

Notice of Meeting:

I hereby give notice that an ordinary meeting of Hamilton City Council will be held on:

Date: Thursday 26 March 2015
Time: 1.30pm
Meeting Room: Council Chamber
Venue: Municipal Building, Garden Place, Hamilton

Richard Briggs
Chief Executive

Council OPEN AGENDA

Membership

Chairperson	Her Worship the Mayor J Hardaker
Deputy Chairperson	Cr G Chesterman
Members	Cr M Forsyth Cr M Gallagher Cr K Green Cr A King Cr D Macpherson Cr G Mallett Cr A O'Leary Cr R Pascoe Cr L Tooman Cr E Wilson Cr P Yeung

Quorum: A majority of members (including vacancies)

Meeting Frequency: Monthly

Jude Pani
Democracy Manager

18 March 2015
Telephone: 07 838 6883
Jude.Pani@hcc.govt.nz
www.hamilton.govt.nz

Terms of Reference:

- To carry out leadership functions including advocacy and facilitation on behalf of the community.
- To exercise all non-delegatable and non-delegated functions and powers of the Council.
- To make those decisions which are required by legislation to be made by resolution of the local authority.
- To consider any matters referred to it from any of the Standing or Special Committees.
- To authorise all expenditure not delegated to staff or other Committees.
- To receive the Council Risk Register and legal issues reports.
- To receive reports from the Audit & Risk Committee.
- To develop and approve the draft Long Term Plan (LTP) (including any amendments or variations) and Annual Plans (including the Budget and Funding and Financial policies); ensure their effective communication to the community; hear submissions and approve the final plan.
- To approve the Hamilton Plan and to retain overview of it through setting direction on key strategic projects and receiving regular reports on its overall achievement
- Make decisions in respect of District Plan matters.
- The authority to agree to settle and submit draft consent orders to the Environment Court relating to an appeal on a Proposed District Plan, Plan Change, Plan Variation or Notice of Requirement to designate land or for a heritage order, or a resource consent application.
- The authority to reject a private plan change request.

Financial:

- To determine all financial matters not delegated.
- To receive reports of the exercise of financial delegated authority pursuant to the Public Bodies Contracts Act 1959.
- To approve Council's borrowing programme and treasury management strategy.
- To undertake the statutory audit processes and to consider and approve the external audit arrangements, to receive the Auditor's reports and to approve the audited annual report.

Procedural Matters:

- Delegation of all Committee powers.
- Adoption of Standing Orders.
- Confirmation of all Standing and Special Committee minutes.
- Approval of Special Orders.
- Employment of Chief Executive, setting of the Chief Executive's performance targets and review of the Chief Executive's Performance and Remuneration (in accordance with the Employment Agreement).
- Other Delegations.

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The Opening Prayers will be led by Carrie Barber from the Quaker Community

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1 Apologies

2 Confirmation of Agenda

The Council to confirm the agenda.

3 Declaration of Interest

Members are reminded of the need to be vigilant to stand aside from decision making when a conflict arises between their role as an elected representative and any private or other external interest they might have.

4 Public Forum

As per Hamilton City Council's Standing Orders, a period of up to 30 minutes has been set aside for a public forum. Each speaker during the public forum section of this meeting may speak for three minutes or longer at the discretion of Her Worship the Mayor.

Please note that the public forum is to be confined to those items falling within the terms of the reference of this meeting.

Speakers will be put on a Public Forum speaking list on a first come first served basis in the Council Chamber prior to the start of the Meeting. A member of the Council Democracy Team will be available to co-ordinate this. As many speakers as possible will be heard within the allocated time.

If you have any questions regarding Public Forum please contact Democracy by telephoning 07 838 6825.



Committee: Council

Date: 26 March 2015

Report Name: Council Minutes - Open - 26
February 2015

Author: Jude Pani

Status	<i>Open</i>
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1. Recommendation

That Council confirm and adopt as a true and correct record the Open Minutes of the Council Meeting held on 6 February 2015.

2. Attachments

- Attachment 1 - Ordinary Council Minutes - Open - 26 February 2015

Council

OPEN MINUTES

Minutes of a meeting of the Council held in Council Chamber, Municipal Building, Garden Place, Hamilton on Thursday 26 February 2015 at 1.30pm.

PRESENT

Chairperson	Her Worship the Mayor Hardaker
Deputy Chairperson	Cr G Chesterman
Members	Cr M Forsyth
	Cr M Gallagher
	Cr A King
	Cr G Mallett
	Cr L Tooman
	Cr E Wilson
	Cr P Yeung

In Attendance	Chief Executive, Chief Financial Officer, General Manager City Environments, General Manager City Infrastructure, General Manager Community, General Manager Events and Economic Development, Acting General Manager Organisational Development, General Manager Performance.
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Parks & Open Space Manager, City Planning Unit Manager, Team Leader Planning and Assets, Programme Manager - Bylaws, Strategy and Research, Infrastructure Planner, Senior Strategic Policy Analyst, Development Contribution Officer, Communications Manager

Committee Advisors	Mrs J Pani, Mrs M Birch and Mr B Stringer
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Opening Prayers

The Opening Prayers were led by Su Ellis and Gayl de Boer from the Bahai'i Community.

1. Apologies

Resolved: (Her Worship the Mayor Hardaker/Cr Wilson)

That apologies from Councillors Green, Macpherson (for lateness), O'Leary and Pascoe be accepted.

2. Confirmation of Agenda

Resolved: (Her Worship the Mayor Hardaker/Cr Chesterman)

The Council confirmed the agenda.

3. Declarations of Interest

No members of the Council declared a Conflict of Interest.

4. Public Forum

No speakers were in the public forum.

5. Confirmation of Minutes

Resolved: (Her Worship the Mayor Hardaker/Cr Wilson)

That the open minutes of the Ordinary Council Meeting of 11 December 2014 be adopted as a true and correct record.

6. Recommendation to Council - Finance Committee Meeting - 19 February 2015

Councillor Mallett, Deputy Chair of Finance Committee, presented the recommendation of the Committee Meeting held on 19 February 2015.

Resolved: (Crs Mallett/Gallagher)

Community Occupancy Applications

- 1) That following Section 54(1)(b) of the Reserves Act 1977, Council approves the granting of a new community group lease to the Hamilton City Bowling Club Incorporated for premises at Hinemoa Park as outlined in Attachment 1 of the Committee report, being Section 1 SO Plan 57622, subject to the following terms and conditions:
 - (i) Term - Two years commencing 19 February 2015;
 - (ii) Rent - \$9,380.00 plus GST per annum in accordance with 5.6 of the Community Occupancy Policy;
 - (iii) All other terms and conditions in accordance with the Community Occupancy Policy and Community Occupancy Guidelines.
- 2) That in accordance with Section 5.6(iv) of the Community Occupancy Policy, Council adopts a rent of \$2,187.00 plus GST per annum for **New Zealand Riding for the Disabled Association (Waikato Group) Incorporated** at Hamilton Park Cemetery, subject to annual CPI adjustments and a further review in 2018.

7. Recommendation to Council - Strategy and Policy Committee Meeting - 24 February 2015

Councillor King, Deputy Chair of Strategy and Policy Committee, presented the recommendations of the Committee meeting held on 24 February 2015.

Copies of the recommendations for consideration by the Council were tabled.

The Recommendations, Moved by Councillor King, Seconded by Councillor Mallett, were Put part by part.

1. Council Risk Management Policy

Resolved: (Crs King/Mallett)

That the Council adopts the draft Council Risk Management Policy (Attachment 1 in the Committee's report).

2. Garden Place Pedestrian Mall Alteration Deliberation and Declaration Report

Resolved: (Crs King/Mallett)

That Council determines that following the outcome of the consultation period the Garden Place Pedestrian Mall boundaries remain as they are.

Councillor King Dissenting

3. Traffic Bylaw Deliberation and Bylaw Adoption Report

Resolved: (Crs King/Mallett)

That the Council:

- a. determines that the Hamilton Traffic Bylaw 2015 does not give rise to implications under the New Zealand Bill of Rights Act 1990;
- b. accepts the recommended changes to the Hamilton Traffic Bylaw 2015 as shown in Attachment 3 of the Committee's report, and that the Hamilton Traffic Bylaw 2015 be adopted and come into force on 5 March 2015;
- c. adopts the Registers as shown in Attachment 4 of the Committee's report and that they come into force on 5 March 2015; and
- d. revokes the Hamilton City Traffic Bylaw 2012 (Amended) on 5 March 2015.

4. Proposed Stormwater Bylaw 2015 for Public Engagement

Resolved: (Crs King/Mallett)

That the Council:

- a. determines that the proposed Hamilton Stormwater Bylaw 2015 is the most appropriate form of bylaw;
- b. determines that the proposed Hamilton Stormwater Bylaw 2015 does not give rise to implications under the New Zealand Bill of Rights Act 1990;

- c. adopts the draft Hamilton Stormwater Bylaw 2015 to commence public engagement, subject to the following changes:
 - i. “the district of Hamilton City” be inserted into the scope; and
 - ii. “not exceeding \$20,000” be inserted into the penalties and offences section, as shown in Attachment 1 to this Report.
- d. determines that a four week online public engagement process commences on 4 March 2015 and runs until 1 April 2015.

Councillor King Dissenting

5. Dog Control Bylaw and Policy 2015 Statement of Proposal

Resolved: (Crs King/Mallett)

That the Council:

- a. determines that the proposed Dog Control Policy and Hamilton Dog Control Bylaw 2015 are the most appropriate form of policy and bylaw;
- b. determines that the proposed Hamilton Dog Control Bylaw 2015 does not give rise to implications under the New Zealand Bill of Rights Act 1990; and
- c. adopts the draft Statement of Proposal (including a Summary of Information, draft Dog Control Policy 2015, draft Hamilton Dog Control Bylaw 2015, and proposed Dog Control Exercise and Prohibited Areas Register) to commence public consultation.

6. Open Air Burning Bylaw 2015 Deliberation and Adoption Report

Resolved: (Crs King/Mallett)

That the Council:

- a. determines that the draft Hamilton Open Air Burning Bylaw 2015 does not give rise to implications under the New Zealand Bill of Rights Act 1990;
- b. accepts the recommended changes to the Hamilton Open Air Burning Bylaw 2015 (as shown in Attachment 2 in the Committee’s Report), subject to the following minor changes made at the direction of the Committee:
 - i. Capitalisation and punctuation is tidied up throughout the Bylaw;
 - ii. The phrase “No person shall” is replaced with the phrase “A person must not” to prevent confusion;
 - iii. “officer of Council or Other” is removed from the definition of Authorised Officer;
 - iv. The note from the bottom of page three is moved to the end of clause 5.2;
 - v. The note at the end of Section 6 is moved to the end of clause 6.5;
 - vi. The note at the end of Section 7 is moved to the end of clause 7.2;

vii. Clause 7.4 is clarified by inserting the words “ incurred by Council associated with”; and
 viii. “This note does not form part of the Bylaw” is added to the note at the top of page 5,
 such changes shown in blue in Attachment 2 to this Report.

c. adopts the Hamilton Open Air Burning Bylaw 2015 and it comes into force on 5 March 2015.

Councillors King and Mallett dissenting.

7. Recommendation from Chair’s Report (Peace Tiles in Civic Square)

Resolved: (Crs King/Mallett)

That the Council approves the installation of the Peace Tiles in Civic Square.

8. Dedication of road reserve at Minogue Park

The Parks & Open Spaces Manager presented this Item seeking approval to dedicate the road reserve at Minogue Park as road.

Resolved: (Cr Gallagher/Her Worship the Mayor Hardaker)

That:

- a) The report be received, and:
- b) Pursuant to Section 111 of the Reserves Act 1977, that the local purpose (road) reserve vested in it and described in the Schedule be dedicated as a road.

Schedule

<i>Area</i>	<i>Description</i>
1.0197 hectares	Section 1, SO 334104 and Sections 3 and 4, SO 477592 (Part Computer Freehold Register 676534).

9. Resolution to Exclude the Public

Resolved: (Her Worship the Mayor Hardaker/Cr Chesterman)

Section 48, Local Government Official Information and Meetings Act 1987

That the public be excluded from the following parts of the proceedings of this meeting, namely consideration of the public excluded agenda.

The general subject of each matter to be considered while the public is excluded, the reason for passing this resolution in relation to each matter, and the specific grounds under section 48(1) of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution follows.

General subject of each matter to be considered	Reasons for passing this resolution in relation to each matter	Ground(s) under section 48(1) for the passing of this resolution
C1. Council Minutes - Public Excluded - 11 December 2014) Good reason to withhold information exists under Section 7 Local Government	Section 48(1)(a)
C2. Waikato Plan: Appointment of 5th Non-Local Government Member) Official Information and Meetings Act 1987	
C3. Appeal Settlement - Notice of Requirement for Southern Links Designation)	
C4. Development contributions objection - LGA (2002) section 199C - Te Runanga o Kirikiriroa)	

This resolution is made in reliance on section 48(1)(a) of the Local Government Official Information and Meetings Act 1987 and the particular interest or interests protected by Section 6 or Section 7 of that Act which would be prejudiced by the holding of the whole or relevant part of the proceedings of the meeting in public, as follows:

Item C1.	to protect the privacy of natural persons	Section 7 (2) (a)
Item C2.	to protect the privacy of natural persons	Section 7 (2) (a)
Item C3.	on the grounds that a right of appeal lies to any Court or Tribunal against the final decision of the Local Authority in this matter	Section 7 (2) (a) (i) Section 7 (2) (i)
	to enable Council to carry out negotiations to prevent the disclosure or use of official information for improper gain or improper advantage	Section 7 (2) (j)
Item C4.	to maintain legal professional privilege	Section 7 (2) (g)
	to enable Council to carry out negotiations	Section 7 (2) (i)

And that the City Solicitor remain in attendance to provide advice on Item C4.

The Meeting moved into Public Excluded Session from 1.50 until 4.40pm.

Councillor Macpherson joined the Meeting at 2.30pm during Item C3 of the Public Excluded Session.

The Meeting was declared closed at 4.40pm.

Committee: Council

Date: 26 March 2015

Report Name: Application for Board (T.A.B)
 Venue Consent - Five
 Crossroads Sports Bar

Author: Debra Stan-Barton

Report Status	<i>Open</i>
Strategy, Policy or Plan context	<i>Board (TAB) Venue Policy</i>
Financial status	<i>N/A</i>
Assessment of significance	<i>Having regard to the decision making provisions in the LGA 2002 and Council's Significance and Engagement Policy, a decision in accordance with the recommendations is not considered to have a high degree of significance</i>

1. Purpose of the Report

2. The New Zealand Racing Board (NZRB) wishes to take the lease of the premises at 236 Peachgrove Road (5 Crossroads Sports Bar & Café).
3. This change in tenancy will result in the premises falling within the definition of a formal TAB Board Venue and accordingly Council consent under Council's Board (TAB) Venue Policy (Policy) is required.
4. A Council decision on the application is sought.

