gaming revenue, the gaming profits, and how the profits are allocated.
- 22. By way of example, in the year ended 31 March 2023, the Club Mount Maunganui made a profit of \$680,460.00 from its gaming machines. This money was used to support the club's various adjuncts (bowling, dancing, fishing etc.) and used for repairs and maintenance to the clubrooms, rates, and other non-bar-related operational costs.

#### Gambling is an Enjoyable Activity

23. Gambling is a popular form of entertainment that most New Zealanders participate in. The 2020 Health and Lifestyles Survey<sup>3</sup> found that 69.3% of adult New Zealanders had participated in some form of gambling in the previous 12 months (estimated to be 2,837,000 New Zealanders aged 16 and over).

https://kupe.healthpromotion.govt.nz/#!/gambling/gambling-participation

2020 Health and Lifestyles Survey



24. The majority of people who gamble do so because they find it an enjoyable activity. This is observed by Suits (1979, p. 155)<sup>4</sup>, who states:

Gambling is a recreational activity or a kind of participation sport from which the principal satisfaction derives from the activity itself and from the ebb and flow of wins and losses rather than from ultimate outcome - the net amount won or lost. For most gamblers, the purpose of gambling is not to get rich, but to "have fun," to experience "excitement," or to have "something to look forward to," and they view payment for this recreation in the same light as others look on outlays for theatre tickets, vacation trips, or a night on the town.

25. Gambling for the non-addicted gambler may also be an avenue for socialising, stress relief and a way of having fun. Contrary to how it may appear from a non-gambler's perspective, gamblers do not necessarily anticipate they will make money from gambling. Parke (2015)<sup>5</sup> states:

Players mostly realise that they are paying for a leisure experience. They are not expecting to be paid, except for a small minority, who are going to earn an income as a professional gambler.

Positive Wellbeing Impact from Gambling in New Zealand

26. The 2021 TDB Advisory report, Gambling in New Zealand: A National Wellbeing Analysis<sup>6</sup>, found that gambling in New Zealand had a net positive wellbeing benefit totalling around \$1.74b to \$2.16b per annum.

<sup>4</sup> Suits, D. (1979). The Elasticity of Demand for Gambling. The Quarterly Journal of Economics, 93(1), 155–162. https://doi.org/10.2307/1882605

<sup>5</sup> Parke, J. (2015). Gambling, leisure and pleasure: Exploring psychosocial need satisfaction in gambling. Presentation at the KPMG eGaming summit. https://assets.kpmg/content/dam/kpmg/pdf/2016/07/im-esummit-report-2015.pdf.

<sup>6</sup> https://www.gamblinglaw.co.nz/download/Gambling\_in\_New\_Zealand.pdf



#### Revenue Breakdown

27. The return to players on a non-casino gaming machine is required to be set between 78% and 92%, with most being set at 91.5%. On average, for every \$1.00 gambled, 91.5 cents are returned to the player in winnings. The money retained is typically allocated as follows:

Typical	Distribution	of	Gaming	Machine	Profits
. , p	Distribution	•••		maenne	

	GST Inclusive	GST Exclusive
Government Duty	20%	23%
GST	13.04%	0
Problem Gambling Levy	1.08%	1.23%
DIA Costs	2.9%	3.33%
Gaming Machine Depreciation	6.95%	8%
Repairs & Maintenance	2.84%	3.27%
Venue Costs	13.9%	16%
Society Costs	1.74%	2%
Donations	37.53%	43.16%

Gaming Machines – Key Facts

- Gaming machines have been present in New Zealand communities since the early 1980s. Initially the machines were operated without a gaming licence. The first gaming licence was issued to Pub Charity on 25 March 1988, over 35 years ago.
- 29. Gaming machine numbers are in natural decline. In 2003, New Zealand had 25,221 gaming machines. In June 2023, New Zealand had 14,374 gaming machines.

- 30. The proceeds from non-casino gaming machines increased 3.1% from \$895 million in 2018 to \$924 million in 2019. However, after adjusting for both inflation and changes in the adult population, expenditure on non-casino gaming machines is declining (\$242 per person in both 2015/16 and 2016/17 years to \$238 in the 2017/18 year). This coincides with declining numbers of venues and machines.
- 31. New Zealand has a very low problem gambling rate by international standards. The New Zealand National Gambling Study: Wave 4 (2015)<sup>7</sup> found the problem gambling rate was 0.2% of people aged 18 years and over (approximately 8,000 people nationally). The problem gambling rate is for all forms of gambling, not just gaming machine gambling.
- 32. All gaming machine societies contribute to a problem gambling fund. This fund provides over \$25 million per annum to the Ministry of Health to support and treat gambling addiction and to increase public awareness. The funding is ring-fenced and not able to be redirected to other health areas.
- 33. An excellent, well-funded problem gambling treatment service exists. The problem gambling helpline is available 24 hours a day, 365 days per year. Free, confidential help is available in 40 different languages. Free face-to-face counselling is also available and specialist counselling is available for Māori, Pasifika and Asian clients. An anonymous, free text service (8006) is available. Support via email is also available (help@pgfnz.org.nz).

#### Existing Gaming Machine Safeguards

- 34. Limits exist on the type of venues that can host gaming machines. The primary activity of all gaming venues must be focused on persons over 18 years of age. For example, it is prohibited to have gaming machines in venues such as sports stadiums, internet cafes, and cinemas.
- 35. There is a statutory age limit that prohibits persons under 18 years of age playing a gaming machine.
- 36. There are very restrictive limits on the amount of money that can be staked and the amount of prize money that can be won. The maximum stake is \$2.50. The maximum prize for a non-jackpot machine is \$500.00. The maximum prize for a jackpot-linked machine is \$1,000.00.
- 37. All gaming machines in New Zealand have a feature that interrupts play and displays a pop-up message. The pop-up message informs the player of the duration of the player's session, the amount spent, and the amount won or lost. A message is then displayed asking the player whether they wish to continue with their session or collect their credits.
- 38. Gaming machines in New Zealand do not accept banknotes above \$20.00 in denomination.

https://www.health.govt.nz/system/files/documents/publications/national-gambling-study-report-6-aug18.pdf

- 39. ATMs are excluded from all gaming rooms.
- 40. All gaming venues have a harm minimisation policy.
- 41. All gaming venues have pamphlets that provide information about the characteristics of problem gambling and how to seek advice for problem gambling.
- 42. All gaming venues have signage that encourages players to gamble only at levels they can afford. The signage also details how to seek assistance for problem gambling.
- 43. All gaming venue staff are required to have undertaken comprehensive problem gambling awareness and intervention training.
- 44. Any person who advises that they have a problem with their gambling is required to be excluded from the venue.
- 45. It is not permissible for a player to play two gaming machines at once.
- 46. All gaming machines have a clock on the main screen. All gaming machines display the odds of winning.
- 47. The design of a gaming machine is highly regulated and controlled. For example, a gaming machine is not permitted to generate a result that indicates a near win (for example, if five symbols are required for a win, the machine is not permitted to intentionally generate four symbols in a row).
- 48. It is not permissible to use the word "jackpot" or any similar word in advertising that is visible from outside a venue.
- 49. From 1 December 2023, ATMs at gaming venues must be in direct line of sight from the main bar area or main customer service area.
- 50. **From 1 December 2023, gamblers will only be permitted to make one cash withdrawal per day.** If a second cash withdrawal is made, the venue staff are required to talk to the player about their gambling and complete a two-page report about the person's gambling. That report must then be reviewed by the venue manager within seven days.
- 51. From 1 December 2023, gaming machines cannot be visible from outside the venue.
- 52. From 1 December 2023, venue staff are required to undertake three formal sweeps of the gaming room per hour and keep a detailed record of each sweep.

#### Council Conflicts of Interest

53. It is important that the committee of councillors that determines the gambling venue policy reflects the full views of the community. It has, however, become common for councillors who are involved in community and sporting groups to withdraw from the gambling venue policy deliberation as they consider the receipt of funding by a group that they are associated with constitutes a conflict. It has also been common for councillors

with very strong, pre-determined anti-gambling views to refuse to withdraw from the policy deliberation, despite their strongly held views.

- 54. The Association has sought independent legal advice (copy attached) from Brookfields Lawyers regarding gambling venue policy conflicts. In summary, the key advice is:
  - Being a member of a club or organisation that receives funding from a gaming grant will not usually give rise to conflict of interest when it comes to deciding or discussing Council's gambling venue policy, unless that member holds a paid role (e.g., a coach who is paid for that service); and
  - Where an elected member, outside of a debate on the issue, has expressed a view on the gambling venue policy that suggests that they do not and cannot have an open mind on the matter, this could give rise to a conflict of interest on the grounds of predetermination.

#### Oral Hearing

55. Jarrod True, on behalf of the Gaming Machine Association of New Zealand, would like to make a presentation at the upcoming oral hearing.

#### 12 October 2023

#### Jarrod True

Counsel Gaming Machine Association of New Zealand

gmanz.org.nz

NAVIGATING YOUR SUCCES



15 March 2021

By Email: chair@gmanz.nz

Gaming Machine Association of New Zealand



#### **GAMBLING VENUE POLICY - CONFLICT OF INTEREST**

We refer to your email instructions of 26 February 2021, seeking our advice regarding councillor conflicts of interest with respect to decision-making on Council's gambling venue policy.

#### YOUR QUESTIONS

- 1. You have asked us to advise whether:
  - Membership of a club or organisation that receives gaming machine grant funding would constitute a conflict of interest that would require the councillor to withdraw from decision-making or discussion regarding a proposed gambling venue policy; and
  - b. If Council has itself received gambling grant funding, does this impact on its ability to decide on a gambling venue policy, such that the decision should be made by an independent commissioner?

#### **EXECUTIVE SUMMARY**

- 1. In summary:
  - a. If an elected member has a financial interest in a club or organisation that may be impacted by the gambling venue policy, the member must not participate in any discussion or decision-making on the policy. It would be rare for a financial interest to arise in this context, but examples may be where the elected member is in a paid role at a club or organisation, and the role is funded from a gaming grant. A more remote interest may arise where the quantum of membership fees paid to a club or organisation may be impacted by a gaming grant. In those circumstances,

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it may be prudent to seek a decision from the Auditor-General as to whether the potential interest is deemed too remote to influence decision-making.

- b. Being a member of a club or organisation that receives funding from a gaming grant will not usually give rise to a conflict of interest when it comes to deciding or discussing Council's gambling venue policy, unless that member holds a paid role (e.g. a coach who is paid for that service).
- c. Being a member or a club or organisation that operates a gaming licence will give rise to a conflict of interest, particularly where the elected member serves in an executive role at the club or organisation.
- d. Where an elected member, outside of a debate on the issue, had expressed a view on the gambling venue policy that suggests that they do not and cannot have an open mind on the matter, this could give rise to a conflict of interest on the grounds of predetermination.
- 2. The fact that Council may have previously been the recipient of gaming grant money would not create a conflict of interest when deciding its gambling venue policy. Such democratic decision-making is fundamental to its role and is distinguishable from regulatory or quasi-judicial decision-making where appointment of an independent commissioner may be appropriate to avoid any appearance of bias. The decision-making processes in the Local Government Act 2002 (LGA) already impose important requirements to ensure that such decision-making involves consideration of broader community views and not just the interests of Council as an organisation. It would therefore be unnecessary and inappropriate to appoint an independent commissioner because Council initiatives may have previously benefited from gaming grants.

#### ANALYSIS

3. Under section 101 of the Gambling Act 2003 (GA), territorial authorities must, using the special consultative procedure in section 83 of the LGA, adopt a policy that specifies whether class 4 venues may be established in the district, and if so, where they may be located (the policy). The policy may also 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.

Does membership of an organisation or club create a conflict of interest for participation in discussion or decision-making on gambling venue policies?

- 4. It is not uncommon for councillors to be members of organisations and clubs, some of which may receive grant funding from gaming machines. This raises the question of whether membership of such a club or organisation would constitute a conflict of interest that would prevent the councillor from participating in discussion or decision-making regarding the policy.
- Broadly speaking, a conflict of interest occurs when an elected member is affected by some other interest that he or she has in their private life. There are different types of conflict of interest:

## BROOKFIELDS LAWYERS

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- a. Financial conflicts of interest where the member (or their spouse or partner) has a direct or indirect financial interest in a particular decision, they cannot discuss or vote on the matter.<sup>1</sup>
- b. Non-financial conflicts of interest.

#### Financial conflicts of interest

- 6. The applicable legislation is the Local Authorities (Members' Interests) Act 1968 (LAMIA). While the LAMIA does not define what a financial interest is, section 6(2) outlines a number of examples where a member will be deemed to have a financial interest:
  - The member, or his or her spouse, owns 10% or more of the issued capital of an incorporated company or any company controlling that company, that has a pecuniary interest (direct or indirect) in a matter before the local authority or committee; or
  - The member, or his or her spouse, is a member of the company and either of them is the managing director or the general manager of the company; or
  - The member, or his or her spouse, is a member of a company controlling the company having a pecuniary interest in the matter before the local authority or committee, and either the member, or his or her spouse, is the managing director or the general manager; or
  - The member, or his or her spouse, is the managing director or general manager of the company, and either of them is a member of a company controlling that company.
- 7. Other than these examples, the LAMIA does not define what a "financial interest" is. However, the Auditor-General has described a "financial interest" as "a reasonable expectation of financial loss or gain from the particular decision".<sup>2</sup>
- 8. It is unlikely that membership alone of a community organisation that receives gaming grant funding would give rise to a financial interest. This is because such organisations and clubs are usually run on a not-for-profit basis. One example where a financial interest could potentially arise would be if the member were in a paid position at the club or organisation, and the funding for that position comes from gaming grants. Another example may be where there is a prospect that membership fees or subscriptions to a club could be affected by the amount of gaming grant funding. However, given that gambling venue policies are relatively high-level in nature and do not directly address matters such as the licensing of particular venues (which involve a separate decision-

<sup>&</sup>lt;sup>1</sup> Section 6(1) of the Local Authorities (Members' Interests) Act 1968.

<sup>&</sup>lt;sup>2</sup> Controller and Auditor-General, Local Authorities (Members' Interests) Act 1968: A Guide for members of local authorities on managing financial conflicts of interest, June 2020, at 4.15, referring to the definition of a financial interest in Downward v Babington [1975] VR 872.

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making process, often by Council officers acting under delegated authority), or allocation of gaming grants (which are decided by the organisations that operate gaming licences subject to statutory requirements), any such potential impact is likely to be too speculative or remote to constitute a financial interest in the decision-making on a gambling venue policy.

9. Notwithstanding this view, where an elected member may receive a financial benefit of the kind described above from a club or organisation receiving gaming grant funding, they may as a matter of prudence wish to first obtain an exemption from the Auditor-General under section 6(3)(f) of the LAMIA (on the grounds that the financial interest is too remote or insignificant to be regarded as likely to influence him or her in voting or taking part in the discussion of the policy) before participating in discussion or decision-making on the policy. It is a relatively simple process to apply for such an exemption.

#### Non-financial conflicts of interest

10. A non-financial conflict of interest is any situation where a member is not affected financially by a decision but is affected in some other way that may constitute bias or the appearance of bias. Non-financial conflicts of interest are relevant to the avoidance of bias in decision-making. As opposed to financial interests, which can create personal liability for an elected member, bias is a matter of Council's accountability to the public. The avoidance of bias is part of the administrative law principles of natural justice, which require the Council to act fairly in reaching its decisions. The fairness principle has been described in these terms:<sup>3</sup>

In exercising that discretion, as in exercising any other administrative function, they [members] owe a constitutional duty to perform it fairly and honestly ... What is a fair procedure to be adopted at a particular enquiry will depend upon the nature of its subject matter.

11. The test for whether an interest may give rise to an apparent bias has been stated by the Court of Appeal as being where circumstances:<sup>4</sup>

...might lead a fair-minded lay observer to reasonably apprehend that the judge might not bring an impartial mind to the resolution of the instant case.