5. Executive Summary

6. The Racing Act 2003 defines a Board Venue as premises that are owned or leased by the New Zealand Racing Board and where the main business carried on at the premises is providing racing betting or sports betting services.
7. The NZRB has applied to Council for Venue consent under the Policy (Attachment 2).
8. The application does not comply with the Policy, the key inconsistency being that it is not located in a Gambling Permitted Area (as defined by the Policy).
9. The NZRB requests that Council depart from the Policy pursuant to s80 of the Local Government Act 2002 and grant the application.
10. Under s80 Council, when making a decision that is significantly inconsistent with, or is anticipated to have consequences that will be significantly inconsistent with its policy, is required to clearly identify the inconsistency, the reasons for the inconsistency, and any intention to amend the policy to accommodate the decision.
11. Section 65C(2)(a) of the Racing Act requires Council to make its decision within 30 working days after receipt of the application. However, given the nature of the application, further information was requested to allow staff to properly consider the application.
12. The NZRB agreed to waiver this timeframe provided that Council will, once it has received all of the further information requested, make a prompt decision.
13. In the course of its decision making process Council must adhere to the provisions of sections [77](#), [78](#) and section 80 of the Local Government Act.

Recommendation/s from Management

That:

- a) The report be received, and
- b) Council decline consent to the application as it does not comply with the provisions of Council's Board (TAB) Venue Policy.

14. Attachments

15. Attachment 1 - Board (TAB) Venue Policy
16. Attachment 2 - NZRB venue consent application
17. Attachment 3 - Further Information Requested by HCC and response from NZRB
18. Attachment 4 - Social Impact Assessment
19. Attachment 5 - NZRB Public Consultation Outline
20. Attachment 6 - Consultation feedback (NZRB report)
21. Attachment 7 - Consultation feedback - individual written submissions
22. Attachment 8 - WDHB feedback to HCC
23. Attachment 9 - Problem gambling feedback to HCC

24. Key Issues

25. Legislative Requirements
26. A Board Venue Policy is legislatively required. The policy must specify whether or not new Board Venues may be established in the city and, if so, where they may be located.
27. In developing its Policy, Council is required under s65D of the Racing Act 2003 to consider the social impact of gambling within its district.
28. Background
29. Council's Policy only applies to TAB venues that are owned or leased by the NZRB. The current Policy allows for up to four Board Venues to establish in Hamilton.
30. There are currently two Board Venues in Hamilton.
31. There are a number of pub TABs operating out of licensed premises throughout the city. These do not require Council consent and are not controlled by the Council Policy.
32. The 5 Crossroads Sports Bar & Café at 236 Peachgrove Road currently operates as a pub TAB.
33. The applicant states that the TAB operation will not change in size, but will have a change in tenant, the NZRB. This change results in the venue falling within the definition of a formal TAB Board Venue, and accordingly Council consent under the Policy is required.
34. The Class 4 machines are allowed despite the area not being a Gambling Permitted Area due to an exemption provided in the Class 4 Policy (5.1 ii).
35. In 2004, when adopting the Board (TAB) Venue Policy, Council made a deliberate decision to exclude the 5 Crossroads/Enderley area from gambling activity due to the high levels of social deprivation and higher resident Maori and Pacific Island populations. This decision was based on research and evidence presented at the time that showed that problem gambling is over represented in these demographics.

36. The Application

37. The application does not meet several provisions of the Policy:

- Board Venues may only be established within the Gambling Permitted Area
- The principal entrance of the venue premises shall not be located closer than 50 metres (in a straight line) to any residentially zoned land.
- The venue shall not be part of a place where another venue, a class 4 venue or a casino is located (*It should be noted however that this is inconsistent with the Class 4 Gambling Policy which requires gaming machines to be located with a licensed premises or a TAB. A review of these policies is required to address this*). Council also granted an exemption to the Perry Foundation to locate within a stand alone board venue.

38. The proposed Venue is not within a Gambling Permitted Area (as defined in the Policy) and is located closer than 50 metres to two residential zoned lots; 229 Peachgrove Road and 227 Peachgrove Road.

39. Social Impact

40. Existing research on the social impact of gambling has been collated (Attachment 4).

41. When the Policy was developed in 2004, the Enderley area was excluded from consideration as a Gambling Permitted Area. Therefore in Council's consultation process, the views of the Enderley community on being a Gambling Permitted Area or having a Board Venue in their community were not captured.

42. Information was therefore requested from the applicant on the views of Enderley residents as to the establishment of a Board Venue at 236 Peachgrove Rd and on gambling within the community in general.

43. NZRB's consultation process is outlined in Attachment 5. A report on the consultation feedback prepared by NZRB is presented in Attachment 6 and copies of the individual written feedback to NZRB in Attachment 7.

44. Informal feedback has also been sought by staff from key social agencies operating in the community. At the time of writing, written feedback received has been limited to Population Health, Waikato District Health Board (WDHB), Problem Gambling Foundation NZ and verbal feedback from Te Runanga O Kirikiriroa (TeROK).

45. The WDHB support Council in opposing consent as the application is inconsistent with the policy and further supports an early review of the Board (TAB) Venue Policy and advocate that Council consider a 'no further board venues be established in Hamilton city/district' policy stance (Attachment 8) .

46. Problem Gambling Foundation reiterates that the application is inconsistent with the policy and Council have grounds to decline it. They assert that the application is not a mere technical change but moves to create a venue whose sole purpose is gambling in an area already vulnerable and at risk of changes that can significantly impact on individuals, whānau and wider communities (Attachment 9).

47. TeROK conveyed that they support the views of the Enderley community and raised concerns over the limited input the local community have had and the short time frames provided by the NZRB to provide feedback.

48. Options

49. Decline application

50. The application does not comply with the provisions of Council's Policy.

51. The 5 Crossroads/Enderley area is not a Gambling Permitted Area. This was a deliberate decision by Council to recognise the high levels of social deprivation and higher resident Maori and Pacific Island populations noting that problem gambling is over represented in these demographics.

52. The community feedback provided to the NZRB largely opposed the application and sought further opportunity to provide input (Attachments 6 and 7).

- 53. The wider community has not had any input in terms of that location being allowed a TAB Board Venue, as Council’s last consultation on the policy kept that area as a Gambling Free Area.
- 54. It should be noted that declining the application is unlikely to result in the cessation of the TAB operation with the current operator continuing to operate a pub TAB.
- 55. Grant application
- 56. The applicant states it is a change in tenancy only; the racing and sports betting currently available will remain, there will be no significant change to the floor area dedicated to racing and sports betting, the same bar and bistro service will be offered, and the opening hours will remain the same as the current operation.
- 57. One of the two properties located within 50m of the venue is not used for residential purposes (229 Peachgrove Road is used as part of the Brooklyn Motor Lodge) and the other owner of the other affected property (227 Peachgrove Road) has given formal written consent to the premises becoming a TAB Board Venue.
- 58. While a decision to approve the application would be inconsistent with the Policy, s80 of the LGA 2002 provides for inconsistent decisions.
- 59. The reasons for Council making an inconsistent decision need to be clearly expressed. These could include the application represents a change in tenancy only and there would be no change from the racing and sports betting currently available at the premises. The impact of the proposed change of tenancy on the community could be argued as minimal.

60. Financial and Resourcing Implications

- 61. The applicant has paid an application fee of \$600.00. This covers the cost of administration and assessment time. Consultation with the community has been undertaken by the applicant at their own cost.

62. Risk

- 63. There are a number of possible risk areas related to Council’s decision-making. These include adverse community reaction and adverse reaction from the NZRB.
- 64. In making its decision, Council must give effect to the decision making provisions in the LGA 2002 including s78 which requires Council to consider the views and preferences of affected people, and people with an interest in the decision. In making its decision Council will be relying on information provided by the applicant on the views of the community rather than any consultation it has undertaken itself.
- 65. If Council makes a decision that is inconsistent with its Policy, there is a risk that this decision will set a precedent and other non-complying applications will be sought and will need to be tested on similar decision making principles.

Signatory

Authoriser	Brian Croad, General Manager City Environments Group
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BOARD (T.A.B.) VENUE POLICY

The purpose of this policy is to state how Council will fulfil its legislative responsibilities pursuant to the Racing Act 2003.

CONTENTS

1. Policy Objectives and Scope
2. Strategic Alignment
3. Definitions
4. Principles of Policy
5. Policy Guidelines
6. Monitoring and Implementation
7. References
8. Schedules

REVISION HISTORY

<i>Revision #</i>	<i>Policy Sponsor</i>	<i>Approval Date and date of next scheduled review</i>	<i>Council or Committee Decision</i>	<i># TRIM Reference</i>	<i>Related Operating Guidelines</i>
1	General Manager City Environments	22 August 2013 Review by August 2016	Council	D-1015364	None

1.1

1. POLICY OBJECTIVES AND SCOPE

The purpose of this policy is to ensure the council and the community has influence over the location of new Board Venues in the city/district as well as to control the growth of gambling within the scope of the Act, while allowing those who wish to participate in sports or racing gambling to do so within the city/district.

This policy applies to:

- Any new Board (TAB) venues seeking to establish in the city.

2. STRATEGIC ALIGNMENT

This policy assists in the delivery of Councils outcomes and goals as follows:

PROSPEROUS AND INNOVATIVE	OUTSTANDING CITY LEADERSHIP	PEOPLE LOVE LIVING HERE
<ul style="list-style-type: none"> ▪ Hamilton has a strong, productive economy and we build on our economic strengths. ▪ We have a thriving CBD. ▪ It's easy to do business here. ▪ Our city grows and prospers in a sustainable way. 	<ul style="list-style-type: none"> ▪ The city is led by effective, open and responsive governance. ▪ Council's finances are sustainable for the long term. ▪ We operate efficiently and provide exceptional service. ▪ The city takes a leadership role regionally and nationally. 	<ul style="list-style-type: none"> ▪ Hamilton embraces the Waikato River and it is the focal point of our city. ▪ We value, preserve and protect Hamilton's natural, green environment. ▪ Our city is attractive, well-designed and compact with outstanding architecture and distinctive public spaces. ▪ Our city is a fun place to live with a vibrant Arts scene. ▪ Hamilton is a safe city. ▪ It's easy to get around. ▪ We celebrate our people and many cultures.

■ = primary contribution

3. DEFINITIONS

Adjoin: allotments sharing one or more common boundaries or separated only by a road width or similar equivalent.

Allotment: a) any parcel of land under the Land Transfer Act 1952 that is a continuous area and whose boundaries are shown separately on a survey plan, whether or not:-

- (i) the subdivision shown on the survey plan has been allowed, or subdivision approval has been granted, under another Act; or
- (ii) a subdivision consent for the subdivision shown on the survey plan has been granted under this Act; or

b) any parcel of land or building or part of a building that is shown or identified separately:-

- (i) on a survey plan; or
- (ii) on a licence within the meaning of Part I of the Companies Amendment Act 1964; or

- c) any unit on a unit plan; or
- d) any parcel of land not subject to the Land Transfer Act 1952.

Board venues (Venue): premises that are owned or leased by the New Zealand Racing Board and where the main business carried on at the premises is providing racing betting or sports betting services under the Racing Act 2003 (the Act). It is noted that the Act specifies that this policy does not apply to Board facilities that are part of another venue.

Place: includes –

- a) a building, structure or tent whether fully or partly constructed; and
- b) a room in a building or structure; and
- c) a court or a mall; and
- d) land

Population Estimate: The calculation of population shall be based on Statistics New Zealand June estimates for the city and will be applied to any Board venue number calculations on 1 February the following year, subject to being made publicly available by Statistics New Zealand.

Premises: Building in which a venue is located.

School / Licensed early childhood centre: As defined in Sections 2 and 308 of the Education Act 1989 respectively.

Zone: An area of the city, defined as a zone in the Hamilton City Operative District Plan (July 2012) or any subsequent amendments.

4. PRINCIPLES OF THE POLICY

- The community should have influence over the location of new Board (TAB) venues in the city.
- The number of Board (TAB) venues in the city should be based on a ratio relative to the city's population.
- Any new Board (TAB) venues should be located within specified areas of the city.

5. POLICY GUIDELINES

5.1 Numbers of Board venues to be allowed

- Hamilton city shall maintain a limit on the total number of board venues of not more than 1 board venue per 30,000 population. The cap shall be calculated annually on 1 February (or if 1 February is not a working day, the nearest subsequent working day) according to the above ratio and using the latest relevant population estimate.

5.2 Where board venues may be established

- Board venues may only be established within the Gambling Permitted Area shown in Schedule 1, subject to meeting the other conditions of this Policy.

5.3 Other Criteria

- Requirements applying to all locations:
 - (i) Signage on Board Venue sties may include corporate colours, logos, and signage, but not include details of individual gambling promotions.
 - (ii) The venue premises shall not adjoin any school, or licenced early childhood centre.
 - (iii) The principal entrance of the venue premises shall not be located closer than 50 metres (in a straight line) to any residentially zoned or community facilities zoned land.
 - (iv) The venue shall not be part of a place where another venue, a Class 4 venue or a casino is located.
 - (v) The venue premises shall not be within 50 metres (in a straight line) of the principal entrance of any other board venue, or casino.
 - (vi) Meeting application and fee requirements.

5.4 Applications for a board venue consent

- Applications for territorial authority consent must be made on the approved form and must provide:
 - (i) name and contact details for the application, the venue trading name(s), any other name(s) related to the venue,
 - (ii) street address of premises proposed for the Board Venue,
 - (iii) a specific legal description with deposited plan where required clearly identifying the area where the venue is proposed to be located,
 - (iv) the names of management staff,
 - (v) evidence of the distance to the nearest residential and community facility zones, and to the nearest school, early childhood centre, kindergarten, place of worship, and to other gambling venues,
 - (vi) other relevant information requested by the territorial authority.

5.5 Application fees

- A non-refundable fee of \$600 (inclusive of GST) must accompany an application for a venue consent, or the consent will not be granted. It is recommended that a society check an application for compliance with the policy, and whether machines are available under the city cap, prior to submitting the application.

6. MONITORING AND IMPLEMENTATION

The General Manager City Environments will monitor the implementation of this policy.

The policy will be reviewed every three years as required by the Racing Act 2003, or at the request of Council, or in response to changed legislative and statutory requirements, or in response to any issues that may arise.

7. REFERENCES

- Racing Act 2003
-

8. SCHEDULE 1 – GAMBLING PERMITTED AREA

The Gambling Permitted Area is indicated by the grey shaded areas of the following maps:

- (i) Gambling Permitted Area – Northern Te Rapa
- (ii) Gambling Permitted Area – Southern Te Rapa
- (iii) Gambling Permitted Area – Frankton Industrial
- (iv) Gambling Permitted Area – CBD
- (v) Gambling Permitted Area – Hamilton East
- (vi) Gambling Permitted Area – Frankton Commercial
- (vii) Gambling Permitted Area – Dinsdale
- (viii) Gambling Permitted Area – Claudelands
- (ix) Gambling Permitted Area – Chartwell

Gambling Permitted Area — Northern Te Rapa



Item 6

Attachment 1

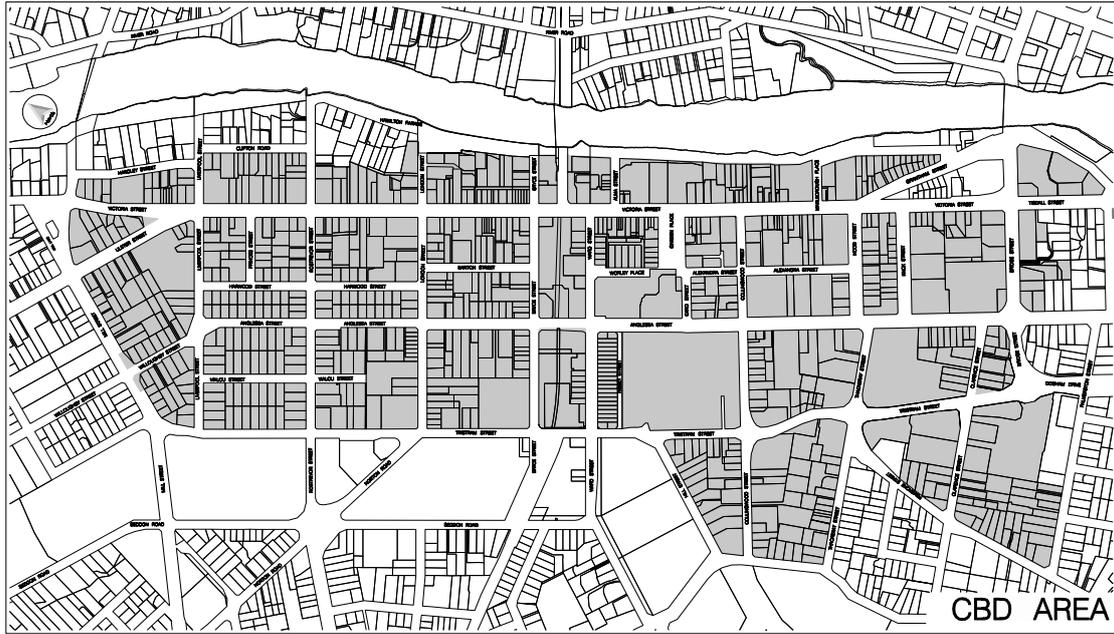
Gambling Permitted Area — Frankton Industrial



Item 6

Attachment 1

Gambling Permitted Area - CBD



Gambling Permitted Area – Hamilton East



Gambling Permitted Area – Frankton



Gambling Permitted Area – Dinsdale

Item 6

Attachment 1



Gambling Permitted Area – Chartwell

Item 6

Attachment 1



Board (T.A.B.) Venue Consent Application

(For the purpose of Gambling Act 2003 & The Hamilton City Board (T.A.B.) Venue Policy)

I on behalf of
(Full name) (Society /Trust)

seek a Board (T.A.B.) venue consent for:

(Venue Trading name)

Street Address:
 Legal Description:

Names and Titles of Key persons at Society/Venue (ie: Owner/Operator/Manager)

Society Name:
 Address:
 Venue Owner:
 Address:

I attach:

\$600.00 fee (includes GST).

These fees are effective from 1 July 2014. Fees are subject to change after this date.
 Payment can be made by cash, EFTPOS or credit card at the Municipal Building, Garden
 Place or by direct credit 02-0316-0030142-006. If paying by direct credit, please quote
Particulars: Planning, Code: Name of Applicant, Reference: Address of Application.

Computer Freehold Register

Applicant/Agent Name:
 Postal Address for Service: Post Code:
 Signature: Date:
 Work Phone: Mobile:
 Home Phone: Fax:
 Email:

Planning Guidance

Hamilton City Council
 Phone: 07 838 6699

Questions?

For general planning guidance enquiries, contact the duty planner
 weekdays 8am – 4.45pm Email: planning.guidance@hcc.govt.nz

PG F17 / Sep2014 1

IMPORTANT!

Has the prescribed procedure of pre-design, pre-application and lodgement meetings been followed?
If not, the application is likely to be returned.

Send

Email this form to planning.guidance@hcc.govt.nz, drop into the duty planner at the ground floor of Municipal Building, Garden Place between 8am and 4.45pm Monday to Friday or Post to Planning Guidance, Hamilton City Council, Private Bag 3010, Hamilton 3240

Planning Guidance
Hamilton City Council
Phone: 07 838 6699

Questions?

For general planning guidance enquiries, contact the duty planner weekdays 8am – 4.45pm Email: planning.guidance@hcc.govt.nz

FG F17 / Sep2014

2



106-110 Jackson St, Petone
PO Box 38 899
Wellington, New Zealand

michael.wemyss@tab.co.nz

Michael Wemyss
General Manager Gaming

22 December 2014

Email: Jade.Shepherd@hcc.govt.nz

Hamilton City Council
Private Bag 3010
HAMILTON 3240

Attention: Jade Shepherd

Application for Territorial Authority Consent to Establish a TAB Board Venue at 236 Peachgrove Road, Claudelands, Hamilton – Section 80 Application

Introduction

As advised in our letter dated 17 October 2014, the New Zealand Racing Board (NZRB) would like to take a lease of the premises at 236 Peachgrove Road, Claudelands, Hamilton. Upon the NZRB becoming the lessee, the premises will fall within the definition of a formal TAB Board Venue and require territorial authority consent under Council's Board (TAB) Venue Policy. Consent is required despite the activity at the venue remaining virtually unchanged (the venue already operates as a TAB).

Consent to operate gaming machines is not required, and not sought. The application is solely for consent to take the lease and therefore operate as a TAB Board Venue.

The application meets all the policy criteria apart from:

- The venue not being within a gambling permitted area in the Council's Board (TAB) Venue Policy (although the venue is expressly exempt from the requirement to be within a gambling permitted area in Council's Class 4 Gambling Venue Policy); and
- The venue's principal entrance being less than 50 metres from any residentially zoned land (the entrance is 26 metres from two residentially zoned lots – a motel and one residential house).

TAB

PLANNING GUIDANCE
 - 5 JAN 2015
 TIMEAM/PM

Section 80

Section 80 enables a local authority to issue a consent contrary to their gambling venue policy provided the Council identifies the inconsistency, and records the reasons why the consent was granted.

The current application is suited for section 80 consideration, due to the fact that activity undertaken at the venue is not going to change.

It is common for section 80 to be used when considering gambling venue policy consent applications. To date there have been two section 80 applications relating to TAB Board Venues, both of which have been granted. There has also been a further 12 section 80 applications relating solely to gaming machines, eight of which have been granted. Schedule A contains examples of prior applications that have been granted using section 80.

Change of Lessee Triggers Consent Requirement

The venue, the 5 Crossroads Sports Bar & Cafe, has a large TAB operation. The size and turnover of the current TAB operation is very similar to that of other formal TAB Board Venues. The venue is currently leased by NZ Sports Cafés Limited.

Council consent to establish a TAB is only required if the TAB falls within the definition of a TAB Board Venue. A TAB Board Venue is defined in section 5 of the Racing Act 2003 as a premise that is owned or leased by the NZRB where the main business carried on at the premise is providing racing betting or sports betting services. Because the current TAB operation is not a premise that is owned or leased by the NZRB, consent from Council is not required. It is only the proposed change of lessee that now triggers the need for a consent.

TAB Operation to Remain Virtually Unchanged

The venue currently operates in a very similar manner to a formal TAB Board Venue. There will be very little change that takes place following the change in lessee. As can be seen from the photos below, the current operation is very similar to the other formal TAB Board Venues that exist in Hamilton.

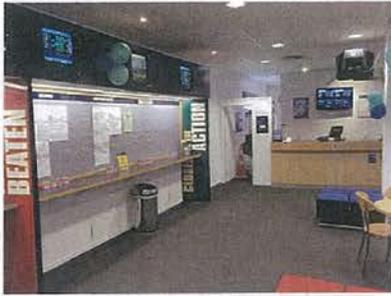
The photos below are of the existing TAB Board Venue at 20 King Street, Frankton.



TAB

PLANNING GUIDANCE
 - 5 JAN 2015
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The photos below are of the existing TAB Board Venue at 618 Te Rapa Road, Te Rapa.



The photos below are of the existing 5 Crossroads Sports Bar, 236 Peachgrove Road, Hamilton.



TAB

PLANNING GUIDANCE
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Enclosed is a copy of the current floor plan and the proposed floor plan. The general layout of the venue will remain the same, the modifications being for staff safety and to make the venue feel cleaner and brighter than the current offering.

The external signage at the venue already includes TAB signage and the TAB colours. The external signage will be modernised, but have a similar focus as the current signage (promoting both the bar and TAB offering). Below is a mock-up of the proposed external signage.



The existing operators, Neil and Norma Cubis will be contracted by the NZRB and operate the TAB on behalf of the NZRB. The NZRB will also sublet the bar area of the venue to Neil and Norma Cubis who will continue to operate this part of the venue as a sports bar. The change in lessee will not result in the opening hours of either the TAB operation or the bar operation increasing.

TAB

PLANNING GUIDANCE
 - 5 JAN 2015
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The public are unlikely to notice any change to the venue, apart from a slighter clearer and brighter fit out. The venue will however come under the direct formal control of the NZRB and therefore have slightly higher host responsibility and harm minimisation measures in place.

Policy Inconsistency – Gambling Permitted Area

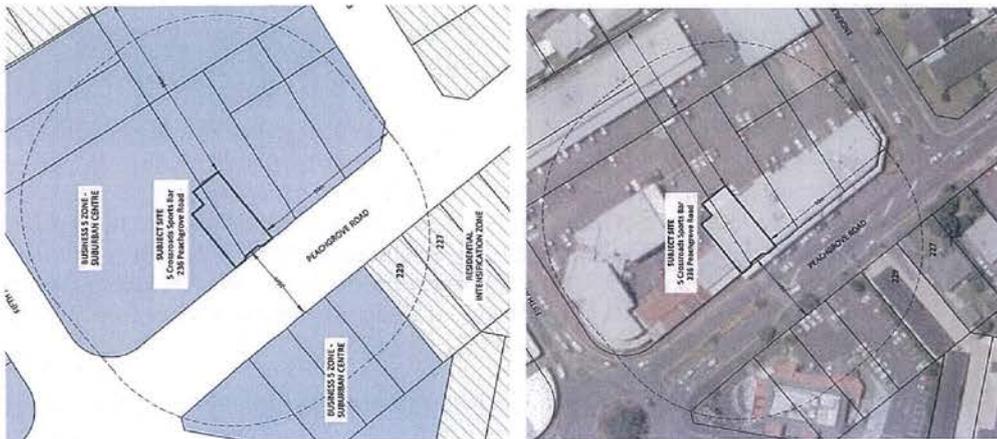
Enclosed is the survey report on the venue from CKL. The report confirms that the venue is not within a gambling permitted area as defined in the Board (TAB) Venue Policy. The report however notes that the venue is expressly catered for in the Class 4 Gambling Venue Policy due to the exemption in schedule 1, page 9 that names the 5 Crossroads Sports Bar as one of three venues in Hamilton that may be established despite the location restrictions.

The inconsistency with the policy is considered to be minor given:

- The venue currently has a large TAB operation;
- The general activity undertaken at the venue will not change; and
- The venue is currently expressly exempted from the location restrictions in Council’s Class 4 Gambling Venue Policy.

Policy Inconsistency – Principal Entrance Located Within 50 Metres of a Residential Zone

The CKL survey report confirms that the principal entrance of the venue is within 50 metres of two residential lots, 229 Peachgrove Road and 227 Peachgrove Road.



The 229 Peachgrove Road property is not used as a residential home, but is land used as part of a large hotel complex (the back of the Brooklyn Motor Lodge).

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The house located at 227 Peachgrove Road is not within 50 metres of the principal entrance of the venue, but the front part of the section is. The owner of the 227 Peachgrove Road property, Peter Quill, has been advised of this application and given his formal consent to the venue becoming a TAB Board Venue. Enclosed is Mr Quill's written consent.

TAB Board Venues Generally

If the venue becomes a TAB Board Venue it will come under the direct control and supervision of the NZRB. The expectations and requirements of the venue in respect of host responsibility and harm minimisation will increase slightly. TAB Board Venues are considered to be the most highly supervised and highly controlled environments in which race and sports betting can be conducted.

Enclosed is a copy of the NZRB's harm minimisation and responsible gambling policy.

The NZRB takes its statutory responsibilities under the Racing Act 2003 and the Gambling Act 2003 to minimise problem gambling very seriously. The NZRB conducts its business activities with integrity and is committed to providing a safe and enjoyable entertainment environment for customers to bet and gamble responsibly.

The NZRB participates in the Department of Internal Affairs' chaired Problem Gambling Stakeholder Reference Group to ensure that it has a high understanding of the issues associated with problem gambling, and the effective management of problem gambling.

The venue will be connected via closed circuit television to a central monitoring office.

The venue will be subject to regular compliance testing and spot checks to ensure adherence to the legislative and regulatory requirements along with the NZRB's own problem gambling policy requirements.

No automatic teller machine will be located at the venue.

All venue staff will receive specialist harm minimisation training. We believe the NZRB is the only gambling industry participant that has an operational working relationship with the Problem Gambling Foundation (PGF). PGF is contracted to undertake all staff face to face training and were involved in the development and delivery of the NZRB's on-line responsible gambling training programmes. The use of an independent third party ensures that a comprehensive training package is provided based on the latest research from around the world. The trainers are experts in their field, who have considerable experience in dealing with problem gamblers on a one on one basis.

In addition to the classroom based and online responsible gambling training, the NZRB has also contracted the PGF to regularly visit each of its class 4 venues throughout New Zealand and conduct informal on-site staff training. During the visit the PGF staff member also undertakes a review of the harm prevention and minimisation documentation, customer help material, signage and the layout at the venue.

TAB

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The venue staff will be required to regularly and proactively monitor the venue for both excluded customers and underage persons.

Prior Hamilton City Precedent

The current application is extremely similar to the application relating to the TAB Board Venue at 391 Te Rapa Road that was granted on 22 November 2007. That application related to the establishment of nine gaming machines at the TAB Board Venue on the corner of Te Rapa Road and Garnett Ave (this site is now the TAB Trackside studio). The application did not comply with the proximity requirements due to it being within 100 metres of residentially zoned land and within 100 metres of both a school and church. In similar circumstances to the current case, the residentially zoned land in question was being used for more of a commercial purpose, the land being the Classic Builders show home site. In granting the application, the Council committee noted:

- The high level of harm minimisation at TAB Board Venues and the high level of staff training;
- The consent obtained from the neighbouring residential lots;
- That granting the consent would allow those who wish to participate in gambling to do so within the city, in accordance with the intent and purpose of the policy;
- The potential impact on the character of the locality was minimal; and
- The venue had minimal potential to have a negative effect on the operation, amenity, or reasonable enjoyment of residential and sensitive land uses in the locality.

All of the above factors are present in the current case.