- 12. Unlike a financial conflict of interest, a potential non-financial conflict does not automatically exclude a member from participating in a decision. It will depend on how serious the conflict is. The Auditor-General has suggested a number of factors that may be relevant to an assessment of whether a potential conflict is serious enough to exclude a member from participation in decision-making. They include:<sup>5</sup>
  - The type or size of the person's other interest;
  - The nature or significance of the particular decision or activity being carried out by the public organisation;
  - The extent to which the person's other interest could specifically affect, or be affected by, the public organisation's decision or activity; and

<sup>&</sup>lt;sup>3</sup> Bushell v Secretary of State for the Environment [1981] AC 75, 95.

<sup>&</sup>lt;sup>4</sup> Muir v Commissioner of Inland Revenue [2007] 3 NZLR 495.

<sup>&</sup>lt;sup>5</sup> Controller and Auditor-General, **Managing conflicts of interest: A guide for the public sector**, June 2020, at 4.31.

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- The nature or extent of the person's current or intended involvement in the public organisation's decision or activity.
- 13. In our view, in the context of decision-making on a gambling venue policy, the mere fact that an elected member is also a lay member of an organisation or club that receives gaming grant funding is unlikely to give rise to a conflict of interest. This is because of the level of remoteness from any possible benefit or loss associated with the decisionmaking. In most cases, the contents of a gambling venue policy will not directly impact on funding that has or may be received by a club or organisation from gaming machine grants. The purpose of the policy is to specify whether class 4 venues may be established, and if so their location. It can also specify restrictions on the number of gaming machines that may operate at a class 4 venue. Such matters do not necessarily impact directly on whether a club or organisation may receive gaming grant funding, and if so, the amount of any such grant. Funding decisions are made by the organisations who operate the gaming machines, not the Council. The fact that a member, by virtue of membership of a club or organisation that has received gaming grants, has knowledge or experience of the beneficial impacts that gaming grants can have on the community does not give rise to a conflict of interest. To the contrary, it may contribute to a fair and balanced consideration of the issues arising when making decisions on a gambling venue policy. This would be consistent with the purpose of the of the GA, which is inter alia to ensure that money from gambling benefits the community and to facilitate community involvement in decisions about the provision of gambling.6
- 14. It is important to distinguish between membership of a <u>club or organisation that receives</u> <u>gaming grants</u>, and membership of a <u>club or organisation</u> <u>that holds a gaming licence</u>. In our view, while the former would not give rise to a conflict of interest in decision-making on a gambling venue policy, there is a much greater likelihood that the latter could give rise to a conflict of interest. This is particularly the case if the elected member holds an executive role in the club or organisation that operates a gaming licence. This is because, while a gambling venue policy does not specify whether or not a particular club or organisation is able to obtain a gaming licence. As such, participation in the discussion or decision-making by a member of any such club or organisation could create an appearance of bias and therefore a conflict of interest.
- 15. Elected members should also always be mindful of avoiding predetermination, i.e., approaching decision-making with a closed mind. Elected members are entitled (and expected) to bring their previous knowledge and experiences to decision-making, but to approach any decision with an open mind. This means that elected members should be cautious about being vocal, other than in the course of Council debates, about particular views in a manner that may suggest that they do not and cannot have an open mind on a particular matter. This is because a conflict of interest may arise as a result of possible predetermination (i.e. actual or perceived bias).

16. In summary:

<sup>6</sup> Section 3 of the GA.

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- a. If an elected member has a financial interest in a club or organisation that may be impacted by the gambling venue policy, the member must not participate in any discussion or decision-making on the policy. It would be rare for a financial interest to arise in this context, but examples may be where the elected member is in a paid role at a club or organisation, and the role is funded from a gaming grant. A more remote interest may arise where the quantum of fees paid to a club or organisation may be impacted by a gaming grant. In those circumstances, it may be prudent to seek a decision from the Auditor-General as to whether the potential interest is deemed to remote to influence decision-making.
- b. Being a member of a club or organisation that receives funding from a gaming grant will not usually give rise to a conflict of interest when it comes to deciding or discussing Council's gaming venue policy.
- c. Being a member or a club or organisation that operates a gaming licence will give rise to a conflict of interest, particularly where the elected member serves in an executive role at the club or organisation.
- d. Where an elected member, outside of a debate on the issue, has expressed a view on the gambling venue policy that suggests that they do not and cannot have an open mind on the matter, this could give rise to a conflict of interest on the grounds of predetermination.

Would Council be conflicted in deciding a gambling venue policy because it has previously received gaming grants?

- 17. Council initiatives will frequently fall within the second category of the definition of an "authorised purpose" for which gaming proceeds may be used, as set out in section 4 of the GA i.e., "a non-commercial purpose that is beneficial to the whole or a section of the community". Notwithstanding the eligibility for Council initiatives to receive gaming grants, Parliament conferred territorial authorities with the responsibility of formulating a gaming venue policy for their districts. We do not consider that any conflict of interest would arise in relation to decision-making on a gambling venue policy because the Council may have previously been awarded gaming grants. This is because:
  - a. While individual elected members are subject to the LAMIA which prevents them from participating in decision-making where they have a financial interest, Council as an entity is not subject to the LAMIA.
  - b. Caselaw recognises the inevitability of a degree of conflict within councils when exercising certain statutory functions. It is established, for example, that a council may object to its own district plan, prosecute itself, and apply to itself for a resource consent.
  - c. The standard of impartiality for a Council is that it must approach its duty of inquiring into submissions with an open mind.<sup>7</sup> Given the requirement to undertake a special consultative process and the diverse views of individual members, it is unlikely that the fact that certain projects

<sup>&</sup>lt;sup>7</sup> Lower Hutt City Council v Bank [1974] 1 NZLR 545 at 550.

### BROOKFIELDS LAWYERS

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undertaken by Council have benefited from gaming grants would unduly influence Council decision-making on its gambling venue policy. For the same reasons outlined above in relation to individual members, the connection between gaming grant money and decision-making on gambling venues is too remote to constitute a conflict of interest. In any event, compliance with the statutory rules in the LGA regarding decisionmaking by local authorities<sup>8</sup> and the general principles relating to local authorities<sup>9</sup> are intended to ensure that Council decision-making is open, transparent, and has regard to the diversity of community interests, notwithstanding the many facets and activities undertaken by Council.

18. We note that Council is not undertaking a quasi-judicial role when formulating a gambling venue policy. There is greater need to avoid the appearance of bias when it comes to regulatory or quasi-judicial decision making (such as considering a resource consent application). In those circumstances, where there is an apparent conflict in Council's interests, it is common for Council to delegate its decision-making to an independent commissioner. To that end, the Resource Management Act 1991 (RMA) specifically allows for the appointment of independent commissioners to decide consent applications. However, while Council may delegate its decision-making on a gambling venue policy to a particular committee or sub-committee of Council, it would be unnecessary (and in our view, inappropriate) to delegate such decision-making to an independent commissioner.

Yours faithfully BROOKFIELDS	
Partner	
Farther	

8 Section 76 of the LGA.

<sup>9</sup> Section 14 of the LGA.



## **Hospitality New Zealand**

## **TO Tauranga City Council**

## **SUBMISSION ON**

## GAMBLING VENUES AND STREET USE POLICIES.

## November 2023

CONTACT DETAILS: Hospitality New Zealand Luke van Veen www.hospitality.org.nz

#### About Hospitality New Zealand:

- 1. Hospitality New Zealand ("Hospitality NZ") is a member-led, not-for-profit organisation representing around 2,500 businesses, including cafés, restaurants, bars, nightclubs, commercial accommodation, country hotels and off-licences.
- 2. Hospitality NZ has a 121-year history of advocating on behalf of the hospitality and tourism sector. We work tirelessly on behalf of our members to promote the industry, partner with government to prevent restrictive legislation, protect commercial interests and to spearhead innovation for a sustainable future.
- 3. As the voice of the industry, we seek to unlock hospitality's full potential as a significant engine for growth in the New Zealand economy and to ensure that the industry's needs are represented by engaging with the Government and wider industry.
- 4. This submission relates to the Gambling Venues and Street Use Policies.
- 5. Enquiries relating to this submission should be referred to Luke van Veen, Regional Manager – Central North Island, at

#### General Comments:

6. Hospitality New Zealand welcomes the opportunity to comment on the Tauranga City Council's gambling venues and street use policies.

#### Gambling Venue Policies

- 7. Hospitality New Zealand supports and agrees with The Gaming Machine Association of New Zealand's (GMANZ) submission around the relocation provision being expanded to allow council to consider relocations in any circumstances when the new site is more desirable from a harm minimisation perspective. This would allow venues to move to lower deprivation areas and away from residential areas/sensitive sites.
- 8. Hospitality New Zealand supports updating the proposed maps clearly indicating areas available for venue relocation

#### Street Use Policies

- 9. While Hospitality NZ appreciates the proposed "**Clause 6. Licence to Occupy the Street**" and its intent, much of what the clause proposes will have a negative effect on majority of our hospitality operators in these areas, through overregulation and unnecessary cost structure increases from the policies outlined.
- 10. We challenge the proposed month-to-month issuing of street use licenses. Such a regime seems structured to allow the Council to clip the ticket regularly, rather than encouraging open-air dining environments. Month-to-month issuing does not give operators certainty they

1

can use a space year-round (and therefore that it is worth investing in their outdoor fitout, and adds a time and cost burden.

- 11. Regarding the suggestion of operators 'promoting smoke and vape free areas', operators need clarity on what meets Council expectations of 'promoting'. If the intent is to ban smoking or vaping, that should be stated clearly, not inferred. Operators shouldn't be held accountable for individual actions, and we do not want to set up operators to lose their right to operate in the street if a customer is found to be vaping or smoking. Additionally, time of day should be considered, as late-night entertainment spaces will be impacted with smoking/vaping regulations.
- 12. Clause 6.6 outlines what factors may influence the licensing fees for those looking to attain a street use license. This should be formalised in a fee schedule rather than left to subjective measures as outlined.
- 13. Regarding "**7. Lease of airspace above streets**" the suggestion of a 75% fee for this area will again have a negative effect on operators. This area is presently accounted for in their leases and an increased fee charged to landlords will simply be passed on. Hospitality New Zealand objects to this policy change. If the Council proceeds, then any changes should be grandfathered to allow any increased charges to be accounted for under new lease arrangements without impacting existing ones.

#### Conclusion:

- 14. We thank the Tauranga City Council for the opportunity to provide input into the consultation of the Gambling Venues and Street Use Policies.
- 15. We would be happy to discuss any parts of this submission in more detail, and to provide any assistance that may be required.

#### **GRASSROOTS TRUST LIMITED – SUBMISSION ON GAMBLING VENUES POLICY – TAURANGA**

The current relocation provisions in Tauranga City Council's Gambling Venues Policy are too restrictive and leaves limited options for relocations to be considered. Council should remove the current criteria in the policy and allow venue relocations to occur.

Venue relocations should be considered by Councils as a positive move. Often such relocations are to newer, modern, and more vibrant premises that create a positive entertainment precinct, supporting the local economy and encouraging tourism to the area. Restricting the options to relocate venues only entrenches venue operators in premises that may be a health and safety risk. Permitting venues to relocate will also have harm minimisation benefits such as relocating venues from high deprivation areas to low deprivation areas, assisting to minimise risk of gambling harm.

The population of Tauranga City continues to grow at a rapid rate. This only means that as the population increases, there is a need for further investment in infrastructure, homes, and in general the Tauranga communities. As a coastal location that attracts and offers a number of options for tourism, accommodation, and hospitality; Council should also be considering the effect of the changing landscape of which this policy leans on.

There are many new vibrant communities opening up within Tauranga City, and within these communities' new hospitality venues are opening their doors and cannot obtain council approval to operate gaming machines due to the zonal restrictions currently applied within the current policy. These new locations are new, vibrant, modern and are not areas of high deprivation. We therefore support Council's proposal to update the maps for Tauranga City, as indicated in this survey.



#### The Salvation Army Oasis – Tauranga

Submission to

## **Tauranga City Council**

on the

#### **Review of CLASS 4 Gambling & TAB Venues Policy 2023**

#### Authorisation statement:

"This submission has been authorised by the National Operations Manager – Oasis within the Addiction, Supportive Accommodation and Reintegration Services of The Salvation Army."

**Please contact** Qadmiel Edmonds Public Health Worker

SUBMISSION: Salvation Army Oasis Tauranga to Tauranga City Council

#### 1 BACKGROUND

- 1.1 The Salvation Army is an international faith-based social services organisation that has worked in Aotearoa New Zealand for one hundred and forty years. The Army provides a wide range of social, community and faith-based services, particularly for those who are marginalised by mainstream society.
- 1.2 The Salvation Army Oasis was formally established in June 1997 in Auckland, in response to growing evidence that the influx of gambling opportunities was having a negative social impact on society. The numbers of clients seeking help for gambling-related harm have increased significantly since then. The Salvation Army Oasis gambling harm services have expanded to seven regions with satellite clinics across the country. We are funded by Te Whatu Ora to provide gambling harm related clinical and public health services.
- 1.3 The Salvation Army Oasis is a well-established specialist service that has worked towards reducing petipeti whakararu (gambling harm) in Aotearoa New Zealand for over 25 years. Our free and confidential service is delivered by a team of qualified and diverse health professionals, who utilise evidence-based approaches, to support and empower individuals, whanau, and communities to develop healthy and fulfilling lifestyles and communities, free from gambling harm.
- 1.4 Our Public Health team use a wide population approach, working with communities, health and social services, the gambling industry and government departments to promote positive social and systemic change to prevent and reduce gambling harm and associated inequities. This includes influencing change at a national and local level.
- 1.5 The wrap-around support offered by The Salvation Army Oasis includes support from those who have lived experience of overcoming adversity and gambling harm in their lives. This team are passionate about improving the services that Oasis have to offer.
- 1.6 We are also supported by our regional Pou Ārahi / Māori Health & Wellbeing Advisors. They provide cultural leadership to support the development of Tiriti-based policies and practices focussed on the wellbeing and flourishing of tāngata whaiora, and provide tikanga Māori support to Oasis, alongside developing relationships with iwi/hapū/Marae/ and other Māori organisations of the region.
- 1.7 This submission has been prepared by The Salvation Army Oasis Tauranga

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#### 2 Gambling Harm

- 2.1 Salvation Army Oasis engagement with gambling policy: We have persistently engaged with Government around gambling related harm. We continue to contend that one of the key focuses of the Gambling Act 2003 should be, as per section 3(b) of the Act, to *prevent and minimise the harm from gambling*. This should continue to be by territorial authorities as a guide in local decision-making. We submit that the Government and local Councils should make harm reduction a key focus of all gambling policy reforms they undertake.
- Gambling Harm in society: As a provider of services to those affected by gambling harm, 2.2 The Salvation Army sees the detrimental effects that harmful gambling has on the wellbeing of communities around New Zealand. Our observations are supported by a wealth of New Zealand research which indicates that the range of potential harms from gambling spans multiple domains of individual, whānau, and community wellbeing, including mental, physical, spiritual, whānau, community, and financial wellbeing as well as employment and productivity, quality of life and social cohesion.<sup>1</sup> While recent estimates of the prevalence of harmful gambling vary widely, it is likely that between three and eight percent of adult New Zealanders are currently placed at risk by their gambling.<sup>2</sup> This would equate to between 4,102 and 10,937 (estimated population of 136,717 based on the last census of 2018, however, based on 2023 estimated Tauranga city population it sits nearer to 161,800, equating to an additional 750 -2,000 likely to be at risk of gambling harm)<sup>14 15</sup>. There is the probability of a further eight percent (10,937±2,000) family and whanau that are also harmed by a person's gambling.<sup>3</sup> Policy remains one of the most effective means of addressing this risk.
- 2.3 Class 4 Gambling: The Salvation Army Oasis is particularly concerned with Class 4 gambling machines, also known as non-casino gaming machines (NCGMs), as most of the harm observed in New Zealand is from this form of gambling.<sup>4</sup> Class 4 gambling machines is still the most accessible mode of gambling in New Zealand , with 1,015 venues nationwide hosting 14,374 machines according to DIA report in June 2023.<sup>5</sup> While a few practices are required to minimise and prevent gambling harm, one of the best-supported strategies is to limit access to gaming machines.<sup>6</sup>
- 2.4 Harmful Gambling: Problematic gambling prevalence rates are much higher among those who participate in continuous forms of gambling like NCGM (Pokie) machines, with up to 30 percent of players experiencing severe harm. In New Zealand, around one in five people

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who play gaming machines regularly are likely to be problem gamblers.<sup>7</sup> It is highly likely that there are people experiencing harm within most Class 4 venues of New Zealand, including those in Tauranga City. In our experience, many people can become addicted to gaming machines if they play them regularly.