Existing Gambling Venues in Hamilton

If all of Hamilton's existing venues were required to obtain territorial authority consent, approximately half the venues would be in breach of the proximity restrictions. The following venue list details some examples:

- **Homestead Bar and Eatery, 276 Cambridge Road, Hillcrest**
 - within 100 metres of residential area
 - within 100 metres of Hillcrest Primary School
 - within 100 metres of Cambridge Road Community Kindergarten (located on Hillcrest Primary School grounds)
 - close to St Francis Co-operating Parish Church (Methodist/Anglican/Presbyterian – located 92 Mansell Avenue but grounds go through to Morrinsville Road)
- **The Cook Café & Bar, 7 Cook Street, Hamilton East**
 - within 100 metres of residential area

TAB

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- within 100 metres of entrance to Sacred Heart College
- within 100 metres of Steele Park – children’s sports ground/playing area

- **Hillcrest Tavern, 1 York Street, Hamilton**
 - within 100 metres of residential area

- **The Riv, Clyde Street Shopping Centre, Hamilton East**
 - within 100 metres of residential area
 - within 100 metres of Marian Primary/Intermediate School
 - within 100 metres of Sacred Heart College
 - within 100 metres of Early Childhood Centre – Jubilee Catholic ECC, 67 Clyde Street
 - could be within 100 metres of St Marys Cathedral

- **Eastside Tavern, cnr Cook Street & Grey Street, Hamilton East**
 - within 100 metres residential area
 - within 100 metres Steele Park – children’s sports ground/playing area
 - likely to be within 100 metres of entrance to Sacred Heart College

- **Smith & McKenzie, 13 Lynden Court, Chartwell**
 - within 100 metres of residential area
 - close to Hukanui Primary School (Hukanui Road opposite Westfield Carpark)
 - close to Hukanui Kindergarten (52 Rutherford Street)

- **Still Working, 13 Lynden Court, Chartwell**
 - within 100 metres of residential area
 - close to Hukanui Primary School (Hukanui Road opposite Westfield Carpark)
 - close to Hukanui Kindergarten (52 Rutherford Street)

- **The Dinsdale Office, Unit 40 Dinsdale Shopping Centre, Whatawhata Road**
 - within 100 metres of residential area
 - within 100 metres of Early Childhood Centre (Dinsdale Early Learning Centre, 24 Dinsdale Road)
 - close to Frankton Primary School

- **Dinsdale Tavern, 140 Whatawhata Road, Dinsdale**
 - within 100 metres of residential area

- **Yardhouse, Grandview Mall, cnr Grandview Road & Hyde Avenue, Nawton**
 - within 100 metres of residential area
 - within 100 metres of Early Childhood Centre (Grandview Kindergarten, 106 Grandview Road)
 - located close to Salvation Army Church and social services centre (180/182 Grandview Road)

There is no suggestion that the gambling offerings at the above venues, or the gambling offering at the current 5 Crossroads Sports Bar & Café, is adversely affecting the neighbouring properties.

TAB



Application Fee

Enclosed is our cheque for \$600.00 being the application fee.

Hearing

If a hearing is allocated to consider the section 80 application, the NZRB wishes to make an oral presentation at the hearing.

Yours sincerely

A handwritten signature in black ink, appearing to be "Michael Wemyss".

**Michael Wemyss
General Manager Gaming
TAB**

TAB



Schedule A – Examples of Prior Section 80 Applications

TAB Board Venue Section 80 Examples

Manukau City Council Example 1

On 6 November 2008, the Manukau City Council used section 80 to permit a TAB Board Venue to relocate from Otara to East Tamaki. The relocation resulted in the closure of the Otara venue. The closure of the Otara venue was considered a positive step by Council due to a number of prior incidents of disorder that had occurred near the venue. Section 80 was required due to Manukau City having a sinking lid policy that made no provision for venue relocation.

Manukau City Council Example 2

On 9 March 2010, the Manukau City Council used section 80 to permit a TAB Board Venue to relocate from Pakuranga to Botany Downs. The relocation resulted in the closure of the Pakuranga venue. The Council noted that the relocation enabled the venue to move to modern premises that were clean and well-lit. Section 80 was required due to Manukau City having a sinking lid policy that made no provision for venue relocation.

Class 4 Venue (Gaming Machine Venue) Section 80 Examples

Christchurch City Council Example 1

On 4 October 2007, the Christchurch City Council passed a resolution departing from its gambling venue policy and granted consent for the Christchurch Working Men's Club to host 18 machines at its new location at 818 Colombo Street, Christchurch. Section 80 was used due to Christchurch having a sinking lid policy in place at the time of the application.

Christchurch City Council Example 2

On 19 December 2008, the Christchurch City Council used section 80 to allow the Sumner-Redcliffs RSA to recommence the operation of four gaming machines. The reasons cited for granting the inconsistent consent were:

- The venue was a not for profit club;
- The Council would not be faced with a similar situation in the future;
- The application was for only four machines;
- The club had previously operated four machines in September 2003;
- The overall number of machines in the Sumner area had reduced;
- The club would operate the machines in a responsible manner;

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- There would be a positive impact for the community due to the grants the RSA would make to external groups such as the Surf Life Saving Club and Life Boat Institution;
- The RSA had a mature membership, who would be the primary users of the machines; and
- The RSA had a strong commitment to the welfare of its members.

North Shore City Council Example

When reviewing its gambling venue policy, the North Shore City Council wished to set a new cap at existing levels. The Council therefore set a cap at the number of gaming machines operating at the time of the review (651 machines). However, because 9 machines were inoperative, but could be established as of right, the cap prevented a new 9 machine venue being established until an 18 machine reduction had occurred. The cap also prevented a venue relocating under the relocation provisions, because the previous venue could still operate 9 machines, as of right, for a period of six months.

In order to enable a venue to relocate under its policy, the North Shore City Council used section 80 and granted a consent that was inconsistent with its cap.

Napier City Council Example

On 4 April 2012, the Napier City Council used section 80 to depart from its gambling venue policy and granted consent for the Taradale Club and the Napier Cosmopolitan Club to host up to 26 machines upon the two clubs merging. Section 80 was necessary due to the policy prohibiting a venue hosting more than 18 machines.

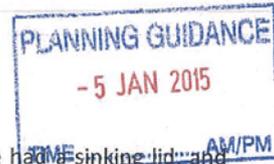
The reasons cited for granting the inconsistent consent were:

- The application results in an overall reduction in gaming machine numbers consistent with Council's policy objectives;
- The application results in a reduction in the number of gaming venues, reducing opportunities within the community for gambling; and
- The application allows for two organisations to form a single, more viable organisation that contributes to community well-being.

South Wairarapa District Council Example

On 19 June 2013, the South Wairarapa District Council used section 80 to permit Prime Community Trust to host 5 gaming machines at Messines Bar and Restaurant, 57 Fox Street, Featherston. The site had previously operated 8 machines when it was the home of the Featherston Returned Services & Citizens Club Inc. The RSA surrendered its licence and a period of more than six months elapsed. The site was developed into a bar and restaurant. There was misinformation given by the Department as to when the previous venue licence came to an end. The misinformation resulted in the venue being unlicensed for a period of more than six months. Due to the expiry of the six month period a new territorial authority

TAB



consent was required. The gambling venue policy in place at the time had a sinking lid, and accordingly an exemption application was required. The exemption application was granted. Council noted that the Messines Bar and Restaurant venue would not be a high turnover venue and that the exemption application was only necessary due to the conflicting advice Prime Community Trust had received from the Department about when the RSA's venue licence expired.

Rotorua District Council Example 1

On 3 August 2010, the Rotorua District Council used section 80 to permit the Rotorua Club to transfer 8 gaming machines from its existing premises to its new premises at 278 Fenton Street, Rotorua. The exemption application was required due to the restrictive cap on gaming machine numbers that was in place. Council noted that the transfer of the 8 machines to its new premises would not increase the overall number of gaming machines in the district and that the application would not create an additional venue. The Council also noted that the proposal was highly unlikely to lead to any increase in gambling and stated that it was difficult to see how any persons or parties would be adversely impacted.

Rotorua District Council Example 2

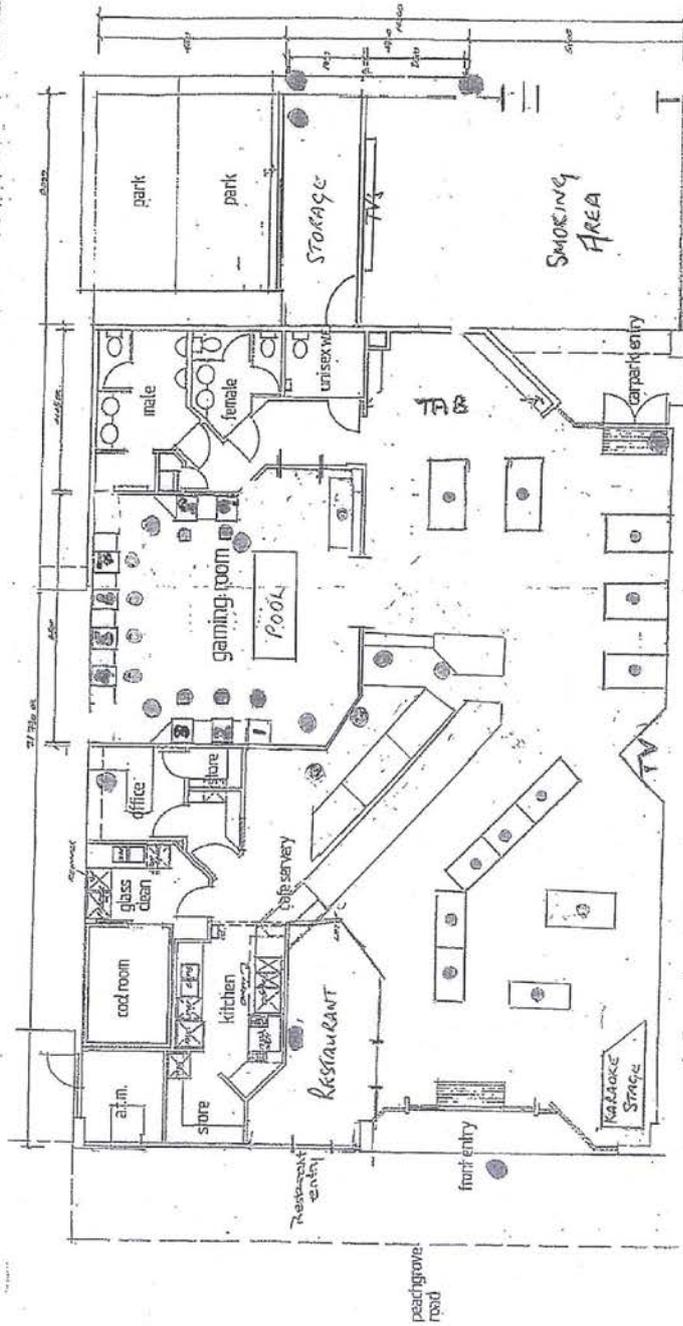
On 3 April 2013, the Rotorua District Council used section 80 to permit the 9 gaming machines located at Hennessy's Irish Bar to be transferred to The Shed, 1166 Amohau Street, Rotorua. The exemption application was required due to the restrictive cap on gaming machine numbers that was in place. Council noted that the transfer of the machines to the alternative premises would not increase the overall number of gaming machines in the district and that the application would not create an additional venue. The Council again noted that the proposal was highly unlikely to lead to any increase in gambling and stated that it was difficult to see how any persons or parties would be adversely impacted.

Whangarei District Council Example

On 15 October 2013, the Whangarei District Council used section 80 to permit the Kamo Club to increase its gaming machines from 12 to 16. The exemption application was required due to the gambling venue policy not permitting existing venues to increase their machine numbers. In granting the consent, Council noted that it was satisfied that the small increase in machine numbers at the club was unlikely to impact on problem gambling. The Council also recorded that the application was seen as unique due to the fact that the club had previously operated 16 machines, but lost the right to host 16 machines when it reduced its machine numbers to 12 in early 2003. The machine numbers had been reduced in 2003 in order to mitigate the cost of upgrading the machines to comply with the electronic monitoring system.

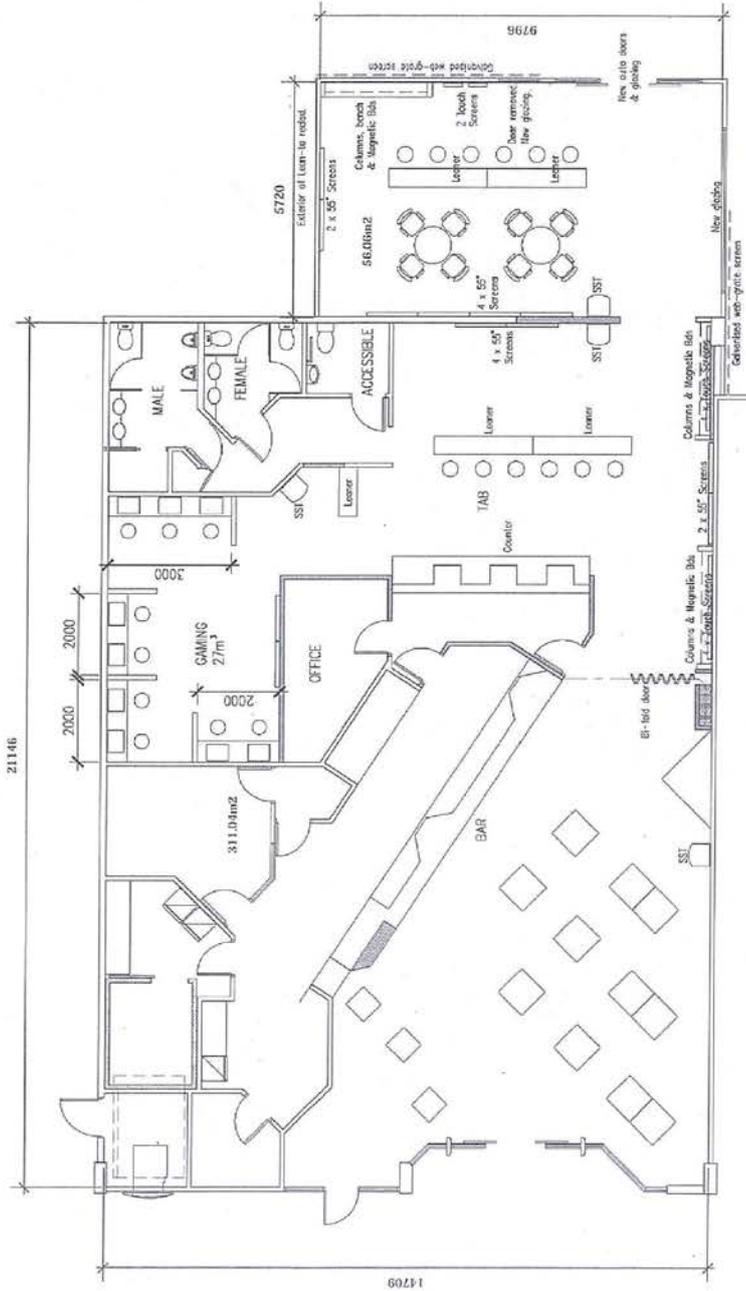
TAB

PLANNING GUIDANCE
 - 5 JAN 2015
 TIME AM/PM



proposed floor plan 1-50
 cross roads cafe bar

- BAR LEARNERS
- SECURITY CAMERAS
- GAMING MACHINES (9)



PLANNING GUIDANCE
 -5 JAN 2015
 TIMEAM/PM

Interact
 ARCHITECTS
 DESIGNERS
 1000 27th Avenue South
 Lewisville, NC 27040
 T: 410 751 F: 410 712
 www.interactarchitects.com

PROPOSED PLAN OPTION D
 16 October 2014

CROSS ROADS TAB HAMILTON

Scale for 1:100 drawing
 0 1m 5m 10m



Planning | Surveying | Engineering

19 November 2014

Jarrold True
Harkness Henry and Co
Private Bag 3077
HAMILTON 3240

PLANNING GUIDANCE
- 5 JAN 2015
TIMEAM/PM

Hamilton Office
A: 58 Church Road
PO Box 171
Hamilton 3240
F: 07 849 9921
E: hamilton@ckl.co.nz

Our Ref: S1131

Dear Jarrod

**Board (T.A.B.) Venue Policy – Surveyor’s Declaration
236 Peachgrove Road, Hamilton**

We are in receipt of your correspondence dated 3rd November 2014 requesting a report in relation to Hamilton City Council’s Board (T.A.B.) Venue policy. We have undertaken the required assessment of the subject property, including a review of the gambling and Board venues within Hamilton City as registered with the Department of Internal Affairs.

I can confirm that the proposed Board (T.A.B.) venue at the premises currently known as 5 Crossroads Sports Bar, located at 236 Peachgrove Road, Hamilton, and legally described as Principal Unit GZ, DPS 68671:

- a) Is not located within a gambling permitted area (but note that if this was a Class 4 Gaming Machine application, the venue would be allowed due to the exemption in Schedule 1, page 9 of the Class 4 Policy);
- b) Does not adjoin any school, or licensed early childhood centre or kindergarten;
- c) Is not located within 50 metres (in a straight line) of the principal entrance of any other board venue or casino;
- d) Has a principal entrance located on Peachgrove Road which is within 50 metres of residentially zoned land. The entrance is approximately 26 metres (in a straight line) from this zone; and
- e) Has an entrance accessed from the rear carpark which is located more than 50 metres away from residentially zoned land.

We attach a copy of the appropriate zone maps of the Proposed Hamilton City District Plan, which show the zoning within the vicinity and the site’s proximity to the above. Please also find attached CKL drawing S1131 (Rev 2), showing the properties within 50 metres of the venue’s principal entrance.

We trust that the above meets your requirements.

Yours faithfully
CKL Planning | Surveying | Engineering

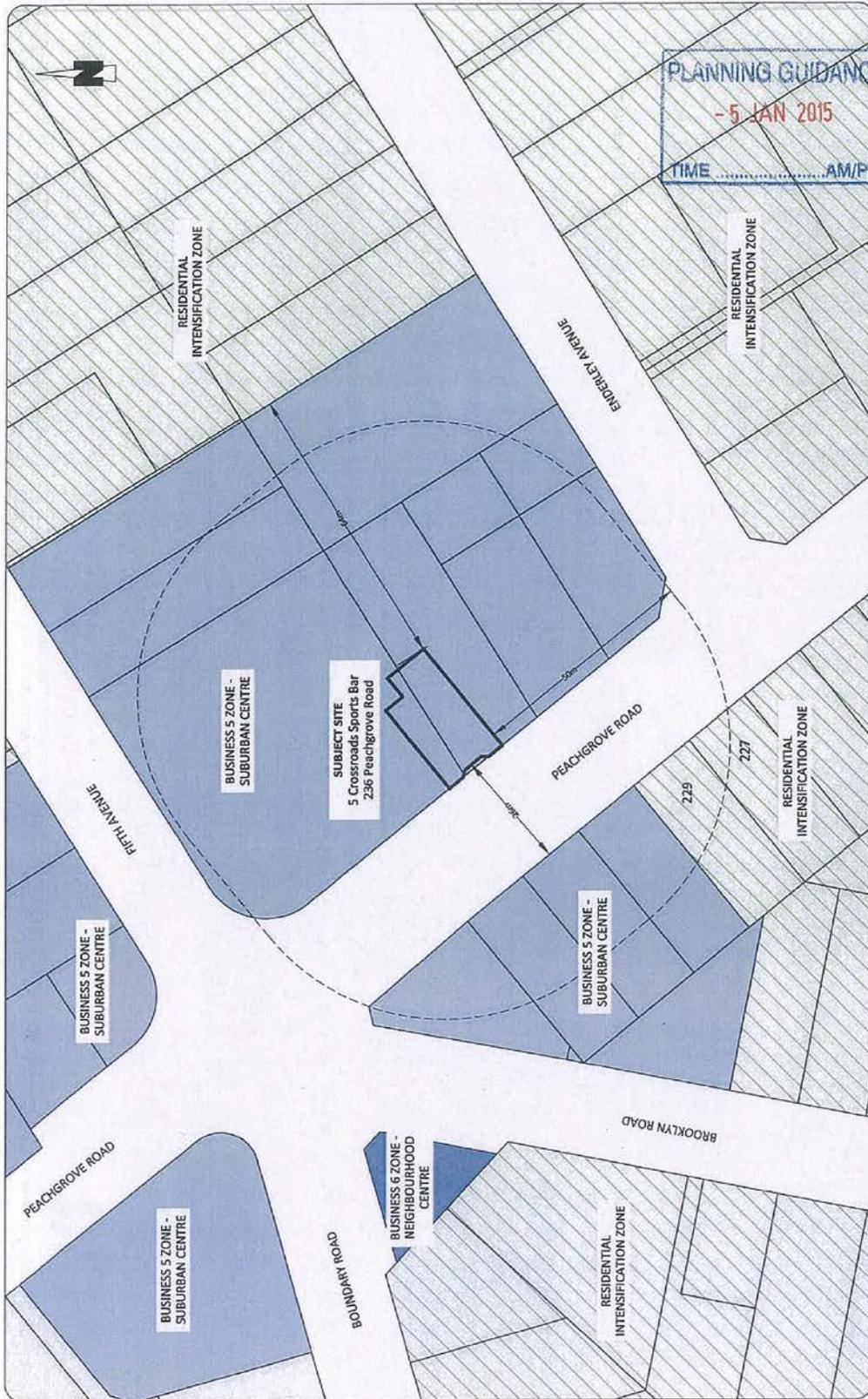

Jonathan Gwyn
LICENSED CADASTRAL SURVEYOR

Directors: Campbell Burrows | Mark Gilbert | Warren Lovegrove | Geoff Webster



www.ckl.co.nz

Inspired Teams – Successful Solutions



Issue	Description	Checked	Date
1	Amended zoning for PDP	JG	19.11.14
		JG	19.11.14
		JG	19.11.14

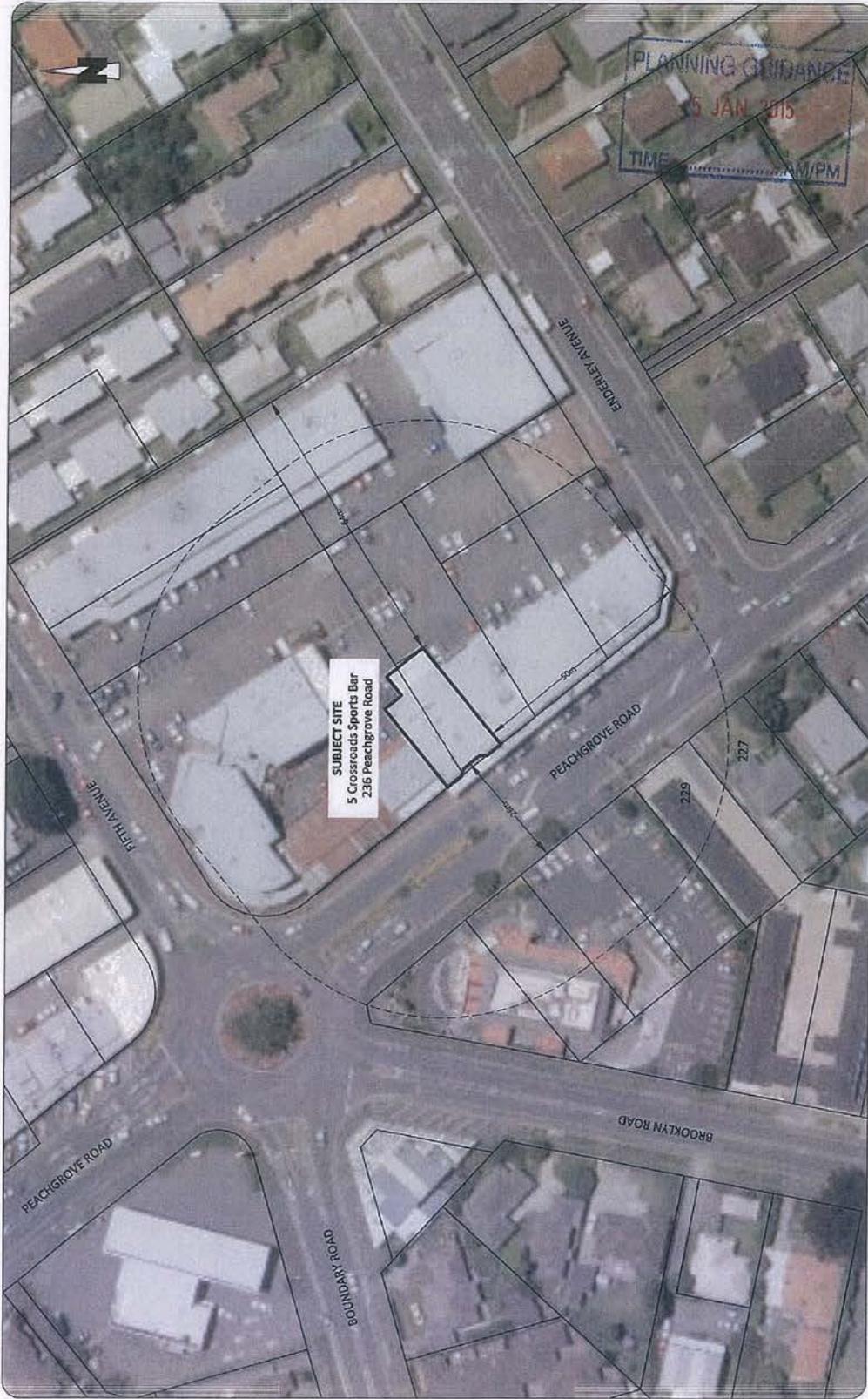
Designed	Date	Scale
JG	11.11.14	1:750
JG	19.11.14	(A3 original)
JG	19.11.14	

Job No:	Revision:	Page No:
S1131	2	1 of 2

BOARD (T.A.B.) VENUE APPLICATION
PROPOSED BOARD VENUE
 (236 Peachgrove Road, Hamilton)
SITE LOCATION

CKL
 Planning | Surveying | Engineering

Auckland Office:
 At: 8 Kaitiaki Road, Princes Wharf
 Auckland
 Hamilton Office:
 At: 58 Owen Road, Hamilton
 At: 107 Eglam Road, Hamilton
 At: 103 Market Street, Auckland
 P.O. Box 1044



PLANNING GRIDANCE
15 JAN 2015
TIME 10:00 AM/PM

SUBJECT SITE
5 Crossroads Sports Bar
236 Peachgrove Road

Issue	Description	Checked	Date	DNM	Scale
1	Amend zoning for PDP	JG	19.11.14	JG 11.11.14 JB 19.11.14 JG 19.11.14	1:750 (A3 Original)
				Job No:	Page No:
				S1131	2 of 2
				Revision:	2

BOARD (T.A.B.) VENUE APPLICATION
PROPOSED BOARD VENUE
(236 Peachgrove Road, Hamilton)
SITE LOCATION

CKL
Planning | Surveying | Engineering

Headland Office:
At: 18 Business Road, Hamilton
Hamilton Office:
At: 58 Church Road, Hamilton
To: Auckland Office:
At: 103 Albert Street, Auckland
P: 07 371 6344



Consent to the 5 Crossroads Sports Bar Becoming a TAB Board Venue

Background

The New Zealand Racing Board (the TAB) wishes to lease the premises known as the 5 Crossroads Sports Bar, 236 Peachgrove Road. The TAB and bar operation will remain at the venue. The venue will however have some minor internal renovations undertaken and the exterior signage will be include more prominent TAB branding.

There are two other existing TAB Board Venues in Hamilton, the TAB at 20 King Street, Frankton and the TAB at 618 Te Rapa Road, Te Rapa. The external signage proposed will be similar to the signage that exists at these two venues.

The change of leaseholder will make the venue a formal TAB Board Venue under Hamilton City Council's gambling venue policy. This policy provides that a TAB Board Venue may not be established within 50m of residentially zone land. Your property is within 50m of the site.

Consent

I consent to the New Zealand Racing Board taking a lease of the premises known as the 5 Crossroads Sports Bar, 236 Peachgrove Road and the venue becoming a formal TAB Board Venue.

Name: Peter Quill

Address: 227 Peachgrove Rd.
Hamilton.

Phone: 07-255-4996

Email: _____

JWT-464501-221-19-V1.jl



Consent to the 5 Crossroads Sports Bar Becoming a ~~TAB Board Venue~~ ^{TAB Board Venue} AM/PM

Background

The New Zealand Racing Board (the TAB) wishes to lease the premises known as the 5 Crossroads Sports Bar, 236 Peachgrove Road. The TAB and bar operation will remain at the venue. The venue will however have some minor internal renovations undertaken and the exterior signage will be include more prominent TAB branding.

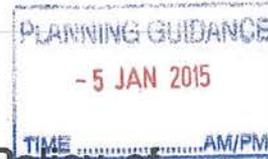
There are two other existing TAB Board Venues in Hamilton, the TAB at 20 King Street, Frankton and the TAB at 618 Te Rapa Road, Te Rapa. The external signage proposed will be similar to the signage that exists at these two venues.

The change of leaseholder will make the venue a formal TAB Board Venue under Hamilton City Council's gambling venue policy. This policy provides that a TAB Board Venue may not be established within 50m of residentially zone land. Your property is within 50m of the site.

Consent

I consent to the New Zealand Racing Board taking a lease of the premises known as the 5 Crossroads Sports Bar, 236 Peachgrove Road and the venue becoming a formal TAB Board Venue.

Name: ELCISA ROMERO - MCDONALD'S FIVE CROSS RD.
 Address: 231 PEACHGROVE RD.
HAMILTON EAST
 Phone: 07 854 9642
 Email: 02830 n2.stores.mcd.com



Harm Prevention & Minimisation Policy of the New Zealand Racing Board

Approved by: New Zealand Racing Board
 Issued By: Chief Executive Officer, New Zealand Racing Board
 Reviewed: October 2013
 Next review: Due by October 2014

Contents

- 1 Application
- 2 Statement of Purpose
- 3 Definitions
- 4 Policy
- 5 Penalties
- 6 Procedures

1. Application

This policy applies to all NZ Racing Board employees, agents and agent's employees. This NZ Racing Board policy provides the framework for complying with the requirements of the Racing Act 2003, the Racing (Harm Prevention & Minimisation) Regulations 2004, the Gambling Act 2003, and the Gambling (Harm Prevention & Minimisation) Regulations 2004, as well as any other specific statutory obligations.

All betting, whether by placing a bet at a retail outlet or by using a TAB account via channels such as Phonebet, internet and Touch Tone is covered by this policy. The operation of gaming machines at TAB Agencies and Branches (but not at PubTABs or ClubTABs) is also covered by this policy.

Employees who have any questions about the application of this policy should raise these with their relevant Senior Executive Team member or the Governance and Assurance Division of the NZ Racing Board.