- 2.5 Te Tiriti o Waitangi: Gambling addiction can be found across all groups in society, but it is those groups at the lower end of the socioeconomic spectrum that suffer most. As Māori are over-represented in the lower socio-economic groupings, this is a direct breach of article three of Te Tiriti o Waitangi which requires the Crown to promote equity between tāngata whaiora and other citizens of Aotearoa New Zealand.<sup>8</sup> This is highlighted even more for Tauranga City as Māori compromise 18% of the city's population, compared to the national average of 16.5%. Other groups most likely to be in poverty and hardship include women, sole-parent families, Pacific peoples, refugees, people living with disability or illness, beneficiaries, and people in low-paid employment.<sup>9</sup> Continued failure to address and respond to these inequities is unjust and constitutes a violation of Te Tiriti o Waitangi.
- **2.6 Social Equity:** The Salvation Army Oasis believes that the values of justice, fairness, community stability and safety are paramount in our community. Class 4 gambling has contributed to an increase in disparity between the richest and poorest members of the population. The disparities establish and create poverty, which is associated with the increasing number of people accessing Salvation Army services. We believe making a profit based on the losses of those impacted by harmful gambling and the exploitation of vulnerable people is unjust.
- 2.7 Unsustainable Funding Model: The Salvation Army maintains that the Class 4 funding model is neither sustainable in the long term, nor favourable in the short term for New Zealand communities. where social services can become reliant on funding from the very whānau and communities they are trying to support to wellbeing.<sup>10</sup>
- 2.8 TABs: As discussed above, reducing the availability of gambling products is a key measure to reduce harm from gambling at the population level, and this applies to TAB products as well as gaming machines. There is less available data on TAB venues and their impact on communities, besides national expenditure (and much less regionally specific data). The Health and Lifestyles Survey indicates that about 10 percent of New Zealanders participated in horse or dog race betting in the past 12 months.<sup>11</sup>

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#### 3 Tauranga City Position

- **3.1** Tauranga has seen a decrease of 2 venues and 28 gaming machines since March 2023 remaining relatively stable since the implementation of the current policy in 2019, bringing the current number of venues down from 34 to 32 and number of machines down from 497 to 469. Of the 32 venues nearly a third of the existing Class 4 venues are located in areas of very high deprivation (decile 8-10) and the other two thirds located in medium to high deprivation ratings (decile 5-8). Accessibility is further enhanced by Tauranga City's small geographic footprint and good public transport networks. Tauranga City residents also enjoy relatively easy access to gambling venues in nearby urban centres within the Western Bay of Plenty District.
- **3.2** The Current policy for Class 4 Gambling and Tab venues is a sinking lid which was adopted by the council in 2019. Under the current Policy, relocated venues are restricted to being located more than 100m away from residential zones with a deprivation index of 8,9, or 10, as measured on the NZDep 2013. The implementation of the sinking lid in the 2019 policy influenced a small reduction of the overall gaming machine numbers in Tauranga, obviously effected on the decrease of 2 venues and 28 machine in March 2023. Nevertheless, additional data indicates that the decrease has not been significant enough to lessen harmful gambling within the city.
- **3.3** The Tauranga City population forecast has already seen a 25,000 increase from 156,717 people in 2018 to an estimate of 161,800 people in 2023.<sup>13</sup> <sup>14</sup>And it has further been forecasted that by 2048 Tauranga city population will increase to between 207,400 and 234,600 people, a total increase from the 2023 estimate between 45,600 and 72,800 people.<sup>15</sup> When taking into consideration that Tauranga has a higher majority Māori population than the national average, sitting at 18% compared to 16.5%, and based on the fact that Māori are 3.13 times more likely to be moderate-risk or problem gamblers than non-Māori raises some concern.
- 3.4 According to the Department of Internal Affairs report in June 2023, spending per machine in Tauranga for the June 2023 quarter was over twenty-one thousand (\$21,661)<sup>12</sup>. The Class 4 Gambling Losses for Tauranga in 2022 were over 40 million dollars (\$41,017,827.59).<sup>12.</sup> Of this only \$12,553,534.00 (29%) was returned to Tauranga district in grants<sup>12 13</sup>. Which means that roughly 29 million dollars (71%) leaves the Tauranga district community and used to operate

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the venues and societies. The majority of this money is likely coming from the most vulnerable communities within high deprivation areas, and a significant loss to the Tauranga district community.

3.5 There are currently two gambling harm services located in Tauranga (PGF and The Salvation Army Oasis), however, neither of the two services have fulltime staff. The Salvation Army Oasis have the service operational for 3 days a week and PGF 1 day. The nearest location for additional services outside of specified times would be either Rotorua for PGF and other Gambling Harm services in Hamilton for PGF, The Salvation Army and Kaute Pasifika and Te Kohao Health.

#### 4 Submission

4.1 The Salvation Army Oasis – Tauranga does not believe that the proposed policy does enough to counter the serious problem of gambling-related harm in Tauranga City. We do not support the proposed changes as the ability to relocate with limited restrictions does not support a **true sinking lid policy**, both for Class 4 machines and TABs as venue and machine numbers slowly decline over time. It also means that a venue cannot be placed into a medium to high deprivation area that may result in more potential for harm for vulnerable communities.

#### 5 Conclusion

- 5.1 We do not support the council's proposal to remove restrictions on relocations for both Class 4 and Tab Venues. We prefer a no relocations sinking lid policy or retain the current policy.
- **5.2** In making this submission we are advocating on behalf of our clients, their families and whanau and the wider community that we engage with. We believe there is a need for Class 4 gambling machines and TABs to be significantly regulated due to the level of associated harm. We acknowledge the Tauranga City Council's inclusion of The Salvation Army Oasis in this process.

<sup>1</sup> Bellringer, M. E., Janicot, S., Ikeda, T., Lowe, G., Garrett, N., & Abbott, M. (2020). New Zealand National Gambling Study: Correspondence between changes in gambling and gambling risk levels and health, quality of

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life, and health and social inequities. NGS series report number 9. Auckland: Auckland University of Technology, Gambling and Addictions Research Centre

<sup>2</sup> Rossen (2015) [Prevalence rate among those aged 15 and older]; Abbott, M., Bellringer, M., Garrett, N., & MundyMcPherson, S. (2014). New Zealand 2012 National Gambling Study: Gambling Harm and Problem Gambling – Report

<sup>3</sup> Palmer du Preez, K., Lowe, G., Mauchline, L.R, Janicot, S., Henry, N., Garrett, N., & Landon, J. (2020). Enhancing support provided to family and affected others in New Zealand gambling services: An exploratory mixed methods study. Auckland: Auckland University of Technology, Gambling and Addictions Research Centre.

<sup>4</sup> Rossen (2015).

<sup>5</sup> Department of Internal Affairs. (2023). Gaming Machine Profits (GMP) Quarterly Dashboard June 2023. Retrieved from https://catalogue.data.govt.nz/dataset/4df114b8-5995-49e3-85df-185c7a30cf12/resource/60081bcd-f2ae-4b97-8a9ffe449fa59969/download/gmp-quarterly-dashboard-june-2023.xlsx

<sup>6</sup> Pearce, J., Mason, K., Hiscock, R., & Day, P. (2008). A national study of neighbourhood access to gambling opportunities and individual gambling behaviour. Journal of Epidemiology & Community Health, 62(10), pp. 862-868; Vasiliadis, S. D., Jackson, A. C., Christensen, D. & Francis, K. (2013). Physical accessibility of gaming opportunity and its relationship to gaming involvement and problem gambling: A systematic review. Journal of Gambling Issues, 28.

<sup>7</sup> Department of Internal Affairs (2008). Problem Gambling in New Zealand – a brief summary. Retrieved fromhttps://www.dia.govt.nz/pubforms.nsf/URL/ProblemGamblingFactsFinal.pdf/\$file/ProblemGamblingFacts Final.pdf.

<sup>8</sup> Manatu Hauora (2019). Treaty of Waitangi Principles. Retrieved from Treaty of Waitangi principles | Ministry of Health NZ

<sup>9</sup> Centre for Social and Health et al. (2008); Centre for Social and Health at al. (2010); Abbott, et al. (2014).

<sup>10</sup> Salvation Army, PGF Services and Hapai Te Hauora (2020). Ending community sector dependence on pokie funding White Paper.

<sup>11</sup> Thimasarn-Anwar, T., Squire, H., Trowland, H. & Martin, G. (2017). Gambling report: Results from the 2016 Health and Lifestyles Survey. Wellington: Health Promotion Agency Research and Evaluation Unit.

<sup>12</sup> Department of Internal Affairs (June 2023). Gaming machine profits. Retrieved from: Gaming Machine Profits (GMP) Dashboard - Quarterly GMP Dashboard Statistics (CSV machine readable) - data.govt.nz - discover and use data

<sup>13</sup> Granted.govt.nz

14 Stats.govt.nz

<sup>15</sup> Informetics Retrieved From: https://ecoprofile.infometrics.co.nz/Tauranga%20City/Population/Growth

<sup>16</sup> figure.nz Retrieved from: https://figure.nz/chart/CLaMLJ4sqPsSQMCU-V4jsPpkqm2R4fjca

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#### BAY TRUST – SUBMISSION ON GAMBLING VENUES POLICY – TAURANGA

Thank you for the opportunity to make a submission on the Gambling Venues Policy, specifically on the proposed change to move gaming machines at least 100 metres away from high deprivation areas. We are very concerned and disappointed that the proposed modification does not in any way serve the policy's intended objective to minimise the harm caused by gambling.

While the proposal to move the machines away from vulnerable communities appears to be a wellintentioned effort to reduce harm, it falls well short of achieving any meaningful, long-term change and may in fact worsen the outcomes for those living in high deprived areas for the following reasons:

• it fails to address the root causes of gambling-related harm and creates an illusion of action without substantive impact

• the proposed change is not in line with the current "sinking lid policy," which aims for a gradual reduction in the number of pokie machines: Simply relocating the machines does not reduce their overall number and therefore does not align with the goals of the sinking lid policy. Any perceived short-term benefit in reducing harm is likely to be offset by the ability to move these machines to other locations.

• The displacement effect is another significant concern. Moving pokie machines away from high deprivation areas might just encourage people to travel slightly farther to continue gambling. In this way, the harm isn't so much reduced as it is shifted to a different community, potentially one that is equally vulnerable but in different ways.

In conclusion, while the proposed change to move pokie machines away from high deprivation areas may have been made with the best of intentions, its efficacy in achieving long-term harm reduction is highly questionable. It neither aligns with the current sinking lid policy nor addresses the complex, multifaceted nature of gambling-related harm. A more comprehensive and systemic approach is required to effectively tackle the underlying issues.



## Tauranga City Gambling Venue Policy Submission – One Foundation

#### Local Presence

One Foundation is a gaming society that operates throughout New Zealand. One Foundation has one venue in the Tauranga City: Cruzaz Bar and Café, 265 Otumoetai Road, Tauranga.

#### Summary

One Foundation supports the proposal to amend the relocation policy to permit venues to move to more desirable locations, regardless of the reason for the move. The policy change will have harm minimisation benefits.

#### **Relocation Policy**

The proposed changes reflect the intention of the relocation provision in the Gambling Act. The intention was to enable venues to transfer out of high deprivation areas to more suitable areas such as commercial and industrial zones. The ability for territorial authorities to include relocation policies was enacted as a result of the Gambling (Gambling Harm Reduction) Amendment Bill ("the Bill"). The Bill was a Māori Party initiative led by Te Ururoa Flavell. During the third reading of the Bill, Mr Flavell stated:

The bill will enable gambling venues to transfer out of low socio-economic areas and into areas where communities want them to move. Councils, as a result of my bill, will now have more tools to enable the transfer of gaming venues into other areas... We are pleased that this member's bill, the first Māori Party member's bill to be passed into law, has generated a comprehensive package of law reform. This includes increasing the percentage of funding that goes back to the community, introducing harm minimisation devices through regulation, and giving councils more tools to shift venues out of low socio-economic areas.

The intention of the Bill was not to alleviate hardship to venue operators as a result of a natural disaster, fire, or public works acquisition.

The proposed changes to the relocation policy are good public policy. The changes will enable venues to move away from residential areas and out of medium and high deprivation areas. This is highly desirable. There is no valid reason for limiting such moves to when a venue has been subject to a flood, earthquake or fire.

If the venue is moving to a lower deprivation area, the relocation should be approved.

If the venue is moving away from sensitive sites such as schools or residential areas, the relocation should be approved.

If a venue wishes to move to new, smaller, modern, refurbished premises that will attract a more affluent clientele (clientele that are less at risk of suffering gambling harm), the policy should permit this to be considered.

If the venue is moving to a building with a higher earthquake rating, the policy should permit this to be considered. This is a health and safety issue.

If the venue is moving from large premises, with large car parking areas, where such land may be better used for affordable high-density housing, the relocation should be approved.

If the venue is moving because the current landlord is imposing unreasonable terms, the relocation should be approved. Currently, once a venue has obtained a licence to host gaming machines its value is artificially increased. This often leads to landlords demanding higher than normal rentals.

Not allowing venues to relocate simply entrenches them in locations that may be undesirable.

One Foundation's Harm Minimisation Measures

One Foundation operates its gaming machines in a responsible manner. Access is limited to persons aged 18 years and over, and steps are taken to prevent problem gambling at its venues.

The machines have limits on the amount of money that can be staked and the amount of prize money that can be won. The maximum stake is \$2.50. The maximum prize for a non-jackpot machine is \$500.00. The maximum prize for a jackpot-linked machine is \$1,000.00.

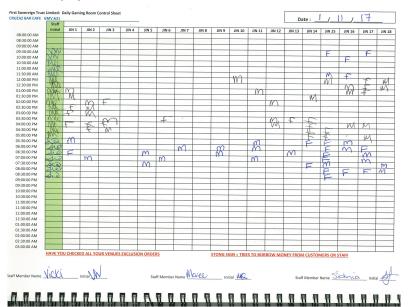
The machines have a feature that interrupts play and displays a pop-up message. The popup message informs the player of the duration of the player's session, the amount spent, and the amount won or lost. A message is then displayed asking the player whether they wish to continue with their session or collect their credits.

The machines do not accept banknotes above \$20.00 in denomination.

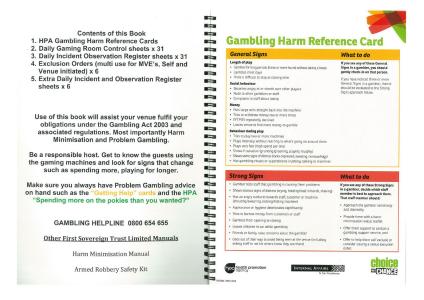
ATMs are not located in the gaming rooms.

All of our venues have a comprehensive written harm minimisation policy in place.

As part of the monitoring of the gaming room venue, staff are required to enter data in a control sheet every half an hour. The control sheet details the number of players on each machine and whether they are male or female. This process ensures that the staff are regularly monitoring the gaming room and keeping a record of the persons playing. This process helps staff to identify any person who may be subject to an exclusion order. The process also helps to identify any person who may need to be approached due to an extended session of play.



Our venues use Te Hiringa Hauora's gambling harm reference cards. These cards detail the general and strong signs of problem gambling and outline what our staff should do when the signs are observed.



All our venue staff undertake comprehensive problem gambling awareness and intervention training. Refresher training is provided on a 6- to 12-monthly basis.

In addition to the above we also keep a daily incident and observation register. Any incident that gives rise to potential concern is recorded in the register. If multiple minor incidents are noted, the venue manager is required to approach the player and provide information and advice. The register is also a great way for the staff to share their observations with other staff who are on different shifts.

The gaming room has pamphlets that provide information about the characteristics of problem gambling and how to seek advice for problem gambling.



Our gaming rooms have signage that encourages players to gamble only at levels they can afford. The signage also explains how to seek assistance for problem gambling. The signage is state-of-the-art electronic signage that includes the latest video clips from the *Choice Not Chance* campaign to end harmful gambling.