2. Purpose

The NZ Racing Board wants to ensure that any potential harm from products it provides to the community is minimised. The NZ Racing Board aims to identify customers who may have difficulties related to gambling and to minimise the effects of those issues.

3. Definitions

Harm means harm or distress of any kind arising from, or caused or exacerbated by, a person's gambling and includes personal, social or economic harm suffered:

- a) by the person; or
- b) by the person's spouse, partner, family, whanau or wider community; or
- c) in the workplace; or
- d) by society at large.



Harm Prevention & Minimisation Regulations

	means the provisions of the Racing Act 2003, the Gambling Act 2003 (and relevant subsidiary legislation such as the Racing (Harm Prevention and Minimisation) Regulations 2004 and the Gambling (Harm Prevention & Minimisation) Regulations 2004) concerned with Problem Gamblers and the prevention and minimisation of Harm.
Problem Gambler	means a person whose gambling causes harm or may cause harm.
Gaming Venue	means a NZ Racing Board Branch or Agency (not PubTABs or ClubTABs) that has gaming machines.
Venue	means any outlet that supplies NZ Racing Board wagering services or is a Gaming Venue and includes National Office, Branches, Agencies, Sub-agencies, Self-service outlets and On-course facilities. Note that this definition has a wider scope than that of "Board venue" as defined in the Racing Act 2003.
Venue Supervisor	means (a) a manager, or other staff involved in the supervision of racing and sports wagering, including agents and agents' employees; and (b) for Gaming Venues, a manager or other employee involved in supervising gaming at the Gaming Venue.

This Policy, and the processes and procedures that support this Policy, and any reference to 'gambling', apply to the NZ Racing Board's responsibilities in relation to both wagering on racing and sporting events, as well as gambling in Class 4 Venues where the New Zealand Racing Board holds the Venue Licence. It is important to note that some areas of the Policy go beyond the base requirements of the Gambling Act.

4. Policy

The NZ Racing Board will implement practices and procedures aimed at ensuring that customers are served in a responsible manner, and enabling staff to identify people who may have difficulties related to gambling, and to take any action appropriate in relation to that person.

The NZ Racing Board will enable all relevant staff to provide information about problem gambling to others, including information about problem gambling support services.

The NZ Racing Board will take such action as is required regarding problem gamblers, including the exclusion of customers from Venues, or refusing to accept bets from customers.

- 4.1. The NZ Racing Board will ensure that Supervisory staff are aware of their legal obligations in relation to Problem Gambling. To that end, NZRB will provide training to all Venue Supervisors on problem gambling awareness, which will include the requirements of the Racing Act 2003 and associated



regulations and for Gaming Venues, the requirements of the Gambling Act 2003 and associated regulations.

The NZ Racing Board will provide periodic refresher training on Problem Gambling for supervisory staff.

It is required that a trained person (supervisor) in Problem Gambling issues is on-site at all times.

- 4.2. All NZ Racing Board Venue Supervisors are required to take all reasonable steps to identify problem gamblers, and will approach any person identified as an actual or potential problem gambler and provide that person with information about problem gambling.
- 4.3. The NZ Racing Board will periodically monitor TAB accounts for signs of problem gambling and will investigate and take appropriate action, including refusing to accept bets from that account holder where a customer is identified as a problem gambler.
- 4.4. The NZ Racing Board will ensure that all Venues display signage informing customers of its Harm Prevention and Minimisation Policy, and providing information related to problem gambling, including problem gambling services, and as required by any harm minimisation regulations made under the Racing Act 2003 or Gambling Act 2003 as applicable.
- 4.5. The NZ Racing Board will have an exclusion procedure whereby customers can elect to be excluded or the NZ Racing Board can impose exclusion from wagering and gaming venues, and from having a TAB Account. The NZ Racing Board will ensure all relevant staff are aware of and know how to administer this procedure.
- 4.6. An exclusion order must be issued, under section 310 of the Gambling Act 2003, to a self-identified problem gambler who makes a request for the issue of such an order. An exclusion order must be issued under section 309 of the Gambling Act to any person identified under that section as a problem gambler.
- 4.7. Where a customer exclusion is required at a NZ Racing Board Gaming Venue an exclusion covering both gaming and wagering will be actioned.
- 4.8. The NZ Racing Board will refuse to accept bets from identified Problem Gamblers.
- 4.9. All Venues will maintain a Harm Prevention and Minimisation Manual including information on staff training and incident and intervention reports.

No customers under the age of 18 years will be permitted to enter the gaming area or participate in wagering or gaming at Venues. Venue staff will regularly and proactively monitor gaming and wagering areas for both excluded customers and under-age persons.

NZRB will provide CCTV camera coverage to assist in the monitoring of such issues.



- 4.10. No staff are to provide credit either directly or indirectly to customers for gambling purposes.
- 4.11. Venue staff and management must not play gaming machines at the Venue which they are employed where the NZ Racing Board is the Venue or Operator Licence holder.
- 4.12. No automatic teller machines will be available in NZ Racing Board Agencies or Branches.
- 4.13. The NZ Racing Board will discourage customers from leaving children unattended either in the Venue or the Venue car park.
- 4.14. The NZ Racing Board will take reasonable measures aimed at providing a safe and secure environment in which wagering or gaming activities are conducted.
- 4.15. The NZ Racing Board will comply with the Advertising Standards Authority Code for advertising gaming and gambling.

5. Penalties

The NZ Racing Board, agents and Gaming Venue operators and managers are subject to various penalties under the Racing Act 2003 and the Gambling Act 2003.

6. Procedures

Detailed procedures on Harm Prevention and Minimisation can be found in the Harm Prevention and Minimisation Manual.

PLANNING GUIDANCE
 - 5 JAN 2015
 AM/PM



Hamilton City Council

Te Hāpu o Kiriakiroa
 Private Bag 3010
 Hamilton
 New Zealand

Phone 07 838 6699
 Fax 07 838 6599

info@hcc.govt.nz
 www.hcc.govt.nz

23 November 2007

Perry Foundation Ltd
 c/- Mr Jarrod True
 Harkness Henry & Co
 PO Box 3077
 HAMILTON 3240

26 NOV 2007

Dear Sir/Madam

An application to establish a Class 4 Gambling Venue at an existing TAB Board venue with 9 gambling machines

With reference to the Hearing that took place on 22 November 2007 concerning the above application, I set out below the decision of the Statutory Management Committee.

That pursuant to section 100 of the Gambling Act 2003 and the provisions of the Hamilton City Class 4 Gambling Venue Policy, Council grants consent to the application by the Perry Foundation under s 98(b) of the Gambling Act (being Class 4 Gambling Venue Consent application No 38/3/11) to establish a Class 4 Gambling Venue with 9 gambling machines at a TAB Board Venue located at 391 Te Rapa Road (being Lot 21 DPS 6240), Hamilton.

Reasons

Having regard to the Gambling Act, the objectives of the policy and the criteria for hearing consideration, the Committee reached its decision, after hearing the applicant and submitters, and having considered the merits of the application:

1. *The applicant will prevent and minimise the harm caused by gambling, including problem gambling by implementing the Harm Minimisation Policy, providing appropriate training to staff, not advertising the gaming machines outside the venue, limiting the hours of operation, and the absence of foot traffic in proximity to the venue.*
2. *The Applicant proposes to facilitate responsible gambling by implementing the Harm Minimisation Policy, providing appropriate training to staff, not advertising the gaming machines outside the venue, limiting the hours of operation, and the absence of foot traffic in proximity to the venue.*
3. *The Applicant has facilitated community involvement in decisions about the provision of gambling by conducting extensive consultation. The Committee considers that the process conducted by the Applicant has resulted in an improved outcome for the community and does not comprise the integrity of the policy.*

File : 13/16/21-1

Democratic Support Services



4. *The grant of venue consent provides for the continued availability of class 4 gambling within Hamilton City in accordance with the purposes and intent of the Gambling Act 2003.*
5. *Although the venue does not comply with the proximity restrictions in the policy, the non-compliance is de minimis with respect to the residential zone. Any effect of the non-compliance in respect of the Community Facilities Zone is minor because of the existence of six lanes of Highway and the minimal foot traffic that passes the venue.*
6. *The grant of venue consent will encourage responsible gambling practices and attitudes in the Class Four Gambling Venue through the absence of alcohol, the staff training at the venue, and the limitation on hours of operation.*
7. *The extent of the potential impact on the character of the locality is minimal, bearing in mind the zones in the immediate area, and the absence of evidence of adverse impacts of this venue in this location.*
8. *The venue has minimal potential to have a negative effect on the operation, amenity, or reasonable enjoyment of residential and sensitive land uses in the locality.*

If you require any further information, Gulab Bilimoria, Planning Guidance Manager may be contacted on phone: 838-6614.

Yours faithfully

A handwritten signature in black ink that reads "Sue Thorpe".

Sue Thorpe
 Committee Secretary
 Democratic Support Services
 Council Buildings
 Garden Place, Hamilton
 Phone: (07) 838 6768
 Fax: (07) 838 6599
 Email: sue.thorpe@hcc.govt.nz

Democratic Support Services

File : 13/16/21-1

- 2 FEB 2015



Te kaunihera o Kirikiriroa

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Hamilton 3240
New Zealand

Phone 07 838 6699
Fax 07 838 6599

info@hcc.govt.nz
www.hamilton.co.nz

30 January 2015

New Zealand Racing Board
PO Box 38-899
WELLINGTON

For: Michael Wemyss

Dear Michael

Application for consent to establish a TAB Board Venue despite inconsistencies with Council's Board (TAB) Venue Policy

1. We refer to NZRB's application for consent to establish a TAB Board Venue at 236 Peachgrove Rd which is dated 22 December 2014 and was received by Council on 5 January 2015.
2. Section 65C(2)(a) of the Racing Act 2003 (the Act) requires Council to make its decision within 30 working days after receipt of the application. However, section 65B(2) of the Racing Act 2003 provides that an application for territorial authority consent to establish a Board Venue must "be accompanied by the information required by the territorial authority to enable it to consider the application properly".
3. The application to establish a Board Venue at the premises in question is inconsistent with Council's Board Venue (TAB) Policy (the Policy), and NZRB has sought that Council depart from the Policy pursuant to s 80 of the Local Government Act 2002. Given these circumstances, Council requires further information in order to properly consider the application.
4. In the ordinary course, Council would decline the application on the basis that further information is required. Once NZRB had collated the further information and made a fresh application, the thirty working days would then start over. Further, there would fairly likely be a level of publicity about the application and the reasons for it being declined.
5. Council proposes instead, with NZRB's consent, to put the application on hold while NZRB collates the further information. This would minimise any delays and would mean that NZRB was not faced with press reports of an initial decision to decline consent.
6. Accordingly, please reply to us in writing by Wednesday 4 February 2015 confirming that NZRB agrees to Council's proposal and that NZRB will not raise, complain of or rely on Council's failure to comply with the timeframe set out in s 65C(2)(a) of the Act. Council will, once it is satisfied that it has received all of the further information necessary to enable it to consider the application properly, make a decision promptly.

Planning Guidance

Further information required

7. The further information required by Council is as follows:
- (a) The application states at page 4 that copies of the current and proposed floor plans are enclosed. However, both floor plans are marked "proposed". Please provide clearly marked copies of the current floor plan and the proposed floor plan.
 - (b) Neither version of the proposed floor plan included with the application includes a loading space and service area. Under previous resource consents these were both located within the rear extension. Please ensure that the proposed floor plan includes a loading space and service area.
 - (c) Please indicate the location of the restaurant on the proposed floor plan.
 - (d) The application provides at page 4 a mock-up of the proposed external signage. The current lessee has provided Council with a copy of a different mock-up of the proposed signage (copy enclosed). The two versions differ considerably. Please confirm which version is proposed.
 - (e) The application states at page 6 that there will be no ATM at the venue. However, the first of the floor plans indicates an ATM within the envelope of the venue (but facing onto the street). Please provide the following information:
 - (i) Whether the area to be leased by NZRB includes the space indicated for the ATM.
 - (ii) If so, whether that area will be sublet.
 - (iii) Whether NZRB or the proposed sublessees will have a lease, licence, contract or any other arrangement with Westpac with regard to the ATM.
 - (iv) If so, whether it is intended that NZRB or the proposed sublessees receive a payment or consideration of any kind in return for the location of the ATM.
 - (f) Given that the venue is not located in the Gambling Permitted Area and is therefore inconsistent with a fundamental aspect of the Policy, please provide:
 - (i) Information as to the views of Enderley residents as to the establishment of a Board Venue at 236 Peachgrove Rd given that it is not within a Gambling Permitted Area under the Policy and its principal entrance is less than 50m from land zoned residential.

- (ii) Information as to the views of Enderley residents on whether opportunities for sports betting and racing betting within Enderley should be increased, decreased or not changed, given that Enderley is not within a Gambling Permitted Area under the Policy.
- (iii) Any information in NZRB's possession as to the impact of racing betting and sports betting on disadvantaged communities, including Maori, Pacific Islanders, and people on low incomes.

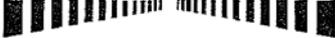
Yours faithfully



Debra Stan-Barton
PLANNING GUIDANCE MANAGER
Municipal Offices
Garden Place, Hamilton
Phone 07 838 6699

Planning Guidance

NEW ZEALAND RACING BOARD



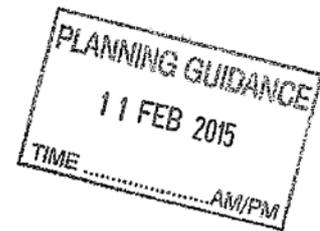
Gaming
106-110 Jackson St, Petone
PO Box 3 8 899
Wellington, New Zealand
michael.wemyss@tab.co.nz

Michael Wemyss
General Manager Gaming

9 February 2015

Debra Stan-Barton
Planning Guidance Manager
Hamilton City Council
Private Bag 3010
Hamilton 3240

cc: Jade Shepherd (jade.shepherd@hcc.govt.nz)



Dear Debra

Application for consent to establish a TAB Board Venue despite inconsistencies with Council's Board (TAB) Venue Policy

Thank you for your letter dated 30 January 2015 regarding your request for additional information and the implications regarding compliance with the timeframes set out in s65C(2)(a) of the Local Government Act 2002.

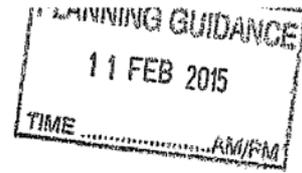
As confirmed during a telephone conversation with Jade Shepherd, the NZ Racing Board agrees with the Council's recommendation that our application is put on hold until the additional information is provided. As such, the NZ Racing Board agrees not to raise, complain of or rely on Council's failure to comply with the timeframe set out in the Act.

Further Information Requested

Your letter outlined the additional information and documents that you require to be able to assess our request and our responses are outlined below, using the same references detailed in your letter (copy enclosed).

- a) A copy of both the existing and the proposed floor plan layout are attached.
- b) The proposed floor plan (copy enclosed) shows the loading space and service area.
- c) The proposed floor plan also shows the kitchen/food preparation.

TAB



- d) With regard to signage, the intent now is that the signage facing Peachgrove Road will be similar to the mock-up provided to the Council by the current lessee, (i.e.) predominately promoting the bar and restaurant facilities, with only a small mention of the TAB services provided. The signage facing the shopping centre car park where the 'TAB entrance' is located is planned to be more TAB centric and a mock-up is enclosed for your feedback.
- e) We have received confirmation from Colliers International, the landlord's property manager, that the space where the Automatic Telling Machine (ATM) is located is under a lease directly between the building owner and Westpac. There will be no sub-lease agreement in place between the NZ Racing Board and Westpac and the NZ Racing Board will not receive any payment or consideration. As such, the ATM will not be located within the space leased by the NZ Racing Board.
- f) We are currently collecting and collating the information requested under (f) (i, ii, iii) of your request. We will provided this under a separate cover as soon as it is available.

In the meantime, we trust that the additional information provided will enable you to continue with your consideration of our application.

Please contact me if you require any additional information or clarification.

Yours sincerely

Michael Wemyss
General Manager Gaming
TAB

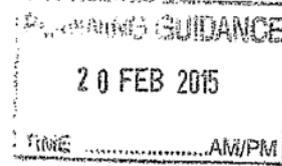
TAB

Jade Shepherd

From: Jarrod True <Jarrod.True@harkness.co.nz>
Sent: Friday, 20 February 2015 17:04
To: Debra Stan-Barton
Cc: 'Michael Wemyss (Michael.Wemyss@tab.co.nz)'; Aaron Fleming; Tegan McIntyre; Jade Shepherd
Subject: New Zealand Racing Board - TAB Board Venue Application - 236 Peachgrove Road - Updated Floor Plan
Attachments: SC654E0082015022017020.pdf

Thank you for taking the time to meet with us today. Attached is an updated copy of the proposed layout.

Jarrod True | Partner | Harkness Henry, Lawyers | DDI 0800 426 254 | Mobile +64 27 452 7763 |



Social Impact of Gambling

Gambling may be viewed as a form of entertainment but it can also result in harm.

Problem gambling a social and health issue in New Zealand that causes substantial problems for gamblers and the people around them, including their family, whānau, friends and work colleagues and the wider community.

A range of impacts and costs of excessive gambling include¹:

- Impaired physical and mental health especially those related to chronic stress, depression and suicide
- Disruption of the family and interpersonal relationships
- Indebtedness
- Criminal offending
- Bankruptcy
- Productivity loss
- Impact on criminal justice system
- Distress of family
- Breakup, divorce or separation
- Violence
- Counselling services

Although a considerable amount of data on the social impacts of gambling exists from an international perspective, the evidence base for New Zealand particularly Hamilton is limited.

New Zealand Context

The negative impacts of gambling are not exclusive to the problem gamblers themselves. Approximately one in forty people were negatively affected by other people's gambling².

Gambling is popular in New Zealand with high rates of participation by international standards. It is estimated that approximately 10 per cent of New Zealanders are regular continuous gamblers involved in pokies, race betting or casino gambling while 90 per cent of those over the age of 18 have undertaken some form of gambling³. The Ministry of Health⁴ cites various New Zealand surveys showing that a majority of adults in New Zealand gamble, with most who do gamble playing Lotto and a minority of adults (approx 10 per cent) playing

¹ Abbot, M.W. (2001) *What do we know about Gambling and Problem Gambling in New Zealand*: Report Number Seven of the New Zealand Gaming Survey. Wellington: Department of Internal Affairs.

² Ministry of Health (2012) *Problem Gambling in New Zealand. Preliminary findings from the New Zealand Health Survey (July 2011 to March 2012)* <http://www.health.govt.nz/system/files/documents/publications/problem-gambling-preliminary-findings.pdf>

³ Abbot, M.W. (2001) *What do we know about Gambling and Problem Gambling in New Zealand*: Report Number Seven of the New Zealand Gaming Survey. Wellington: Department of Internal Affairs.

⁴ Ministry of Health (2009) *Problem Gambling Resource for Local Government*. Wellington: Ministry of Health.

non-casino gaming machines, gambling in casinos or betting on horse or dog races or on sports events.

Gambling expenditure in New Zealand has increased from \$145 million in 1994 to \$20.91 billion in 2014⁵. Gaming machines proceeds as of July 2014 for Hamilton City is \$5.68 million⁶.

Ministry of Health's survey between 2011-2012 found that, half of all New Zealanders had gambled in the previous year. Out of these **more than half were female gamblers** (53.5 per cent)⁷.

The prevalence of Maori gamblers was at 53.3 per cent, while European/other were at 54.9 per cent. It should be noted that, this is a very high representation of Maori in the gambling statistics given that the percentage of Maori only makes up around one fifth of the entire population. Prevalence of Pacific people and Asian people were at 42.9 per cent and 37.3 per cent respectively⁸.

Maori and Pacific people who gambled were more likely to be **at high risk** of gambling problems than those in other ethnic groups^{9,10}.

Table 1: Past-year gambling

	Prevalence (%)	Estimated number
Total population	52.1	1,833,000
Male	53.5	917,000
Female	50.7	916,000
Māori	53.3	237,000
Pacific	42.9	90,000
Asian	37.3	142,000
European/Other	54.9	1,506,000
15–24 years	32.4	208,000
25–44 years	55.5	647,000
45–64 years	60.8	678,000
65+ years	50.4	300,000

Source: July 2011–March 2012 NZHS, preliminary findings

⁵ Figures and information from the Department of Internal Affairs website, accessed on 5 Feb 2015

http://www.dia.govt.nz/diawebsite.nsf/wpg_URL/Resource-material-Information-We-Provide-Gambling-Expenditure-Statistics

⁶ Information accessed from DIA website on 5 Feb 2014

[http://www.dia.govt.nz/pubforms.nsf/URL/GMPSeptember2014.pdf/\\$file/GMPSeptember2014.pdf](http://www.dia.govt.nz/pubforms.nsf/URL/GMPSeptember2014.pdf/$file/GMPSeptember2014.pdf)

⁷ Ministry of Health (2012) Problem Gambling in New Zealand. *Preliminary findings from the New Zealand Health Survey (July 2011 to March 2012)* <http://www.health.govt.nz/system/files/documents/publications/problem-gambling-preliminary-findings.pdf>

⁸ Ibid

⁹ Ibid

¹⁰ Ministry of Health, Department of Internal Affairs (2010) *Regulatory Impact Statement: Problem Gambling Levy 2010/11 – 2012/13*. Wellington: Ministry of Health.

Ministry of Health states that electronic gaming machines and TABs are more likely to be located in more socioeconomically deprived areas^{11,12}. 56 per cent of all non-casino gaming machines and expenditure occurred in census area units with deprivation decile rating of 8 or higher. Board(TAB) and New Zealand Lotteries Commission outlets were also concentrated in high-deprivation areas¹³.

Socioeconomic deprivation and ethnicity are closely related, with Maori and Pacific Islanders disproportionately more likely to live in more deprived areas. The Ministry of Health¹⁴ report that, after adjusting for age, Maori and Pacific adults were more than three and a half times more like than adults in the total population to be problem gamblers.

The Francis group¹⁵ **reports that key issues include continued overrepresentation of Maori and Pacific people among problem gamblers and linkages between more deprived areas and higher prevalence gambling opportunities and higher expenditure.**

Research also found that people living in neighbourhoods in high-deprivation areas are more exposed to gambling and are more likely to be problem gamblers and to suffer gambling-related harm than are people living in other neighbourhoods^{16,17,18}. Research findings also show that low-income groups spend proportionately more of their household income on gambling¹⁹. A disproportionate amount of gambling expenditure comes from problem gamblers.²⁰

The proportion of New Zealanders who take part in gambling activities declined between 2002/03 and 2011/12, the largest decrease occurring between 2006/07 and 2011/12²¹. This decline in the proportion of the population who had gambled in the past year was primarily due to a reduction in recreational and low-risk gambling. **By contrast there was no change in rates of participation by a people with a moderate or high risk of gambling problems²².**

TAB racing and sports betting increased by 5.6 per cent from \$294 million to \$331 million. This increase was driven in large part by the TAB's biggest ever betting event, the Football World Cup 2014, which attracted 10,440 new customers.

¹¹ Ministry of Health (2006) *Problem Gambling Resource for Local Government*. Wellington: Ministry of Health

¹² Ministry of Health (2009) *Problem Gambling Resource for Local Government*. Wellington: Ministry of Health

¹³ Ministry of Health, Department of Internal Affairs (2010) *Regulatory Impact Statement: Problem Gambling Levy 2010/11 – 2012/13*. Wellington: Ministry of Health.

¹⁴ Ministry of Health (2008) *A Portrait of Health: Key Results of the 2006/07 New Zealand Health Survey*. Wellington: Ministry of Health.

¹⁵ Francis group. (2009) *Informing the 2009 Problem Gambling Needs Assessment: Report for the Ministry of Health*.

¹⁶ Health Sponsorship Council (2007) *2006/07 Gaming and Betting Activities Survey: New Zealander's knowledge, views and experience of gambling and gambling-related harm*. Auckland: Health Sponsorship Council.

¹⁷ Ministry of Health (2008) *A Portrait of Health: Key results of the 2006/07 New Zealand Health Survey*. Wellington: Ministry of Health.

¹⁸ Ministry of Health (2008). *Raising the Odds? Gambling behaviours and neighbourhood access to gambling venues in New Zealand*. Wellington: Ministry of Health.

¹⁹ Abbot M, Volberg. R., (2000) *Taking the Pulse on Gambling and Problem Gambling in New Zealand: Phase one of the 1999 National Prevalence Survey*, report no. 3 of the New Zealand Gaming Survey. Wellington: Department of Internal Affairs.

²⁰ Productivity Commission (2009) *Gambling: Productivity Commission draft report*. Canberra: Common of Australia.

²¹ Ministry of Health (2012) *Problem Gambling in New Zealand. Preliminary findings from the New Zealand Health Survey (July 2011 to March 2012)* <http://www.health.govt.nz/system/files/documents/publications/problem-gambling-preliminary-findings.pdf>

²² Ministry of Health (2012) *Problem Gambling in New Zealand. Preliminary findings from the New Zealand Health Survey (July 2011 to March 2012)* <http://www.health.govt.nz/system/files/documents/publications/problem-gambling-preliminary-findings.pdf>

NZ Lottery products rose 7.2 per cent from \$432 million to \$463 million, this is a continuation of the upward trend in Lotto sales since 2003.

Spending on gaming machines in pubs and clubs decreased by -2.2 per cent from \$826 million to \$808 million. This is a continuation of a downward trend in gaming machine expenditure since a peak in 2004, when expenditure reached \$1035 million²³. This change downward trend could be attributed to the decline in the gambling activities of the recreational and low-risk gamblers.

International context

Individuals with gambling problems often experience a range of other problems, including drug and alcohol and mental health problems in what are termed 'co-morbid relationships.

For example, the Australian Productivity Committee reported that around one in five severe problem gamblers suffers from alcoholism or other dependencies. Other studies have found similarly elevated rates of conditions such as alcoholism, drug addiction, mental health problems, homelessness and criminal behaviour. Because of this, it can often be difficult to disentangle the effects of gambling from those of a range of other factors. While problem gambling may exacerbate other dependencies, these in turn may exacerbate problem gambling. A verity of social impacts have been associated with problem gambling and these are reviewed here²⁴.

Social and Personal Impacts²⁵

1. The Australian Productivity Commission found that between five and ten people are affected by every individual who is a problem gambler, including spouses, children and other family members, friends, co-workers and employers as well as those involved in financial relationships.
2. The financial stress, lying and arguments that can develop around problem gamblers lead to significant pressure on families, with one in ten Australian problem gamblers saying that their behaviour had led to relationship breakdown, and one in ten of those in counselling admitting it had led to domestic violence.
3. Reduced familial stability and household income can also affect the children of problem gamblers, who may display behavioural problems and problems at school.
4. Other studies have borne out of these findings. For example, one found that the children of problem gamblers have a higher than normal involvement with addictive substances more psycho-social problem, and more problems at school with others. Wives of problem gamblers report higher than average rates of depression, verbal and physical abuse and suicide attempts.

²³ Ministry of Health (2012) Problem Gambling in New Zealand. *Preliminary findings from the New Zealand Health Survey (July 2011 to March 2012)* <http://www.health.govt.nz/system/files/documents/publications/problem-gambling-preliminary-findings.pdf>

²⁴ Findings reported from Reith,G.(2006) Research on The Social Impacts of Gambling. The Scottish Centre for Social Research (ScotCen). Scottish Executive Social Research: Glasgow. http://www.gla.ac.uk/media/media_34552_en.pdf

²⁵ Ibid

5. When individuals are preoccupied with ways in which to find the time and money to gamble, their work life tends to suffer, although the Australian evidence found the effects of this to be relatively slight.
6. Other studies have found that problem gamblers report higher than average incidences of job loss, and those who remain in work report lost productivity through lateness, non-attendance and preoccupation with gambling
7. Problem gamblers also tend to suffer greater ill-health than the general population, including conditions such as depressive moods, insomnia, anxiety, headaches and stomach problems, which may also contribute to absenteeism.
8. The Australian Productivity Commission found that around 60% of those with gambling problems indicated that they had suffered depression as a result of gambling
9. Another study of gamblers attending Gamblers Anonymous in the U.S revealed that 13% had attempted suicide, compared with 1.1 per cent for the general population.
10. As with many of the social and personal impacts involving gambling, casual relations can be difficult to establish here. For example, the Australian Productivity Commission point out, it may be the case that an individual is depressed, goes on a gambling binge with devastating financial consequences, and eventually considers suicide. Is gambling here the cause or an effect of initial depression? However, despite the complexities involved in disentangling the various contributory factors to such scenarios, the Commission concluded that the weight of evidence showed that gambling did have distinct effect, stating: 'In summary, there can be little doubt that there are suicides linked to gambling'

NZRB Public Consultation Outline – Proposed TAB Board Venue at 236 Peachgrove Road

Information Sought

Council have asked the New Zealand Racing Board (NZRB) to provide:

- Information as to the views of Enderley residents as to the establishment of a Board Venue at 236 Peachgrove Rd given that it is not within a Gambling Permitted Area under the Policy and its principal entrance is less than 50m from land zoned residential.
- Information as to the views of Enderley residents on whether opportunities for sports betting and racing betting within Enderley should be increased, decreased or not changed, given that Enderley is not within a Gambling Permitted Area under the Policy.

Steps Taken to Date

The venue is within 50 metres of two residential lots, 229 Peachgrove Road and 227 Peachgrove Road.



The 229 Peachgrove Road property is not used as a residential home, but is land used as part of a large hotel complex (the back of the Brooklyn Motor Lodge).

The owner of the 227 Peachgrove Road property, Peter Quill, has been advised of the application and given his formal written consent to the venue becoming a TAB Board Venue.

On 20 February 2013, a meeting was held with Debra Stan-Barton, Aaron Fleming and Tegan McIntyre. The purpose of the meeting was to obtain council's feedback on the proposed consultation process. Valuable feedback was obtained and the consultation process modified as per the suggestions made by council staff.

Public Consultation Summary

The following consultation will occur:

- An A5 sized colour flyer will be delivered (via mailbox drop) to all the Enderley residents.
- The flyer includes a summary of what is proposed (a copy is included in schedule A).