Video links: https://youtu.be/r0d4AWfkB0E https://youtu.be/zrEkAQ\_lfNo https://youtu.be/qXlob2UZPRg https://youtu.be/7981oARw7B4 https://youtu.be/BAkNzYalx8l

Any person who advises that they have a problem with their gambling is excluded from the venue. The exclusion is similar to a trespass order, in that it makes it illegal for the person to re-enter the gaming room for a set period of up to two years.

Our venue staff do not permit a player to play two gaming machines at once.

All our machines have a clock on the main screen. All the machines display the odds of winning.

#### **Grant Funding**

All the profits from non-casino gaming machines are distributed to community and sporting purposes. In 2022, approximately \$328m of grant funding was approved across 22,053 grants to 9,783 different organisations.<sup>1</sup> The current funding provided by the gaming trusts is vital. There is no replacement funding available.

One Foundation has a policy of returning funds to the local community in which they are generated. This means that when an application is received from the Tauranga City area, it is treated as a high priority, and has a strong likelihood of being approved.

<sup>&</sup>lt;sup>1</sup> www.granted.govt.nz

Our recent Tauranga City grants, from our one venue, total:

- YE 31/12/22 \$234,008.00
- YE 31/12/21 \$218,214.00
- YE 31/12/20 \$176,325.00

#### **Council Hearing**

I do not wish to present at the council hearing on 13 November 2023. Please have regard to my written submission.

16 October 2023

Kerry Bird Chief Executive One Foundation





Gambling Policy Consultation Tauranga City Council

Email: Policy@tauranga.govt.nz

Tauranga City Gambling Venue Policy Review – Akarana Community Trust Submission

#### Introduction

Akarana Community Trust has one gaming venue in the Tauranga City: Welcome Bay Sports Bar, 250 Welcome Bay, Road, Welcome Bay, Tauranga.

Akarana Community Trust supports the relocation policy being amended to enable Council to consider relocations in <u>any circumstances</u> when the venue is moving to a more suitable area such as a lower deprivation area, or moving out of a residential area.

<u>Gaming Machine Relocation - Circumstances Beyond the Control of the Owner or</u> <u>Lessee</u>

The current policy only allows Council to consider relocation applications if, due to circumstances beyond the control of the owner or lessee, the premises cannot continue to operate at the existing location.

In adopting the current policy, Council has misunderstood the intention of the relocation provision in the Gambling Act. Relocations were not introduced for the sole purpose of enabling venues to move following a natural disaster or public works acquisition. Parliament's intention was to facilitate the movement of venues out of high deprivation areas to lower deprivation areas, and out of residential areas into central business districts.

A relocation policy that enables venues to move out of high deprivation areas (for any reason) would be appropriate for Tauranga City, as 63% of venues are currently in medium-to-high or high deprivation areas.

Why should venues have to wait for a natural disaster or forced closure to move their gambling machines to a location that is more desirable from a harm minimisation perspective?

If a venue operator wished to invest in their business by moving to new premises and undertaking a new, modern fitout, such a move should be permitted. Having new, vibrant hospitality businesses is good for the city as it provides attractive and inviting premises for social interaction, encourages tourism, and creates employment.

If a venue is subject to a number of armed robberies or has regular social disturbances that require police intervention, the venue operator should be free to move to a new

site, and to provide a different offering (such as a venue that is more focused on food sales). Enabling a venue to move and take its machines in such circumstances will facilitate and encourage such moves. This will reduce the number of robberies and social disturbances.

#### Grant Funding is Extremely Valuable

In 2022, grants totalling \$12,553,534.00 were made to Tauranga City-based community groups.

Gaming venues enable extremely valuable funding to be provided to a large range of local community groups. Gaming societies are the only gambling operators that focus on supporting grassroots community organisations.

No other gambling provider provides this level of support for grassroots organisations. The Lottery Grants Board makes a small number of large grants to large organisations. TAB New Zealand predominantly uses the funds from race and sports betting to support the racing industry. The profits from the six commercial casinos are paid out to their commercial shareholders (save for a token amount in community grants). No grant money is paid by offshore-based online gambling providers.

There is no alternative funding available. Council is not in a position to provide millions of dollars in additional community grants. It is also unrealistic to think that grassroots organisations could obtain multi-million-dollar central Government or commercial sponsorship each year.

In 2012, Auckland Council commissioned a community funding survey. The survey data is summarised in the report *Community Funding: A Focus on Gaming Grants.*<sup>1</sup> The report confirms how essential gaming machine funding is to a very large number of grassroots organisations and how extremely difficult it would be for such funding to be obtained from alternative sources. The key findings of the survey were:

- Most respondents (75%) indicated that their organisation was moderately or totally reliant on gaming machine funding to fund core business activities.
- Most respondents (55%) believed that there would be a high to extreme risk to their organisation and their core business if they did not receive gaming funding. A further one-quarter (26%) said that there would be a moderate risk if they did not receive it.
- Two-thirds of respondents (68%) said that they thought that they would be unlikely to find another source of funding if gaming funding was not available.

The report concluded:

Gaming Trust funding is a major source of community funding for organisations in the Auckland Region. Most respondents believe that the funding for their organisations is not particularly secure and are highly dependent on gaming funding, not just for discretionary or extra activities, but to fund their core business. There is a dependence on this funding with over half the respondents believing that their organisations would be at extreme risk if they did not receive it. Most felt that if the funding was not available, they would

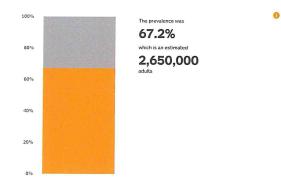
<sup>1</sup> www.gamblinglaw.co.nz/download/Research/Auckland\_City\_Community\_Funding\_Report.pdf

struggle to find an alternative source of funding. Some would cut down the activities they undertook, others say they would be forced to close down.

#### Entertainment

Gambling is a popular form of entertainment that most New Zealanders participate in. The 2018 Health and Lifestyles Survey<sup>2</sup> found that 67.2% of adult New Zealanders had participated in some form of gambling in the previous 12 months (estimated to be 2,650,000 adults).

2018 Health and Lifestyles Survey



It is only a small percentage of the adult population (0.2%) that suffers harm because of excessive gambling.

#### **Employment**

Gaming machines create employment. Hospitality staff are employed to monitor and supervise the gaming machine players. Service technicians are employed to service and repair the machines. The gaming societies that own the machines employ staff to review and process the grant applications.

A survey undertaken in 2009 estimated that there were 300 full-time equivalents directly employed by gaming societies and 215 employees of external service providers and contractors also working for these societies.<sup>3</sup>

#### Positive Economic Impact from the Gaming Industry

In 2012, Auckland City Council commissioned an economic impact report on the impact of the non-casino gaming machine industry. The Economic Impact Report<sup>4</sup>

<sup>2</sup> https://kupe.hpa.org.nz/#!/gambling/gambling-participation/any-gambling-activities

<sup>3</sup> KPMG and Ministry of Health (2013): Gambling Resource for Local Government. Wellington: Ministry of Health, https://www.gamblinglaw.co.nz/download/Ministry\_of\_Health\_-\_KPMG\_-\_Gambling\_Resource\_for\_Local\_Government\_2013.pdf

<sup>4</sup> www.gamblinglaw.co.nz/download/Research/Auckland\_City\_Economic\_Impacts\_Report.pdf

confirmed that the industry makes a positive economic contribution. The report concluded:

Overall, the non-casino gaming machine industry has a positive economic impact on the Auckland economy.

#### Positive Wellbeing Impact from Gambling in New Zealand

The 2021 TDB Advisory report, Gambling in New Zealand: A National Wellbeing Analysis<sup>5</sup>, found that gambling in New Zealand had a net positive wellbeing benefit of between \$1.74b and \$2.16b per annum. The costs and benefits are summarised in the following two tables, which can be found on pages 87 and 88 of the report:

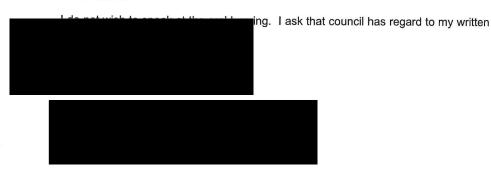
Table 32: Quantifiable costs and benefits of gambling in New Zealand, p.a., \$ million,

	Gross benef	its	Costs	Net benefits
Consumption-side	2,740 to 3,1	60	2,090	650 to 1,070
Production-side	1,8	00	990	810
Government	2	80	-	280
Total	4,820 to 5,2	40	3,080	1,740 to 2,160

Table 33: Non-quantifiable costs and benefits of gambling in New Zealand

Benefits	Costs
Wellbeing benefits from increased sports funding	Gambling harm-related costs, including:
Wellbeing benefits from increased arts funding	– Health costs
Wellbeing adjustment costs avoided	- Relationship costs
	- Work/study costs
	- Culture-related costs
	- Crime-related costs

#### Oral Hearing



https://www.gamblinglaw.co.nz/download/Gambling\_in\_New\_Zealand.pdf



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www.lionfoundation.org.nz

27th October 2023

Tauranga City Council By email: policy@tauranga.govt.nz

TCC Gaming Policy 2023

We appreciate the opportunity to make a submission in respect of the proposed changes to the existing Gambling Venues Policy.

#### **Proposed Relocation Clause**

We fully support Councils' proposed policy change in respect of the relocation of venues.

- Gambling venues would be able to move to different locations <u>for any reason</u>, without needing to meet the current criteria for moving. Venue relocation is accepted to be an effective harm minimisation tool as it –
  - Allows for venues to relocate from high deprivation areas to more suitable areas Enables venues to re-establish after a natural disaster, flood, or fire.
  - Enables venues to move out of earthquake-prone and dangerous buildings.
  - Enables venues to move to new refurbished and fit-for-purpose premises.
  - Creates fairness in cases of public works acquisition or lease termination.
  - Prevents landlords demanding unreasonable rentals.

Businesses should not have to wait for a catastrophic event to move a venue to a more desirable location (lower deprivation). We also believe that allowing venues to move out of areas of high deprivation will, given time, have positive outcomes for these communities.

, - Relocation areas will be restricted to commercial or industrial zones more than 100m away from residential zones with a deprivation index of 8, 9, or 10, as measured on the NZDep 2018 or subsequent updated indexes. Given that approximately 63% of venues are currently located in medium-high or high deprivation areas, it makes complete sense to rely on updated/current data which will be able to be referenced on Council's website and/or upon request.

GRANT N<sup>0</sup> 7013708: ST JOHN CENTRAL REGION. When it comes to saving lives, it pays to have the latest gear. So when St John needed to upgrade their aging ambulance to a new unit, we were keen to help. It's just one of thousands of good causes we fund every year, right around New Zealand.

Here for good

Should you require any further information, please do not hesitate to contact myself or the Chief Executive, Tony Goldfinch.

Kind regards

Samamtha Alexander

Samantha Alexander National Compliance and Grants Manager Email:



# PGF Group Submission Tauranga City Council Gambling Venues Policy Review 2023

Submitted to	Tauranga City Council Gambling Venues Policy via email submission to policy@tauranga.govt.nz
Details of Submitter	Kay Kristensen Policy Advisor, PGF Group
Physical Address	Level 2, 109 Anglesea Street Hamilton 3204
Date of Submission	1 November 2023

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# **EXECUTIVE SUMMARY**

PGF Group appreciates the opportunity to comment on Tauranga City Council's Gambling Venues Policy. The review of the current policy provides an opportunity to minimise the harm caused by gambling in Tauranga communities.

Currently, Tauranga has a sinking lid policy including a relocation and club merger provision. Tauranga City Council has focused this review on its Class 4 gambling policy's relocation provision. In its draft Gambling Venues Policy, Council has proposed that Class 4 and TAB venues may only be able to relocate within a commercial or industrial zone in the operative City Plan, excluding areas within 100 metres of residential zones with a deprivation index of 8, 9 or 10 measured on the NZ Index of Deprivation.

PGF Group does not support council's proposed amendment and **recommends** council remove the relocation provision from its current policy and not allow any gambling venue to move (barring the Waikiwi precedent).<sup>1</sup>

Gambling has a known risk of addiction and harm. Allowing Class 4 venues to relocate undermines the efficacy of a sinking lid policy, simply moves gambling around, and does little to protect those most at risk of experiencing harm from gambling. Furthermore, relocating venues introduces new people to gambling harm. Wealth and education are not protective factors.

A sinking lid policy with no relocation provision aligns strongly with city's Tauranga Mataraunui (inclusive, safe, resilient and healthy) and Tauranga Tātai Whenua (well planned with successive and thriving communities).

Our submission is evidence-based and founded on what is known about gambling harm across Aotearoa New Zealand and beyond.

Our organisation encourages councils and the government to take a closer look at the relationship between harmful gambling, social disparity and a funding model that enables it. Funding communities based on a system that relies on our lowest income households putting money they can ill-afford into gaming machines is both unethical and inequitable. The saturation of Class 4 venues in areas of high social deprivation and the resulting harm placed on these communities, is disproportionately borne by Māori and Pasifika.

<sup>&</sup>lt;sup>1</sup> Waikiwi Precedent: The High Court decision in 2013 (Waikiwi) concluded that, while the term 'Class 4 venue' has a wide meaning, it does not include an "address". This indicates that Parliament did not intend that the term "place" means land or building at a specific address. Further, "when a building such as the tavern building as relocate to a different site in close proximity to its present address it is still the same venue".



## **RECOMMENDATIONS AND SUBMISSION**

- PGF Group recommends council remove the relocation provision (barring the Waikiwi precedent)<sup>1</sup> to prevent venues from moving.
- 2. Availability of gambling opportunities is linked to higher prevalence of problem gambling and gambling harm. Policies that fully disrupt gambling behaviour are likely to reduce gambling harms if they are sustained over time (1). A sinking lid with no relocation or club merger provision, is the best public health approach available to councils who wish to minimise gambling harm in their communities.
- 3. Adding a single venue to an area previously without pokie venues, increases problem gambling more than an increase in the number of venues in an area with existing machines (2).

#### **INTRODUCTION**

#### ABOUT PGF GROUP

- 4. The Problem Gambling Foundation trades as PGF Group (PGF) and works closely with its subsidiary charitable companies, Asian Family Services and Mapu Maia Pasifika Service, united by a shared purpose to provide public health and clinical services that contribute to the wellbeing of whānau and communities.
- 5. PGF operate under contract to Te Whatu Ora and is funded from the gambling levy to provide clinical intervention and public health services.
- 6. As part of our public health work, we advocate for the development of public policy that contributes to the prevention and minimisation of gambling related harms.
- This includes working with Territorial Local Authorities (TLAs) to encourage the adoption of policies that address community concerns regarding the density and locality of gambling venues, in this case, a sinking lid policy.

#### PGF GROUP'S POSITION ON GAMBLING

8. It is important to note that PGF is not an 'anti-gambling' organisation. We recognise that Class 4 gambling is a known addiction risk and are therefore opposed to the harm caused by gambling.



PGF continues to advocate strongly for better protections for those most at risk of experiencing gambling harm.

- 9. We recognise that the majority of New Zealanders do not gamble harmfully.
- 10. While most New Zealanders gamble without experiencing any apparent harm, a significant minority do experience harm from their gambling, including negative impacts on their own and the lives of others.
- In 2021/22, total expenditure (losses, or the amount remaining after deducting prizes and payouts from turnover) across the four main forms of gambling; Class 4 Electronic Gaming Machines (EGMs), Lotto, Casinos and TAB, was more than \$2.25 billion, or \$627 for every adult (3).
- 12. In 2022, over \$1 billion was lost to pokies across Aotearoa New Zealand (4). This was the highest annual loss since 2003.
- Most money spent on gambling in New Zealand comes from the relatively limited number of people who play Class 4 EGMs, and most clients accessing gambling support services cite pub/club EGMs as a primary problem gambling mode (5).

# INFORMATION FOR COUNCIL DECISION MAKING

#### CLASS 4 GAMBLING

- 14. The harms caused by different forms of gambling are not equal, as evidenced by the different classifications of gambling within the Gambling Act 2003.
- 15. Class 4 gambling EGMs in pubs, clubs and TABs is characterised as high-risk, high-turnover gambling, and continues to be the most harmful form of gambling in New Zealand and the primary mode of gambling for those seeking help (5).
- 16. EGMs are particularly harmful because they allow continuous gambling (6). The short turnaround time between placing a bet and finding out whether you have won or lost, coupled with the ability to play multiple games in quick succession makes continuous gambling one of the most addictive forms of gambling available.



#### GAMING MACHINE PROFITS (GMP) STATISTICS

- 17. There are plenty of opportunities to gamble in Tauranga. At June 2023, there were four TAB venues, 32 Class 4 gambling venues and 469 EGMs (4).
- 18. Since 2015, Tauranga City has followed the national trend of a general growth in annual Class 4 GMP. From year end June 2022 to year end June 2023, GMP increased by \$6,263,927 or by 18% (4).
- 19. We cannot be sure why losses continue to grow while machine numbers decrease, but what we do know is that EGM numbers are not reducing fast enough in areas where they need to, such as in areas of high social deprivation. In Tauranga City, 20 out of 32 venues are in the most deprived communities; deciles 7-10. This is 62.5% of venues.(4)
- 20. According to the 2018 Census, the median income in Tauranga is \$31,600 (7). In comparison, every machine in Tauranga City made, on average, around \$77,813 last year (4). That means a pokie machine makes around \$46,000 more each year than the average person in the district.

#### CLIENT INTERVENTION DATA

- 21. A total of 140 clients from Tauranga were assisted between July 2021 to June 2022 for all intervention types (8); 90 of these were new clients.
- 22. However, this number does not reflect the total number of people impacted by gambling in Tauranga.
- 23. The Ministry of Health's *Strategy to Prevent and Minimise Gambling Harm* states that "needs assessment and outcomes monitoring reports show that only 16% of potential clients for gambling support services (that is, people whose reported harm results in a moderate to high PGSI<sup>2</sup> score) actually access or present at these services", and that this low service use is also evident for other forms of addiction such as alcohol and drugs (5).
- 24. The Ministry of Health's Continuum of Gambling Behaviour and Harm (Figure 1) estimates the number of people experiencing mild, moderate or severe gambling harm is more than 250,000 that's more than the population of Wellington (5).

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<sup>&</sup>lt;sup>2</sup> The Problem Gambling Severity Index (PGSI) is commonly used to screen and categorise three levels of harm: severe or high risk (problem gambling), moderate risk and low risk.

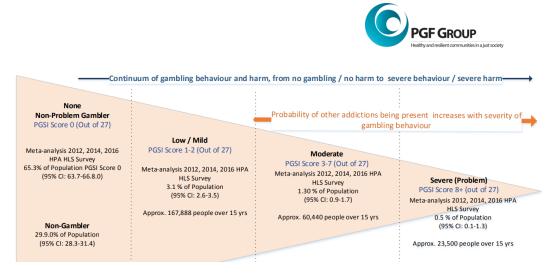


Figure 1: Continuum of Gambling Behaviour and Harm (Ministry of Health, 2019)

- 25. A New Zealand gambling study estimates that 30% of EGM losses is from problem and moderate risk gamblers (9).
- 26. While the Ministry of Health's client intervention data is not an accurate measure of the prevalence of gambling harm in New Zealand, it can tell us the rate of harm from different classes of gambling amongst those who have sought help.
- 27. Data for 2021/22 shows that of the 4,534 individuals who received full intervention support for their own or someone else's gambling, 2,111 (46.6%) were for Class 4 EGMs (8).

Primary Mode	Full Interventions	Percentage
Non-Casino Gaming Machines (EGMs or Pokies)	2,111	46.6%
Lotteries Commission Products	535	11.8%
Casino Table Games (inc. Electronic)	388	8.6%
Casino Gaming Machines (EGMs or Pokies)	420	9.3%
TAB (NZ Racing Board)	394	8.7%
Housie	40	0.9%
Cards	41	0.9%
Other	605	13.3%
Total	4,534	100%

 Table 1: 2021/22 client intervention data by primary gambling mode.

28. Given that almost half of the clients in 2020/21 sought help due to Class 4 EGMs, this indicates the level of harm EGMs are causing in our communities.

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#### ONLINE GAMBLING

- 29. Online gambling is not within the scope of the Council's Class 4 gambling and TAB policy reviews. Online gambling is the purview of the Department of Internal Affairs (DIA) who are responsible for addressing online gambling within legislation.
- 30. Like many others in Aotearoa New Zealand, we are concerned that children and young people in particular, are not receiving adequate protections to harmful online content, including exposure to and availability of gambling and gaming products.
- 31. The Gambling Act 2003 is now almost 20 years old and no longer reflects the online gambling and gaming environment we now have, nor does it afford the robust regulatory framework that will protect consumers online.
- 32. There is considerable progress being made to improve online safety. The DIA has conducted a Safer Online Services and Media Platforms review, and recently consulted on a new approach to content regulation that minimises the risk of harms caused by online content to New Zealanders. This review is welcomed by our organisation and will over time, improve online safety particularly for our children and young people.
- 33. PGF also notes that an area of concern for local government is that an 'unintended consequence' of a reduction in physical gaming machines through more restrictive Class 4 policy, would lead to an increase in online gambling. As a comment of assurance, there is no tangible evidence that this occurs more rapidly due to a sinking lid policy. Rather, the rise in online gambling can be attributed to the advancement of mobile devices and media platforms. Further, the COVID-19 lockdowns have shown that while there was an increase in online gambling during lockdown (namely, MyLotto sales) (10, 11), people returned to Class 4 gambling after the lockdown. This was highlighted when the DIA saw an increase in GMP by 116% in the June to September 2020 quarter, which followed the COVID-19 lockdown in 2020 (12).
- 34. Existing evidence suggests that Class 4 gambling competes with other industries for household expenditure, but not so much with other forms of gambling. The New Zealand Institute of Economic Research (NZIER) found that the cost to retail sales of Class 4 gambling was estimated to be \$445 million for the 2018/19 year. Increased retail sales would generate an additional 1,127 full-time equivalent jobs for 1,724 workers worth approximately \$50 million in wages and salaries (13). This is an interesting finding given that previous cost-benefit assessments of Class 4 gambling

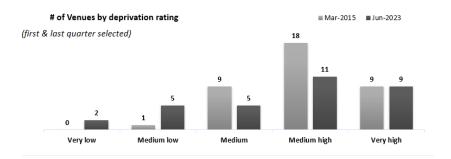


have tended to assume that this activity creates additional employment or is neutral from an employment perspective.

- 35. PGF would encourage council to consider the social and economic impact of its \$38.7m spend in 2022 on the city's businesses and community agencies rather than focus on the few dollars returned to the community and sport in particular.
- 36. The Minister for Racing Kieran McAnulty has recently approved a 25-year strategic partnership between TAB and Entain (a global sports betting, gaming, and interactive entertainment group), that commenced 1 June 2023. PGF is uncertain how this partnership will impact participation or harm from online gambling in the future. It is also difficult to predict how this partnership will impact Class 4 gambling policy decision making at the local government level.

#### **DENSITY OF CLASS 4 GAMBLING VENUES**

- 37. What makes Class 4 EGMs more harmful than casino EGMs is their location within our communities and the design of EGM rooms within Class 4 venues.
- 38. In Tauranga, 20 out of 32 (62.5%) Class 4 gambling venues (as at June 2023) are located in high deprivation areas, i.e. deciles 7-10 (4). Since 2015, there has been some movement in the location of Class 4 venues but none in deciles 9-10. This is consistent with other councils across New Zealand. The majority of Class 4 venues are located in deciles 9-10.



*Figure 2: Number of venues in Tauranga by deprivation rating since 2015 (DIA, 2023)* 



39. Data published by the DIA shows that almost 61% (619 out of 1,015 as at 30 June 2023) of Class 4 gambling venues in New Zealand are located in medium-high or very-high deprivation areas(4).

Very Low	Medium Low	<b>Medium</b>	Medium High	<b>Very High</b>
Decile 1–2	Decile 3–4	Decile 5–6	Decile 7–8	Decile 9–10
68	137	191	281	338

Table 2: Class 4 gambling venues as at 30 June 2023 by deprivation score.

40. A report commissioned by the Ministry of Health notes that EGMs in the most deprived areas provide over half of the total Class 4 EGM expenditure (14).

#### IMPACT OF GAMBLING HARM TO VULNERABLE POPULATION GROUPS

- 41. It is unethical that the majority of Class 4 EGM expenditure is coming from our lowest income households who can least afford it.
- 42. The 2020 Health and Lifestyles Survey estimates indicated that Māori were 3.13 times more likely to be moderate-risk or problem gamblers than non-Māori and non-Pacific peoples, and Pacific peoples were 2.56 times more likely to be moderate-risk or problem gamblers than non-Māori and non-Pacific peoples (15).
- 43. Asian peoples also experience gambling harm differently. The 2018 Health and Lifestyles Survey found that Asian people's risk factor of harmful gambling was 9.5 times higher when compared with European/other New Zealanders (16).
- 44. Research indicates that Māori, Pacific, and Asian peoples experience harmful gambling differently, and that this disparity has not diminished over the years. This is a systemic issue that is inequitable.

#### EFFICACY OF A SINKING LID

- 45. From a public health perspective, there is a generally held view that the easier it is to access an addictive product, the more people there are who will consume that product.
- 46. It follows then that stronger restrictions on the number and location of addictive products, such as EGMs, require a public health approach to the prevention and minimisation of gambling harm.



- 47. Sections 92 and 93 of the Gambling Act mandate the maximum number of pokie machines a Class 4 venue can host (18 if the venue licence was held on or before 17 October 2001, nine if the licence was granted after that date). This is the minimum regulation a TLA must implement in its Class 4 gambling policy.
- 48. The Auckland University of Technology's New Zealand Work Research Institute recently published a research paper, *Capping problem gambling in New Zealand: the effectiveness of local government policy intervention*, which aimed to understand the impact of public policy interventions on problem gambling in New Zealand (17).
- 49. This research focussed on Class 4 gambling to assess the impact of local government interventions (absolute and per capita caps on the number of machines and/or venues and sinking lid policies) on the number of machines/venues and the level of machine spending over the period 2010-2018.
- 50. Key findings from this research include:
  - a. All three forms of policy intervention are effective in reducing Class 4 venues and EGMs, relative to those TLAs with no restrictions beyond those mandated by the Gambling Act.
  - b. Sinking lids and per capita caps are equally the most effective at reducing machine spending.
  - c. Those TLAs who adopted restrictions above and beyond those mandated by the Gambling Act experienced less gambling harm than those TLAs who have not.

#### THE FUNDING SYSTEM

- 51. Following the removal of tobacco funding, EGMs were introduced with the primary purpose of funding communities.
- 52. Trusts and Societies are required to return 40% of GMP to the community by the way of grants or applied funding. This has inextricably linked gambling harm with the survival of community groups, sports and services.
- 53. The unethical nature of the funding model cannot be ignored. The *Gambling Harm Reduction Needs Assessment* (2018), prepared for the Ministry of Health, raises fundamental questions about the parity of this funding system (18).



- 54. Further research commissioned by the DIA revealed that there is a very strong redistributive effect from more deprived communities to less deprived communities when examining the origin of GMP and the destination of Class 4 grants (19).
- 55. Ethical and moral concerns are often determining factors for community groups not applying for nor receiving funds from gambling proceeds, but competition for funding and dependence on funding from gambling proceeds often outweigh these concerns.
- 56. PGF recognises the ethical dilemna experienced by many groups when applying for and receiving Class 4 funding. It was therefore heartening to recently learn of the sucess of a Sydney Bowling Club (Petersham Bowling Club) after making the transition away from pokies. The Petersham Bowling Club now reports an increased turnover of over 700%, and a much broader and inclusive community environment. Petersham Bowling Club acknowledge how easy it is for managers to fall into the trap of relying on pokies and pokie income, but is testiment to the fact that there is life beyond pokie machines and pokie funding (20).

#### COMMUNITY RETURNS FOR TAURANGA

- 57. For the 2022 calendar year, \$12,533,534 was returned to Tauranga from Class 4 funds. Around \$6.7 million went to sport; with a little over \$1 million going to the Bay of Plenty Rugby Union. Tauranga City Council received \$500,000 (21).
- 58. PGF encourages council to consider the social and economic impact on the city from the \$38.7m spend rather than focusing on the few dollars coming back; the majority of which goes to sport.

#### PRIORITISING THE PREVENTION OF HARM

- 59. While a sinking lid is at present the best public health approach available to TLAs to prevent and minimise gambling harm in their communities, we contend that such a policy does not go far enough or work fast enough to do this.
- 60. Several councils have already expressed their frustration at the limited opportunities available to them in their attempts to reduce the harm from Class 4 gambling in their communities.
- 61. We continue to encourage Council to advocate to central government for the following:
  - a. Adoption of a more sustainable, ethical, and transparent community funding system.



- b. More powers for councils to remove EGMs from their communities.
- c. The urgent removal of Class 4 EGMs from high deprivation areas 7-10 in New Zealand.

#### CONCLUSION

- 62. The Gambling Act 2003 was enacted to provide a public health approach to the regulation of gambling and to reduce gambling harm.
- 63. A sinking lid with no relocation or venue merger provisions is the best public health approach available to councils who wish to prevent and minimise gambling harm in their communities.
- 64. PGF appreciates the opportunity to make a written submission on Council's proposed Gambling Policy.



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4 November 2023 Private Bag 12022 Tauranga 3143

#### Re: Submission for Tauranga City Council Gambling Venues Policy Review 2023

Asian Family Services (AFS) has supported Asian communities living in Aotearoa, New Zealand, since 1998. Our organisation is a Charitable Trust and is New Zealand's only service provider for people of Asian backgrounds affected by mental health issues and gambling harm. Ours preventing and minimising gambling harm services are delivered under a Te Whatu Ora (Health NZ) contract and funded from the gambling levy. Our national service operates in three areas: the Asian Helpline, clinical intervention, and public health work.

#### **Enhancing Gambling Harm Reduction Through Sinking Lid Policy**

AFS urges the Council to eliminate the provision allowing venue relocation (except the Waikiwi precedent) to prevent venues from moving. It's crucial to recognise that the availability of gambling opportunities is closely associated with a higher prevalence of problem gambling and gambling-related harm. Policies that effectively disrupt gambling behaviour have the potential to reduce gambling-related harms, especially when implemented consistently over time.

The most effective public health approach for councils aiming to minimise gambling harm in their communities is implementing a sinking lid policy without relocation or club merger provisions. Research has shown that introducing a single gambling venue to an area that previously had none has a more significant impact on problem gambling than increasing the number of venues in an area already hosting gambling machines.

It's important to emphasise that AFS is not an "anti-gambling" organisation but instead acknowledges the addiction risk associated with Class 4 gambling and opposes the harm it causes. AFS advocates vigorously for improved protections for those most susceptible to gambling harm. While the majority of Asian New Zealanders engage in gambling without apparent harm, a significant minority experience harm, affecting their lives and the lives of others.

#### The Negative Impact of Electronic Gaming Machines (EGMs) on Society

Electronic Gaming Machines (EGMs) have been the subject of extensive research in various countries, focusing on understanding their effects on society. Numerous studies have shed light on the detrimental consequences of EGMs, particularly regarding gambling harm and its broader impact on individuals and communities.

1



The Productivity Commission of Australia's Comprehensive Report 2010<sup>1</sup> revealed that a significant portion of revenue from EGMs is derived from people with severe end of gambling-related harm. The social cost of gambling harm was substantial, affecting not only the gamblers themselves but also their families and communities.

The European Commission's report in 2012<sup>2</sup> further supported this finding, revealing that EGMs were associated with higher rates of problem gambling compared to other forms of gambling. Similarly, the Canadian Problem Gambling Index (CPGI) 2018<sup>3</sup> identified EGMs as a key contributor to gambling harm in Canada.

Research by Heather Wardle and colleagues in England and Scotland in 2017<sup>4</sup> also highlighted that the likelihood of experiencing gambling harm was higher among those who played EGMs. Moreover, a study conducted in the Netherlands in 2018<sup>5</sup> demonstrated a significant association between EGM use and gambling harm, reinforcing the notion that EGMs pose a higher risk of gambling-related harm.

A study by the UK Gambling Commission<sup>6</sup> found that problem gambling was more prevalent among EGM players compared to those engaged in other forms of gambling. Similarly, New Zealand's Health Survey in 2018/19<sup>7</sup> indicated that EGMs were the most common form of gambling in the country, with the highest levels of gambling-related harm observed among EGM users.

While research acknowledges that some individuals engage with EGMs purely for entertainment without developing gambling harm, the evidence overwhelmingly suggests that EGMs can have a profoundly negative impact on vulnerable individuals. Gambling harm not only leads to financial hardships but also affects mental health, relationships, and overall wellbeing.

#### The Relationship between Electronic Gaming Machines (EGMs) and Suicide Risk

Numerous research studies have consistently demonstrated a significant correlation between gambling-related harm and suicidal risk among individuals engaging with EGMs. A systematic review conducted by Kasperski, Bischof, and Rumpf, 2012<sup>8</sup> compiled the results of various empirical studies and identified a higher prevalence of suicidal ideation and suicide attempts

<sup>&</sup>lt;sup>1</sup> Productivity Commission (Australia). (2010). Gambling Inquiry Report.

<sup>&</sup>lt;sup>2</sup> European Commission. (2012). Gambling Participation in Europe.

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<sup>&</sup>lt;sup>4</sup> Wardle, H., Moody, A., Spence, S., Orford, J., Volberg, R., Jotangia, D., Griffiths, M., Hussey, D., & Dobbie, F. (2017).

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<sup>&</sup>lt;sup>5</sup> Netherlands Gaming Authority. (2018). Study on Gambling and Problem Gambling in the Netherlands.

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<sup>&</sup>lt;sup>7</sup> New Zealand Ministry of Health. (2019). New Zealand Health Survey.

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among those with gambling-related harm behaviours. The findings suggest that EGM use, often associated with gambling-related harm, may pose an elevated suicide risk for affected individuals.

In addition to the heightened suicidal risk, Petry, Stinson, and Grant's investigation, 2005<sup>9</sup> into the comorbidity of pathological gambling, which frequently involves EGM gambling and psychiatric disorders, yielded crucial insights. Their research revealed that individuals with pathological gambling tendencies were more likely to have comorbid mood and anxiety disorders. These co-existing conditions are significant contributing factors that could amplify the propensity for suicidal tendencies in problem gamblers, especially those drawn to EGMs.

The prevalence of suicidal ideation and suicide attempts was also evident among individuals seeking treatment for gambling problems, including EGM addiction. Rodda, Lubman, and Dowling's study, 2018<sup>10</sup> emphasised this alarming trend, suggesting that the severity of gambling-related issues, coupled with EGM engagement, may escalate the risk of suicidal behaviour among affected individuals.

Nower and Blaszczynski's research, 2008<sup>11</sup> on the relationship between youth gambling and mental health outcomes further underscored the vulnerability of young individuals to the negative consequences of EGM gambling. Their findings revealed a heightened risk of suicidality and depression among youth with gambling problems, highlighting the urgent need to protect this age group from the potential harms associated with EGMs.

#### Asian Population in Tauranga City Council

According to the 2018 Census data, there are 7.6% of the Asian population in the Tauranga City Council. The third-largest population follows the European 81.7% and Maori 18.2% communities.

#### Table 1: Asian population in 2006, 2013, and 2018

	2006 (%)	2013 (%)	2018 (%)	
Asian population	3.4	5.6	7.6	
(Data resource: Stats NZ, <u>htt</u>	ps://www.stats.govt.nz	/tools/2018-census-place	-summaries/tauranga-city#ethnicit	y-culture-
and-identity)				

<sup>&</sup>lt;sup>9</sup> Petry, N. M., Stinson, F. S., & Grant, B. F. (2005). Comorbidity of DSM-IV pathological gambling and other psychiatric disorders: Results from the National Epidemiologic Survey on Alcohol and Related Conditions.

<sup>&</sup>lt;sup>10</sup> Rodda, S. N., Lubman, D. I., & Dowling, N. A. (2018). Prevalence of suicidality in individuals accessing gambling treatment services

<sup>&</sup>lt;sup>11</sup> Nower, L., & Blaszczynski, A. (2008). Suicidality and depression among youth gamblers: A preliminary examination of three studies.



As the Asian population in Tauranga City Council is growing steadily, we recommend that the Council consider Asian voices at the policy level and adopt a sinking lid policy to protect Asian people from gambling harm.

#### Asian Gambling Behavior

Sobrun-Maharaj, Rossen, and Wong, 2012<sup>12</sup> identified that one of the contributing factors to mental health issues for Asian people is problem gambling.

Analysis of data from the Health and Lifestyles Survey over several years shows that, after adjusting for a range of socio-economic factors and gambling predictors when compared to European/Other, Asian people's risk for individual gambling harm was 9.5 times higher<sup>13</sup>. Furthermore, pokies players were more than twice as likely to be at risk of some level of gambling-related harm compared to other gamblers.

Further research indicates that some aspects of Asian culture (e.g., yin-yang in Chinese culture) encourage Asian people to take greater risks on low-probability games than Europeans, making Asian people more susceptible to gambling harm<sup>14</sup>.

Over the past 12 months, AFS provided 4664 counselling sessions to more than 1,447 gambling clients around Aotearoa. Our problem-gambling clients were afflicted with coexisting issues such as suicidal ideation, financial hardship, domestic violence, and severe depressive and anxiety symptoms due to problem gambling.

As per the findings of the New Zealand Asian Responsible Gambling Report, 2021<sup>15</sup>, carried out by Asian Family Services, it was revealed that within the past year, 74.7% of Asians participated in various gambling activities. Among this group, 41.5% chose to gamble at Class 4 venues. Moreover, among those who engaged in gambling at these venues, a concerning 16.5% were identified as experiencing gambling-related harm. Furthermore, the study found that Asians who gambled at Class 4 venues were more likely to be male, younger, and have lower incomes compared to those who did not gamble at such venues. Unfortunately, due to being either new to the country or unfamiliar with the health system and services in New Zealand, many who experienced gambling harm did not seek early intervention. The delay in seeking help was partially due to a lack of understanding of behavioural addiction concepts. Often, addiction is only understood as a substance abuse issue. The report also indicated that

<sup>&</sup>lt;sup>12</sup> Sobrun-Maharaj, A., Rossen, F., & Wong, A, S, K. (2012) The Impact of Gambling and Problem Gambling on Asian Families and Communities in New Zealand. Centre for Asian & Ethnic Minority Health Research, University of Auckland. Ministry of Health (2010). Progress on Complian Harm Peduction 2010 to 2017. Outcomes report. New Zealand Stratem

<sup>&</sup>lt;sup>13</sup> Ministry of Health. (2019). Progress on Gambling Harm Reduction 2010 to 2017: Outcomes report – New Zealand Strategy to Prevent and Minimise Gambling Harm. Wellington: Ministry of Health.

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78.7% of Asian gamblers identified stigma as one reason preventing them from early helpseeking.

#### The main Asian groups who are most vulnerable to the harm of pokies

During the past 25 years, AFS has seen many Asian clients addicted to pokies. We particularly find that the groups below are most vulnerable to gambling harm from pokies:

- Restaurant workers (chefs, kitchen hands, baristas, etc.);
- Cleaners;
- Builders/construction workers;
- Older people;
- International students;
- Work visa holders.

#### The main reasons that Asian peoples play pokies

The most common reasons why Asian people play pokies are because:

- Low-barrier game: No English requirement, easy to go and play solo;
- Emotional escape (release stress, run away from conflict with others, etc.);
- Combatting loneliness;
- Making easy money;
- Addiction-driven playing: to win back lost money.

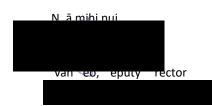
#### Sinking Lid Policy

The enactment of the Gambling Act 2003 aimed to introduce a public health-oriented framework for gambling regulation to mitigate gambling-related harm.

In this context, implementing a sinking lid policy, devoid of relocation or venue merger provisions, represents the most effective public health strategy for councils seeking to prevent and reduce gambling harm within their communities.

Additionally, AFS supports the submission made by PGF Group on Tauranga City Council Gambling Venues Policy Review 2023.

AFS expresses gratitude for the chance to submit a written response regarding the Council's proposed Gambling Policy.





Gambling Venues and Street Use Policies, and Traffic & Parking Bylaw

We are suggesting a set of updates to our policies and bylaws on:

- if gambling venues should be allowed to move within certain criteria
- how public streets can be used by businesses and the community
- making street dining areas smoke and vape free
- supporting environmentally friendly berms
- clarifying the rules on second driveways
- making free parking fairer

We would like to know your thoughts on the proposed changes.

To get started, please choose one or more of the following policies or bylaws you would like to provide feedback on.

- Gambling Venues Policy
- Street Use Policy
- Traffic and Parking Bylaw

#### **Gambling Venues Policy**

We want to change the policy to allow gambling venues (also called 'pokies' or 'TABs') to move locations, within certain criteria, which the current policy doesn't allow. This change will not increase the number of places people can gamble in the city.

We are particularly keen to enable gambling venues to move out of areas where research tells us they are likely to do more harm. You can see these areas on the maps at the back of the survey.

How strongly do you agree, or disagree, we should allow gambling venues to move, so they can leave areas that research tells us they are likely to do more harm?

- Strongly agree
- Agree
- Neither agree nor disagree
- Disagree
- Strongly disagree
- Don't know / unsure

Can you share with us why you gave this answer?

Page 1 of 6



#### Street Use Policy

Currently, some businesses pay to use public streets, and some don't.

We have suggested a change to the policy to help us consistently manage and charge how public streets are used, such as restaurants putting tables on the footpath, or with balconies that overhang the footpath used for dining. The charges are administration fees, rental fees and refundable bonds for any potential damage caused by businesses using these spaces, and this money contributes to the maintenance and improvement of the city's public spaces.

The proposed change covers four zones, and the charge for each zone will be set through the council's annual user fees and charges process. The zones group together streets with similar levels of popularity, use and vibrancy.

The zones are:

- City zone 1 Inner City Centre, South of Marsh Street to First Ave (inclusive)
- City zone 2 South City Centre, Second Ave to Eleventh Ave (inclusive)
- Mount zone 1 Mount Central, North of SH2, Hewletts Road and Golf Road (inclusive)
- Mount zone 2 Mount Mainstreet, Maunganui Road from Grace Road to Salisbury Avenue (inclusive)

You can see these zones in the attached maps at the back of this survey.

We want to make the policy fairer by phasing in charges over several years for businesses that benefit from public street spaces across these popular dining areas in the city centre and Mount Maunganui.

How strongly do you agree, or disagree, that we should phase in charges across the city for the businesses that use public streets and footpaths?

- Strongly agree
- Agree
- Neither agree nor disagree
- Disagree
- Strongly disagree
- Don't know / unsure

Can you share with us why you gave this answer?

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#### Street Use Policy (continued)

We think it's fair to make dining areas on our public streets and footpaths smoke and vape free, so that streets are places for everyone to enjoy.

How strongly do you agree, or disagree, that we should make public dining spaces smoke and vape free?

- Strongly agree
- Agree
- Neither agree nor disagree
- Disagree
- Strongly disagree
- Don't know / unsure

Can you share with us why you gave this answer?

Is there anything else you think we should consider if we put this policy in place?

Grass and other plants manage heavy rain and stormwater better than artificial grass. We suggest stating in the policy that residents should use environmentally friendly methods to manage berms outside their houses, rather than artificial grass.

How strongly do you agree, or disagree, that we should encourage residents to plant their berms, and stop using artificial turf?

- Strongly agree
- Agree
- Neither agree nor disagree
- Disagree
- Strongly disagree
- Don't know / unsure

Could you share with us why you gave this answer?

Page 3 of 6



#### Traffic and Parking Bylaw

The current, standard rule is one vehicle crossing (driveway) per property. We suggest updating the bylaw to clarify that developers, and people wanting to add a second driveway, should check with the council first before going ahead. That way we can check if a second driveway is necessary, safe and offers a public benefit (such as putting a caravan off the street).

Do you think we should make it clear that council permission is required to create a second driveway?

- Strongly agree
- Agree
- Neither agree nor disagree
- Disagree
- Strongly disagree
- Don't know / unsure

Do you have any other thoughts on clarifying this rule about second driveways that you want to share?

Currently, our parking wardens manually monitor the free, timed car parks. By futureproofing the parking bylaw, we can potentially ask drivers to provide their car registration (rego) when parking in free, timed parks. Registration required parking is easier and more cost-effective to make sure that carparks are being used for the time period allowed.

We don't need this now, but we might in the future as our city grows. It's a useful tool to make sure drivers stick to the time limits and that car parks are more fairly available.

Do you think we should add an option in the bylaw for drivers to potentially provide their registration number for free, timed car parks?

- Strongly agree
- Agree
- Neither agree nor disagree
- Disagree
- Strongly Disagree
- Don't know / unsure

Do you have any other comments you would like to provide on this suggested parking management tool?

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Gambling Venues and Street Use Policies, and Traffic & Parking Bylaw

Would you like to provide any supporting documents?

O Yes

No

If you have any supporting documents, please attach / enclose it with this survey.

Please provide your contact details.

First name:	 	
Last name:	 	
Email:		
Linui.	 	

Are you making this submission on behalf of a business or organisation?

Yes (please provide business / organisation name) \_

O No

#### Privacy statement

Written submissions may contain personal information within the meaning of the Privacy Act 2020. By taking part in this public submission process, submitters agree to any personal information (including names and contact details) in their submission being made available to the public as part of the consultation and decision-making process. Council may choose to redact information from submissions before making them public. You don't have to answer all the questions on the form except for those marked with an \*. If you don't answer the questions marked with an \*, we may be unable to contact you about your submission such as to arrange a time for you to speak to Council in support of your submission or update you on the outcome of your submission. All information collected will be held by Tauranga City Council, He Puna Manawa, 21 Devonport Road, Tauranga. Submitters have the right to request access to and correction of their personal information. For further information about this and our obligations and your rights under the Privacy Act 2020, please refer to <u>Tauranga City Council's privacy statement</u>.

#### Tell us a bit more about yourself.

Age	:				
$\bigcirc$	Under 16	$\bigcirc$	35-44	$\bigcirc$	65-74
$\bigcirc$	16-24	$\bigcirc$	45-54	$\bigcirc$	75-84
$\bigcirc$	25-34	$\bigcirc$	55-64	$\bigcirc$	85+

Gender:

Male

Female

Gender diverse

Page 5 of 6



#### Suburb:

- Arataki (Bayfair)
- Avenues
- Bellevue
- O Bethlehem (Hangarau)
- Brookfield
- City Centre (Te Papa)
- Gate Pā (Pukehinahina)
- Greerton (Tūtara Wānanga)
- Hairini
- Judea (Huria)
- Kairua
- The Lakes
- Matapihi
- Matua
- Maungatapu
- Merivale (Parkvale)
- Mount Maunganui

#### Ethnicity (select all that apply):

- NZ European
- 🗌 Māori
- Pacific peoples
- Asian
- Middle Eastern/Latin American/African
- Other please specify below \_\_\_\_\_

How did you find out about the survey?

- O Council flyer / letter dropped in my mailbox
- Council website Let's Talk Tauranga
- Council e-mail newsletter Let's Talk Tauranga
- O Council social media council's Facebook page
- O Council advertising posters, flyers, local radio, newspaper, website, billboards , etc
- Council drop-in sessions
- O Article/story in the media e.g., radio, newspaper, website, etc
- Other social media local Facebook community groups, newspaper Facebook page, etc
- Word of mouth, friends & family, work colleagues, etc
- Other (please specify)

 $\odot$   $\;$  I'd like to be contacted to give feedback on other council projects and topics

- Ohauiti
- Omanawa
- O Omanu
- O Oropi
- Otumoetai
- Pāpāmoa Beach
- Pāpāmoa East (Wairākei)
- Pāpāmoa Hills (Waitao)
- O Poike (Windermere)
- Pyes Pā
- Sulphur Point
- Tauranga South
- Tauriko
- Te Maunga (Mangatawa)
- Waimapu
- Welcome Bay
- Other (please specify): \_\_\_\_\_

Sign up to stay informed.



This statement of proposal includes:

- the reasons for the proposal
- · the social impact assessment of gambling within Tauranga City
- the draft Gambling Venues Policy 2023.

#### **Draft Gambling Venues Policy 2023**

Council is proposing some changes to its Gambling Venue Policy and wants to hear what you think about them.

We have a responsibility to control aspects of gambling in our city to minimise the harm it can cause. We are seeking to balance the interests of members of our community that experience harm from gambling and the interests of the members of our community that enjoy gambling as a form of entertainment and those that seek to generate funding from gambling.

Through our Gambling Venues Policy we can control the number of venues that have gambling machines (also known as pokies), the number of pokie machines they have, and where they can move to.

Under the council's current policy, no new gambling venues can be opened in Tauranga City and pokie machine numbers cannot increase. The policy only lets venues move for very strict reasons. Any relocation must be to a specified area. The specified areas are away from areas where research tells us pokies are likely to do more harm in our community.

There are currently 32 Class 4 gambling venues and four TAB venues in Tauranga. In these venues there are 469 machines operating (as of June 2023).

A portion of the proceeds from gambling must be returned to the community each year through grants and funding to sports and other community organisations. TAB New Zealand provides funding to the racing industry and racing codes, national sporting organisations and community organisations. The operators of pokie machines provide funding to community organisations, including sports clubs. Clubs with pokies, such as RSAs, use the proceeds from their machines for the benefit of their members, funding club activities and operations.

We need to consider the social impacts of gambling in our community when considering whether to include relocation criteria in our policy. A social impact assessment is attached for reference in Appendix A.

Council is proposing some changes to our current policy.

- Gambling venues would be able to move to different locations for any reason, even if they could continue to operate in their current location.
- Gambling venues wishing to move would only be able to move to commercial or industrial zones and more than 100m away from areas where people live that national research shows gambling could do more harm, also called residential zones with a deprivation index of 8, 9, or 10.
- Removing the outdated and hard-to-read maps that show where gambling venues can move to from the policy, instead providing up to date maps on our website and on request.
- Make other minor changes to ensure the policy is up to date.

The draft policy, containing the proposed amendments to the current policy, is attached at Appendix B.

# Reason for the proposal

Gambling venues would be able to move to different locations for any reason, without the needing to meet the current criteria for moving.

The proposed policy change would mean:

• if a Class 4 gambling venue or TAB venue would like to move from their current premises to new premises that meet the location criteria, they could move.

We have chosen this approach as Council thinks it will retain control of the number of gambling venues and the harm they will cause, while continuing to enable the funding of sports and community organisations through grants from gambling.

Advantages of this change include:

- Increased ability for gambling venues to move away from areas where people live and the most harm from gambling is likely to be experienced. Many gambling venues are located in communities that are more likely to experience harm from gambling and are unable to move with current relocation criteria.
- New growth areas of the city will be able to have gambling venues, subject to the location criteria.
- Provides opportunities for people who wish to gamble to continue to do so, although these opportunities may still decrease over time.

Disadvantages of this change include:

• Less likely to decrease the number of gambling venues and pokie machines in Tauranga City over time as venues may choose to move rather than close.

The other options related to the relocation criteria considered in the review of this policy were:

• Status quo i.e. gambling venues only able to move if they were unable to continue to operate in their current premises for reasons such as natural disaster or fire, expiration of lease, site redevelopment and being deemed earthquake prone.

2

• Gambling venues would not be able to move.

#### We're updating where gambling venues can move to so that it is based on the most up-to-date data. Relocation areas will be restricted to commercial or industrial zones more than 100m away from residential zones with a deprivation index of 8, 9, or 10, as measured on the NZDep 2018 or subsequent updated indexes.

The current policy relies on data that is from the 2013 census. The proposed policy change would mean that venues could not move to within 100m of residential zones that have been identified as being the most deprived in Tauranga based on the most current data available. To illustrate how this looks, the areas of restriction are identified in the maps attached to this proposal at Attachment  $C^1$ .

The reason for this approach is that there is evidence that locating gaming machines in neighbourhoods of high social deprivation increases the risk of harm from gambling.

#### Make minor changes to ensure the policy is up to date.

There are also some changes required in order to ensure the policy is consistent with the proposed relocation criteria and legislative changes. These are as follows:

- References to current legislation, Racing Industry Act 2020 replacing the Racing Act 2003.
- References to current and future measurements of deprivation to keep up with changes in the city over the life of the policy.
- References to current council committees and strategic documents.

#### **Legislative Context**

The Gambling Act 2003 and Racing Industry Act 2020 control gambling within New Zealand. The legislation focuses on ensuring that the harm that gambling can cause is minimised, and that the community benefits from the proceeds of gambling.

Under these acts, we are required to:

- have a policy that states whether or not Class 4 venues (pubs, hotels, clubs and TAB venues that host gaming machines, commonly known as pokies) and stand-alone TAB venues (places where people can participate in sports and race betting) may be established in the city boundaries, and if so where they may be located
- follow the special consultative procedure set out in the Local Government Act 2020 when adopting changes to the policy.

<sup>&</sup>lt;sup>1</sup> The indicative maps are no longer attached to the policy as they became outdated between reviews and were of limited use due to scale. Instead, maps will be provided on the council website so that they can be maintained with current data, and they will also be available on request to a scale that is appropriate for the purpose of the request.

<sup>3</sup> 

#### Submissions

The submissions period will run from **Monday 25 September 2023 until Wednesday 25 October 2023**, with hearings and deliberations to be held in November/December 2023.

Full copies of the draft policy and submission forms are available from:

- Council's website at <u>www.tauranga.govt.nz/gambling</u>
- Council's Customer Service Centre at He Puna Manawa 21 Devonport Road
- Council's Mount Hub 9 Prince Avenue
- Tauranga, Mount Maunganui, Greerton and Papamoa libraries
- contact Jenn Ross at Tauranga City Council on <u>policy@tauranga.govt.nz</u> or 07 577 7000 with any queries.

#### Appendices

- Appendix A: Social Impact Assessment 2023
- Appendix B: draft Gambling Venues Policy 2023
- Appendix C: maps indicating areas that meet relocation criteria as at August 2023

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Appendix A: Social Impact Assessment 2023

# Social Impact Assessment of Class 4 and TAB Gambling in Tauranga City.

August 2023

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# 1. Executive Summary

Council adopted the <u>Gambling Venues Policy 2019 (the policy)</u> on 14 March 2019 and did not change the policy following its 2022 review.

The policy includes a 'sinking lid' for Class 4 gambling venues and gaming machines (also known as 'pokies'). This provision does not allow any new Class 4 venues to be established and no increase in gaming machine numbers to be approved. In addition, when an existing Class 4 venue closes, the policy does not allow consent to be provided for another venue to be established other than in limited circumstances.

In response to concerns that the limited ability to relocate venues may not be meeting the needs of our growing city and be keeping venues close to areas of higher deprivation, the Strategy, Finance and Risk Committee has requested a review of the relocation criteria. In accordance with s102(5B) of the Gambling Act 2003 and s96(2) of the Racing Industry Act 2020, the council must consider the social impact of gambling within Tauranga when considering the policy. This report is to inform those considerations.

Summary of conclusions:

- The sinking lid policy has not significantly reduced the number of gambling venues in Tauranga. The number of gambling venues in Tauranga was stagnant at 34 venues for the years following the introduction of the sinking lid policy. In the last few months two venues have closed, reducing the total to 32 venues. The number of gaming machines operating in Tauranga had been increasing until the closing of those two venues reduced the number of gaming machines from 497 to 469 (as at June 2023).
- The available information related to funding generated for grants distribution includes Department of Internal Affairs (DIA) statistics showing that the total pool of community grants funding available has continued to increase since the introduction of the "sinking lid" and restricted relocation criteria.
- The number of people in Tauranga seeking help for problem gambling is fluctuating from year to year but the number of people who have received gambling harm treatment services has trended downward.
- Class 4 problem gambling significantly and disproportionately impacts Māori and Pacific communities. Greater consideration may need to be given to the impacts of Class 4 gambling on these communities compared to the general population in Tauranga. Culturally appropriate responses to this issue are advisable.
- Nearly a third of the existing Class 4 gambling venues in Tauranga are located in areas of very high deprivation ratings and two thirds are in areas of medium high to very high deprivation ratings.

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# 2. Background

The Council adopted an amended Gambling Venues Policy 2019 on 14 March 2019.

Regulatory Roles and Responsibilities relating to Class 4 Gambling The Department of Internal Affairs (DIA) is responsible for determining new venue licences upon receipt of a completed application form, which must include a venue consent provided by the Council:

(	Council's Role	Department of Internal Affairs' (DIA) Role	
Determine New Venue Consents		Regulate Existing Venues	
	(location and machines by applying	<ul> <li>Issue/Renew Venue Licences (upon</li> </ul>	
the Class 4 Policy)		receipt of application which	
	Provide New Venue Consents	includes Council's venue consent)	

# 3. Impact of Gambling

According to the biennial survey conducted by the Health Promotion Agency over 69% of adults over 15 years old have been involved in at least one gambling activity in the 12 months to the last survey in 2020. This survey shows a decline in Class 4 gaming machines machine use, however, the Covid-19 government restrictions on venues may had impacted people's ability to use Class 4 gaming machines prior to the last survey. There is a sharp increase in online gambling from 13% in 2018 to nearly 27% in 2020. The graph below provides the trends for the types of gambling New Zealanders are participating in.

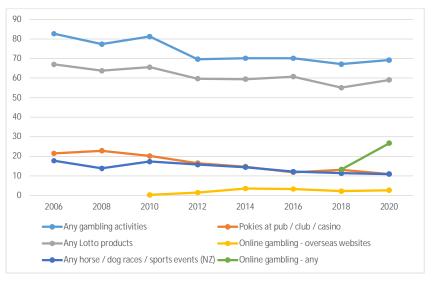


Figure 1: National Gambling Participation (Involvement in at least one gambling activity in the past 12 months to survey date)<sup>1</sup>

<sup>1</sup> Retrieved from <a href="https://kupe.hpa.org.nz/#l/gambling/gambling-participation">https://kupe.hpa.org.nz/#l/gambling/gambling-participation</a> Te Hiringa Hauora & Kupe. (2020). Health and Lifestyles Survey.

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While most New Zealanders gamble without experiencing any apparent harm, a minority do experience harm from their gambling, including negative impacts on their own lives and the lives of others.

Harm may include damage to relationships, emotional and psychological distress, disruptions to work or study, loss of income, the financial impacts of gambling, and potentially fraud and related crimes, which can also impact negatively on the gambler's family, whānau and community. It may also cause financial stress and anxiety and contribute to child neglect and family violence.<sup>2</sup>

Gambling behaviour is strongly associated with distance to the nearest gambling venue.<sup>3</sup> People living in high deprivation communities are more likely to participate in gambling and more at risk of being a problem gambler.<sup>4</sup>

To provide a picture of problem gambling in Tauranga the Ministry of Health collect data on clients who have sought help for problem gambling. According to the Ministry of Health 140 clients in Tauranga City sought intervention services in 2021/2022, of which 90 were new clients. Figure 2 below shows how the number of people seeking help for problem gambling has decreased overall in the last decade but not in every year.

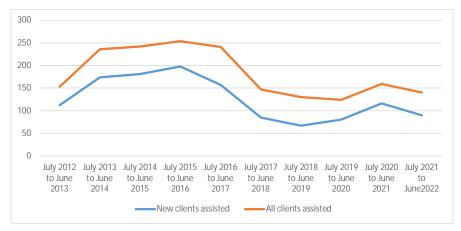


Figure 2: Clients Assisted in Tauranga for the 2012/13 to 2021/22 Financial Years (All Intervention Type)<sup>5</sup>

# 4. Cultural Considerations

Māori comprise more than 18% of Tauranga's population, higher than the national average of 16.5%. Many Māori are affiliated to one of the three iwi (tribes) of Tauranga Moana (Ngāi Te Rangi, Ngāti Ranginui and Ngāti Pūkenga). Pacific peoples comprise 2.9% of Tauranga's population, lower than the national average of 8.1%.

The Strategy to Prevent and Minimise Gambling Harm, released by the Government on 28 June 2019, states:

<sup>&</sup>lt;sup>2</sup> Government Inquiry into Mental Health and Addiction 2018

<sup>&</sup>lt;sup>3</sup> "Assessment of the Social Impacts of Gambling in New Zealand" Ministry of Health 2008

<sup>&</sup>lt;sup>4</sup> Problem Gambling Foundation 2011

<sup>&</sup>lt;sup>5</sup> <u>https://www.health.govt.nz/our-work/mental-health-and-addiction/addiction/gambling/service-user-data/intervention-client-data#territorial</u>

"... Māori and Pacific adults were more likely to develop problems from gambling (ie, to become a low-risk, moderate-risk or problem gambler) than European/other New Zealanders. Asian people also experienced a slightly higher risk. Importantly, while inequalities between population groups by age, social deprivation, gender and ethnicity have reduced in absolute terms, in relative terms, disparities in exposure to gambling and experience of gambling-related harm persist and have been relatively static over the past five years. Māori, Pacific peoples and Asian peoples are each more than twice as likely to experience moderate to severe gambling harm than the European/other population."

Information from the Problem Gambling Foundation indicates that nationally:

- Māori populations comprise 31% of problem gambling intervention service clients but make up only 15% of the population
- Pacific populations comprise 21% of problem gambling intervention service clients but make up only 8% of the population
- There has been a rise in the number of Māori women seeking help for gambling problems. Māori women seeking help for their gambling problems almost exclusively (85.6% in 2008) cite gaming machines as their problematic mode of gambling.

In the 2020 Health and Lifestyles survey, 4.5% of adults reported experiencing at least one form of household-level gambling harm. For Maori and Pacific respondents the results were much higher at 11% for Māori respondents and 8.7% for Pacific respondents.

In 2009 a study<sup>6</sup> concerning gambling in Māori communities outlined how Māori children are at risk if gambling is part of their young lives. Children perceived that they lost their parents, through emotional isolation as well as through both separation and divorce. As parents participated in more gambling, the children lost respect for their parents, the sense of being loved and valued, the feeling of being cared for and cared about. Some children missed out on essential aspects of family life, such as adequate nutrition as well as more enduring memories from family outings and holidays.

## Conclusion:

Class 4 problem gambling significantly and disproportionately impacts Māori and Pacific communities. Greater consideration may need to be given to the impacts of Class 4 gambling on these communities compared to the general population in Tauranga. Culturally appropriate responses to this issue are advisable.

# 5. Gambling venue and gaming machine numbers

Since the policy came into effect in March 2019, the number of venues initially fluctuated but was been stagnant at 34 venues between December 2020 and March this year. Since March the TAB in Bethlehem and another venue has closed, reducing the number of venues at the time of this report to 32. Figure 3 below shows the overall trend since 2018 has been a decline in venue numbers as clubs and venues consolidate (merge) as part of cost saving measures. In most cases, a venue merge has not resulted in a decline in gaming machine numbers.

<sup>&</sup>lt;sup>6</sup> The impact of gambling on Māori. Ngā Pae o te Māramatanga

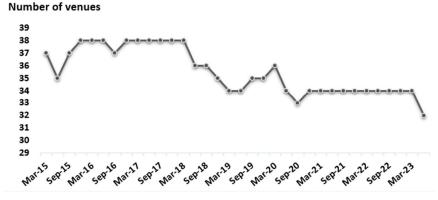


Figure 3: Numbers of gaming machine venues in Tauranga City7

The overall trend for gaming machines operating has been increasing (see table 1 below). The apparent decline in machine numbers operating in Sept 2020 was related to mergers, relocations and new venues still involved in a transition process and numbers returned to earlier levels once those concluded. The two venues that have closed in recent months did not seek relocation and one of the venues still has some time to run on the period in which it could reopen (at the time of this report).

Quarter	Venue numbers	Gaming Machine numbers operating
March 19	34	488
June 19	34	479
Sept 19	35	487
Dec 19	35	469
March 20	36	467
June 20	34	467
Sept 20	33	458
Dec 20	34	458
March 21	34	466
June 21	34	486
Sept 21	34	486
Dec 21	34	496
March 22	34	478
June 22	34	496
Sept 22	34	496
Dec 22	34	497
March 23	34	497
June 23	32	469

#### Table 1: Venues and Gaming Machines in Tauranga City<sup>8</sup>

<sup>7</sup> GMP Dashboard, Department of Internal Affairs

<sup>8</sup> GMP Dashboard, Department of Internal Affairs

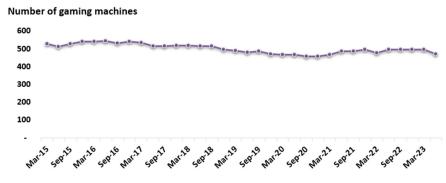


Figure 4: Numbers of gaming machines operating in Tauranga City<sup>9</sup>

Since March 2015, mergers and relocations have resulted in a reduction in the number of venues located in medium high deprivation areas (see figure 5). However, even with this reduction, approximately 63% of gambling venues are located in areas considered medium-high or very high deprivation.

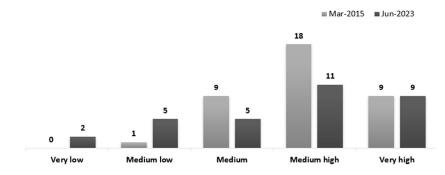


Figure 5: Number of Venues in Tauranga by deprivation rating<sup>10</sup>

<sup>9</sup> <u>GMP Dashboard, Department of Internal Affairs</u>

<sup>10</sup> GMP Dashboard, Department of Internal Affairs

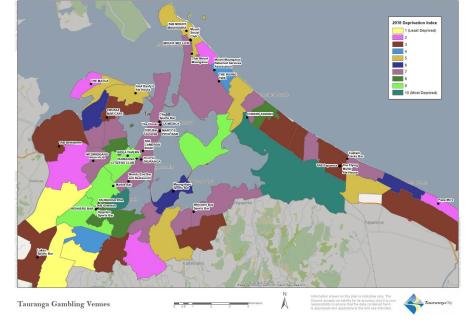


Figure 6 below shows the location of gaming machines in Tauranga and the deprivation ratings.

Figure 6: Map of the location of gaming machines in Tauranga showing deprivation rating (TAB Bethlehem and Greerton Sports Bar have closed since this map was prepared)

#### Conclusion:

Since the current Gambling Venues Policy came into effect on March 2019 the number of gaming machines operating had continued to increase until the recent closure of two venues reduced the number by 28. The majority of venues remain in areas that have medium high or very high deprivation ratings.

# 6. Gaming Machine Profits

The money put into a gaming machine that is not returned to a player<sup>11</sup> is called Gaming Machine Profits (GMP). GMP is distributed according to rules from the Te Tari Taiwhenua, Department of Internal Affairs, with at least 40% returned to the community and a similar amount paid to the Government in Duty and Tax, the remainder goes toward the cost of hosting and operating the machines, and societies that operate them.

There are two types of society that operate class 4 gaming machines:

• *Public societies* are societies that operate gaming machines in commercial venues such as bars. They distribute their profits to the wider community by way of grants.

<sup>&</sup>lt;sup>11</sup> The term 'returned to player' does not necessarily mean the player that put the money into the machine received the returned funds. This term refers to funds returned to players in general in the form of 'winnings'.

- *Clubs* are societies that operate gaming machines in their own premises and apply gaming funds to their own purposes. There are three types of clubs:
  - o Chartered clubs
  - o Returned Services Associations
  - o Sports clubs

Currently, these societies are legally required to allocate a minimum of 40% of GMP back into the community. The societies do not necessarily advertise the availability of funding; however, they are required to advertise the beneficiaries annually.

In the year to June 2023, \$1,070,228,393.57 GMP was available across New Zealand to be used for authorised purposes – including community grants<sup>12</sup>.

Table 2: Yearly GMP in Tauranga

	Yearly GMP (year ending)	
Jun-2022	\$34,717,198.54	
Jun-2023	\$40,981,125.99	
Difference	\$6,263,927.45	18.0%

Despite a decrease in the GMP over the March and June-2020 Quarters due to Covid-19, annual GMP recovered and increased comparative to the September-2019 Quarter, when the sinking lid policy was first introduced (see figure 7).

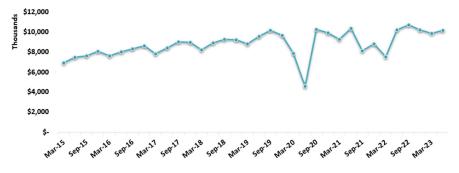


Figure 7: GMP per quarter for Tauranga City March 2015-June 202313

While gaming funds available for the community to access were adversely impacted by Covid-19 the long-term trend suggests that gaming machine profits available for the community to access will continue to increase.

A way to compare year on year expenditure equally is by taking GMP as a percentage of Electronic Gaming Machines (EGM) which has increased by 64.6% or \$8,504.31 since 2015 in Tauranga. This

<sup>&</sup>lt;sup>12</sup> GMP Dashboard, Department of Internal Affairs

<sup>&</sup>lt;sup>13</sup> <u>GMP Dashboard, Department of Internal Affairs</u>

means players are either spending longer hours playing gaming machines, betting more per game or more players are playing gaming machines<sup>14</sup>.

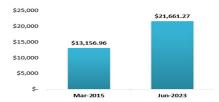


Figure 8: GMP per EGM for Tauranga March 2015-June 2023<sup>15</sup>

In comparison, Napier and Hastings who have a similar combined population size and policy approach as Tauranga, have a combined GMP per EGM increase of \$8,123.78 which totals \$20,389.31 in June 2023 or a 66.2% change.<sup>16</sup> The national GMP per EGM increased by \$7,085.41, which translates to \$18,715.05 in June 2023 or a 60.9% change.<sup>17</sup>

#### Conclusion:

While venue and machine numbers have declined since 2015 (both in Tauranga and nationally) GMP continues to increase. This means players are either spending longer hours playing gaming machines, betting more per game or more players are playing gaming machines.

As a result of these trends, it is unlikely that a reduction in community grants funding will occur in the short to medium term as a result of a 'sinking lid' policy.

It is likely that gaming machine funding will remain at approximately the same level or decline very slowly, allowing considerable time for organisations to adapt and identify other sources of funding.

# 7. Allocation of Grants in Tauranga City

Te Tari Taiwhenua, Internal Affairs, maintains a grant database tracking the allocation of grants from Class 4 gaming machine profits<sup>18</sup>. In 2022 gambling machine grants to organisations in Tauranga totalled \$12,553,534.00.

Of the funding allocated to organisations based in Tauranga in 2022, sports organisations received \$7,669,928.00 while community groups received \$2,064,682.88 and community services (health/welfare/rescue) received \$1,237,961.54.

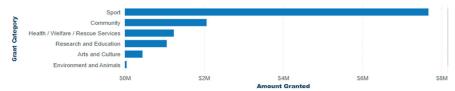


Figure 9: Funding allocated in Tauranga 2022<sup>19</sup>

- <sup>15</sup> GMP Dashboard, Department of Internal Affairs
- <sup>16</sup> GMP Dashboard, Department of Internal Affairs
- <sup>17</sup> GMP Dashboard, Department of Internal Affairs
- <sup>18</sup> Granted.govt.nz
- <sup>19</sup> Granted.govt.nz

<sup>&</sup>lt;sup>14</sup> GMP Dashboard, Department of Internal Affairs

Appendix B: Draft Gambling Venues Policy 2023

# DRAFT GAMBLING VENUES POLICY



Policy type	Council		
Authorised by	Council		
First adopted	2004	Minute reference	M04/58.9
Revisions/amendments	22 March 2007	Minute references	M07/19.3
	9 March 2010		M10/13.4
	12 March 2013		M13/10.6
	14 March 2016		M16/10.3
	14 March 2019		M19/3.7
	16 May 2022		SFR4/22/2
	[December 2023]		M [TBC]
Review date	Council must complete a review of the policy within three years of the previous review – refer 102(5) Gambling Act 2003 and <del>s65E Racing Act 2003s97(4) Racing Industry Act 2020</del> .		

## 1. PURPOSE

- 1.1. To control the growth of Class 4 and TAB venue gambling in Tauranga.
- 1.2. To minimise the harm to the Tauranga community caused by gambling in Class 4 venues and TAB venues.
- 1.3. To allow people who wish to participate in gambling to continue to do so.
- 1.4. To define the parameters for when consent for a Class 4 venue or TAB venue will be granted.

## 2. SCOPE

- 2.1. Under the Gambling Act 2003, Council is required to adopt a policy for Class 4 venues. Under the Racing Industry Act 2020, the Council is required to adopt a policy for TAB venues. Council has chosen to combine the two policies, as the Council's role is to regulate gambling venues and ensure they meet the requirements outlined in this policy.
- 2.2. This policy and any subsequent reviews must be adopted in accordance with the special consultative procedures set out in the Local Government Act 2002.
- 2.3. This policy:
  - must state whether or not Class 4 venues and TAB venues may be established in the city boundaries and if so where they may be located; and
  - may specify any restrictions on the number of Gaming machines that may be operated at any Class 4 venue.

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- 2.4. In developing its policy on Class 4 and TAB venues, Council must have regard to the social impacts of gambling in its district.
- 2.5. Gambling affects the social and economic wellbeing of our community. It is important that Council manages this correctly in ordermust balance the interests of members of our community that experience harm from gambling and members of our community that seek to generate funding from gambling to achieve a city with that is Tauranga Mataraunui, inclusive, safe, resilient and healthy, and is-Tauranga Tātai Whenua, well planned with successful and thriving communities.

The draft Community Wellbeing Strategic Plan 2018 21 notes the Gambling Venues Policy will be reviewed to provide policies that support healthy and active living.

## 3. DEFINITIONS

Term	Definition	
Class 4 gambling	Gambling that utilises or involves a Gaming machine or gambling that has been categorised as class 4 gambling by the Secretary for Internal Affairs.	
Class 4 venue	A place to conduct Class 4 gambling.	
Club	A voluntary association of persons combined for a purpose other than personal gain, as defined in the Gambling Act 2003.	
Council	Tauranga City Council	
Corporate society	<ul> <li>A society that is:</li> <li>(a) incorporated under the Incorporated Societies Act 1908; or</li> <li>(b) incorporated as a board under the Charitable Trusts Act 1957; or</li> <li>(c) a company incorporated under the Companies Act 1993 that: <ul> <li>a. does not have the capacity or power to make a profit; and</li> <li>b. is incorporated and conducted solely for authorised purposes; or</li> </ul> </li> <li>(d) a working men's club registered under the Friendly Societies and Credit Unions Act 1982.</li> </ul>	
Family or children's activity	An activity which, in Council's opinion, is primarily associated with and/or promoted as an activity that is appropriate for any group that includes children under the age of 18.	
Gaming machine	A device, whether totally or partly mechanically or electronically operated, that is adapted or designed and constructed for gambling, or as otherwise defined in the Gambling Act 2003. Also commonly known as 'pokie machines'.	
NZ Index of Deprivation 2013	The area-based measure of socioeconomic deprivation as defined in the <u>NZDep</u> 2013 <u>8</u> Index of Deprivation published by University of Otago, Wellington or such subsequent or replacement publications as determined by Council.	
Primary activity	The principal purpose of, and promoted by, the venue.	

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TAB venue	Premises owned or leased by the NZ Racing BoardTAB New Zealand and where the main business at the premises is providing racing or sports betting services.	
Venue licence	A class 4 venue licence issued by the Secretary for Internal Affairs.	

#### 4. PRINCIPLES

- 4.1. Gambling can have negative impacts on the financial, health and emotional wellbeing of individuals and their families.
- 4.2. Gambling is also considered by many as a positive form of entertainment and contributes funding to the local community.

#### 5. POLICY STATEMENT

- 5.1. What the policy applies to
  - This policy applies to both Class 4 venues and TAB venues.
- 5.2. When Council consent is required

Council consent for a venue is required in the circumstances set out under section 98 of the Gambling Act 2003 and section 65A of the Racing Act 200393 of the Racing Industry Act 2020 which, at the date of this policy, includes:

- if a Corporate society applies for a Venue licence and a Venue licence has not been held by any Corporate society for the venue within the last six months.
- if the NZ Racing Board TAB New Zealand proposes to establish a TAB venue.
- if a Corporate society proposes to increase the number of Gaming machines that may be operated at a Class 4 venue (this includes at a venue where Clubs propose to merge under s95 of the Gambling Act).
- if a Corporate society proposes to change the location of a venue to which a Venue licence currently applies.
- 5.3. Conditions of consent
  - An applicant for Council consent under this policy must meet both the application conditions and the fee requirements.
- 5.4. When Class 4 and TAB venues may be established

No new Class 4 or TAB venues may be established within the Tauranga City boundaries.

However, Council may consider granting consent for relocation of existing Class 4 venues or TAB venues, if the premises cannot continue to operate at the existing venue site.

Examples of such circumstances include but are not limited to the following:

- due to a natural disaster or fire, the licensed premises is unfit to continue to operate; and/or
- the venue is deemed to be earthquake-prone; and/or
- the property is acquisitioned under the Public Works Act 1981; and/or
- expiration of lease; and/or

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• site redevelopment.

Where Council considers that it may grant consent for a relocation, relocated Class 4 and TAB venues may be established only be relocated subject to the following restrictions:

 The venue is located within a commercial or industrial zone identified in the operative Tauranga City Plan, excluding areas within 100 metres of residential zones with a deprivation index of 8, 9 or 10, measured on the NZ<u>Index of DeprivationDep 2013</u> (and any subsequent updates), as identified on the maps in Schedule 1. <u>Maps</u> illustrating these zones will be available on the Council website and venues wishing to relocate under this clause may request current maps and confirmation of locations meeting these criteria from the Council.

- Except for TAB venues, the venue shall hold a current on-licence or club licence under the Sale and Supply of Alcohol Act 2012.
- The Primary activity of the Class 4 venue shall:
  - not be gambling;
  - o not be an activity associated with Family or children's activities.
- The Primary activity of a TAB venue shall:
  - o be for providing race and sports betting services, and
  - o not be an activity associated with Family or children's activities.
- 5.5. Number of Gaming machines to be allowed

No additional Gaming machines may be operated at Class 4 venues within the Tauranga City boundaries.

For clarification:

- where the Council receives an application to relocate a Class 4 venue, the maximum number of Gaming machines at the relocated venue shall be the maximum number of Gaming machines at the venue before relocation.
- where Clubs merge in accordance with section 95 of the Gambling Act 2003, the maximum number of Gaming machines shall be the same as allowed under section 95 of the Gambling Act 2003. This is 30 Gaming machines or the combined total of the number of existing machines, whichever is the lesser.

#### 5.6. Applications for consent

- All applications for consent must be made on an approved application form.
- 5.7. Gambling venues consent application fee
  - Council will set fees and charges appropriate to cover the costs associated with processing an application for a Gambling Venues Consent, pursuant to section 150 of the Local Government Act 2002, and through its usual fees and charges processes.
- 5.8. Decision making
  - Consent applications are to be processed and a decision made within 30 working days of the Council receiving the application.
- 5.9. Appeals
  - A decision made in respect of an application for a gambling venues consent may be appealed to a meeting of the Council on grounds including, but not limited to:

An error of fact (i.e. an incorrect interpretation of the application against this policy)

Improper process followed in making the decision

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- A meeting of the Council may determine an appeal of a decision made in respect of an application for gambling venues consent. Decisions of the meeting of the Council are final.
- 5.10. Monitoring and review
  - Council will review the social and economic impact of gambling on the Tauranga community and consider such impacts in any review of this policy
  - Where Council amends or replaces this policy, it will do so in accordance with the special consultative procedure outlined in the Local Government Act 2002.

## 6. RELEVANT DELEGATIONS

- 6.1. The implementation of this policy is delegated to the chief executive and his/her delegates.
- 6.2. The Manager: Environmental Regulation is responsible for providing advice, support and the implementation of this policy.

## 7. REFERENCES AND RELEVANT LEGISLATION

- 7.1. Gambling Act 2003
- 7.2. Racing Industry Act 20032020
- 7.3. Local Government Act 2002

## 8. ASSOCIATED POLICIES/PROCEDURES

N/A.

## 9. SCHEDULES

Schedule 1: Maps indicating locations within commercial and industrial zones where Class 4 and TAB venues may relocate.  $\underline{N/A}$ 

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Appendix C: Maps Indicating Areas Available For Venue Relocation as at August 2023