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- The flyer will be distributed to all residential homes within a one kilometre radius of the venue. The distribution area is detailed in the map set out in schedule B.
- The flyers will be delivered on 23, 24 and 25 February 2015 (with the majority being delivered on 23 February 2015).
- The flyer invites residents to provide written feedback by 5pm, 4 March 2015. A feedback form with options has been provided. Written feedback can be provided by email, text, post, or by delivering the form or letter to Harkness Henry's offices in Hamilton.
- The public meeting will be held locally at the Enderley Park Community Centre, 66 Tennyson Road, Enderley, Hamilton at 6pm on 2 March 2015.

At the public meeting a highly visual 20 minute presentation will be made. A copy of the PowerPoint presentation is included in schedule C.

A minute keeper will be present at the meeting and note and summarise the views expressed during the presentation.

Following the presentation attendees will be invited to remain for tea and coffee. During the tea and coffee break NZRB representatives will circulate and discuss the proposal with attendees in small groups or one on one. Any views expressed during these sessions will also be recorded in the minutes.

On 5 March 2017, a report on the public meeting will be emailed to council. The report will detail:

- The number of attendees at the public meeting;
- Summarise the views expressed at the meeting; and
- Summarise the views expressed as part of the written feedback process.

Jarrold True
Partner
Harkness Henry

07 834 6680, 0274527763
Jarrod.True@harkness.co.nz

Schedule A – Flyer

Public Meeting - Enderley Residents' Views Sought - Proposed Change of Ownership of Five Cross Roads Sports Bar and TAB

Enderley Park Community Centre
66 Tennyson Road, Enderley, Hamilton
6pm, Monday, 2 March 2015

The 5 Crossroads Sports Bar & Café at 238 Peachgrove Road, Claudclands, Hamilton currently operates as a TAB social agency. The New Zealand Racing Board (NZRB) would like to take a lease of the premises and operate the TAB directly. The TAB operation will not change in size, but the venue will have a change in tenant, the NZRB. The change in tenancy will result in the venue falling within the definition of a formal TAB Board Venue, and accordingly council consent under the Board (TAB) Venue Policy is required.

Current Operation	Proposed Operation
Racing and sports betting	No change. The racing and sports betting currently available will remain. There will be no significant change to the floor area dedicated to racing and sports betting.
Bar and bistro	No change. The current bar and bistro area will be subleased to the existing operators and the same bar and bistro service offered.
Opening hours	No change. The opening hours will remain the same as the current operation.
Venue management	No change. The NZRB will contract the existing operators to run the TAB operation.
Signage	Some change. The signage facing Peachgrove Road will promote the bar and restaurant facilities, with only a small mention of the TAB services provided. The signage facing the shopping centre car park will change and include the TAB colours and standard TAB logos etc.
Tenancy	A change. The premises are currently leased by NZ Sports Cafés Limited. A new lease will be entered into with the NZRB as tenant.

The purpose of the meeting is to provide information on the proposed change and to seek:

- The views of Enderley residents on the change of designation of the venue to a formal TAB Board Venue given that the venue is not within a formal gambling permitted area under council's policy and its principal entrance is less than 50m from land zoned residential.
- The views of Enderley residents on whether opportunities for sports betting or race betting within Enderley should be increased, decreased or not changed.

Written comments on the proposal can be made by 5pm 4 March 2015. Details on how to make a written comment are contained on the reverse of this flyer.

If you would like to attend the public meeting, please RSVP by 5pm 27 February 2015. You can RSVP by email - Michael.Wemyss@tab.co.nz, or by phone or text 027 200 5376.

NEW ZEALAND
RACING BOARD



Feedback Form

The views of Enderley residents on the change of designation of the venue to a formal TAB Board Venue are sought because the venue is not within a formal gambling permitted area under council's policy and its principal entrance is less than 50m from land zoned residential. The proposal therefore requires council to make an exemption to its existing policy.

You can make your views known by:

- Sending an email to: Michael.Wemyss@tab.co.nz
- Sending a text message to: 027 200 5376
- Posting a letter or this form to: Enderley Residents' Survey
C/- Harkness Henry
Private Bag 3077
Hamilton 3240
- Delivering a letter or this form to: Harkness Henry
Level 8
KPMG Centre
85 Alexandra Street
Hamilton

You are welcome to express your views by completing the following:

- I would object to the TAB tenancy change if this resulted in an increase in the level of sports and race betting available at 5 Crossroads Sports Bar & Café. Tick
- I would not object to the TAB tenancy change if there was no change in the level of sports and race betting available at 5 Crossroads Sports Bar & Café.
- I would object to the TAB tenancy change in any circumstances (an increase, no change, or even if the change resulted in a decrease in the race and sports betting available).

My general comments on the proposal are:

.....

.....

.....

.....

.....

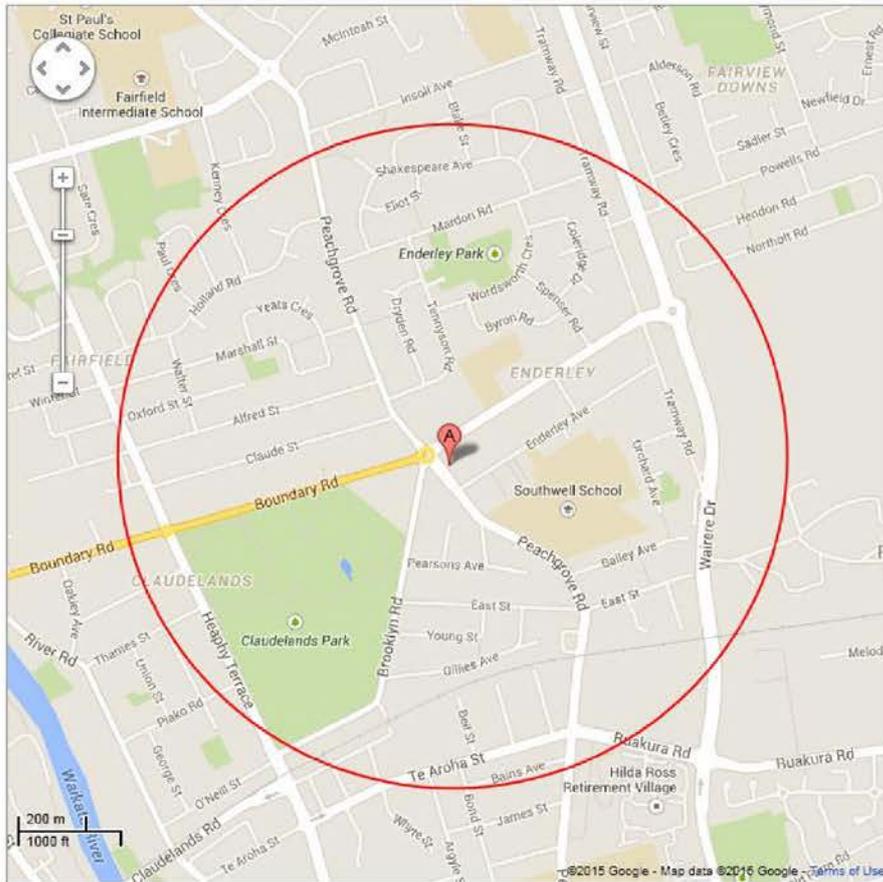
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All written feedback must be received by 5pm 4 March 2015.

Schedule B – Distribution Area



Schedule C – Visual Presentation Made at Public Meeting

**5 Crossroads Sports Bar & Café
Change of Tenancy – Council Consent Application**



Jarrold True
Michael Wemyss



What is Going to Change?

- **Racing and Sports Betting – No Change**
 - The racing and sports betting currently available will remain.
 - There will be no significant change to the floor area dedicated to racing and sports betting.

- **Bar and Bistro – No Change**
 - The current bar and bistro area will be subleased to the existing operators and the same bar and bistro service offered.



What is Going to Change?

- **Proposed Floor Plan**

PROPOSED LAYOUT

NEW ZEALAND RACING BOARD

What is Going to Change?

- **Signage – Some Change**
 - The signage facing Peachgrove Road will promote the bar and restaurant facilities, with only a small mention of the TAB services provided.
 - The signage facing the shopping centre car park will change and include the TAB colours and standard TAB logos etc.

NEW ZEALAND RACING BOARD

What is Going to Change?

- Peachgrove Road Signage




NEW ZEALAND RACING BOARD
ESTABLISHED 1982 7

What is Going to Change?

- Photo of Rear Signage




Existing

Proposed

NEW ZEALAND RACING BOARD
ESTABLISHED 1982 8

What is Going to Change?

- **Tenancy**
 - **Current Operation**
 - The premises are currently leased by NZ Sports Cafes Limited
 - **Proposed Operation**
 - A new lease will be entered into with the NZRB as tenant.

Why are Your Views Sought?

- The tenancy change will result in the venue changing from a social TAB Agency (Pub TAB) to a formal TAB Board Venue.
- TAB Board Venues are covered by council's policy, Pub TAB's are not.
- Council's policy allows gaming machines at Five Crossroads, but not TAB Board Venues.

Venue Types – TAB Board Venues

The photos below are of established TAB Board Venues (council's policy covers these venues)



TAB Board Venue at 20 King Street, Hamilton



TAB Board Venue at 618 Te Rapa Road, Hamilton



Venue Types – Pub TABs

The photos below are of a Pub TAB (council's policy does not cover these venues)



Five Crossroads Sports Bar and Café (current operation)



Venue Types – TAB Self Service Venue

The photos below are of a TAB self service terminal venue (council's policy does not cover these venues)



Smokey's Pool and Gaming Lounge

NEW ZEALAND RACING BOARD
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Council Policy – Residential Zone

- The council TAB policy provides that a TAB Board Venue should not be located closer than 50 metres to residentially zoned land.
- Two residential lots within 50 metres:
 - 229 Peachgrove Road
 - 227 Peachgrove Road

NEW ZEALAND RACING BOARD
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Council Policy – Residential Zone



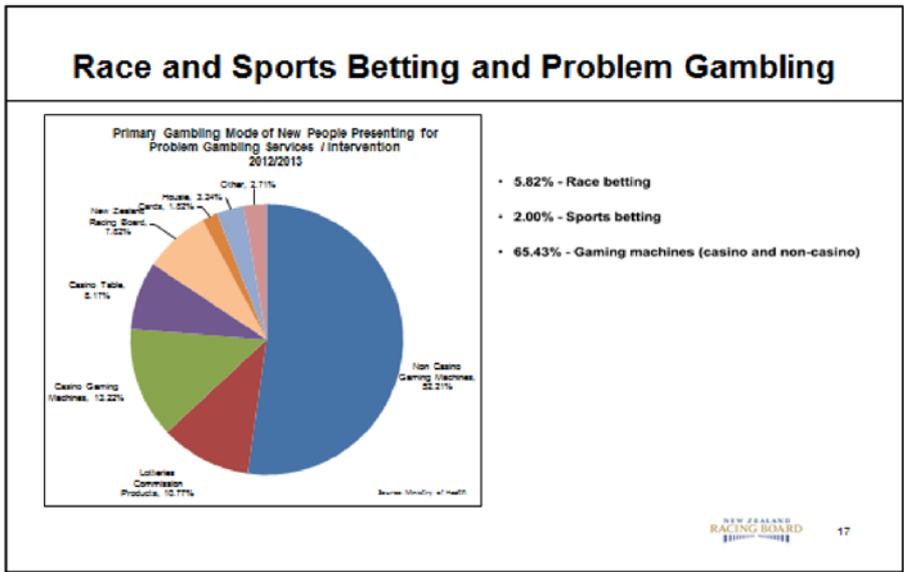
229 Peachgrove Road
- Land used as a hotel complex



227 Peachgrove Road
- Owner's consent obtained

Race and Sports Betting and Problem Gambling

- **Health Sponsorship Council report:**
 - Regular sports and racing betting was more likely to be done by low-risk gamblers, whereas regular pokie machine playing was more associated with moderate risk and problem gambling.



Racing Industry in Waikato

- 7,924 full time, part time, casual and volunteer racing industry participants.
- 93 race meetings held annually.
- Over 222,000 people attend local race meetings each year.
- \$370.47 million in value added contribution to GDP.

NEW ZEALAND RACING BOARD
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Questions
<ul style="list-style-type: none">• General questions welcomed. <p style="text-align: right;"><small>NEW ZEALAND RACING BOARD</small> 19</p>

What is Your View?
<ul style="list-style-type: none">• What is your view on the change given that the venue is not within a gambling permitted area and is within 50 metres of two residentially zoned lots?<ul style="list-style-type: none">– I would object, if race and sports betting increased.– I would not object if race and sports betting availability stayed the same.– I would object in any circumstance including no change or a decrease in race and sports betting. <p style="text-align: right;"><small>NEW ZEALAND RACING BOARD</small> 20</p>

What is Your View?

- **Should opportunities for race and sports betting within Enderley:**
 - **Be increased**
 - **Remain the same**
 - **Decrease**

NEW ZEALAND
RACING BOARD
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Ability to Provide Written Feedback

- **You can make your views known by:**
 - Sending an email to: Michael.Wemyss@tab.co.nz
 - Sending a text message to: 027 200 5376
 - By post to:
 - Enderley Residents' Survey
 - C/- Harkness Henry
 - Private Bag
 - Hamilton 3240
 - Delivering a letter to:
 - Harkness Henry
 - Level 8
 - KPMG Centre
 - 85 Alexandra Street
 - Hamilton
- **All written feedback must be received by 5pm, 4 March 2015.**

NEW ZEALAND
RACING BOARD
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NZRB Public Consultation Report – Proposed TAB Board Venue at 236 Peachgrove Road

Process

Approximately 2,000 flyers were delivered to all the Enderley residents within a one kilometre radius of the venue. The flyers were delivered on 23, 24 and 25 February 2015 (with the majority being delivered on 23 February 2015).

The flyers invited feedback by letter, submission form, email and text. The deadline for written feedback was 5pm, 4 March 2015.

An article on the proposed change was published in the Waikato Times on 4 March 2015. The article advised that written feedback could be provided and published the phone, email and address details for providing feedback.

The public meeting was held at the Enderley Park Community Centre, 66 Tennyson Road, Enderley, Hamilton at 6pm on 2 March 2015. The meeting lasted 1 hour 40 minutes (including the time taken for one on one comments to be made over tea and coffee).

Summary of Feedback at Public Meeting

17 people attended the meeting.

It was unlikely that residents who had no objection to the tenancy change would make the effort to attend the meeting and express the fact that they had no objection. As expected, the vast majority of the attendees were opposed to the application.

The attendees expressed concern with the current bar as a whole and the general condition of the Five Crossroads shopping centre. Concern was raised with intoxicated persons, smoking, anti-social behaviour in the carpark and the uncleanness of the public toilets. It was clear that the attendees did not want to consent to any proposal in relation to the Five Cross Roads Sports Bar and Café that may be seen as endorsing the current activity at the venue. The attendees clear preference was for the removal of the bar, TAB and gaming altogether.

A number of people at the public meeting commented that they had not received the flyer. When asked about this one on one, it was discovered that their address was outside the one kilometre radius.

The people that attended the meeting indicated that they would hold a second public meeting the following day to gather support in opposition to the proposal and to obtain feedback forms in opposition. A large number of forms all in opposition (35) were subsequently delivered to Harkness Henry's offices in one envelope. The majority of these submissions commented that "all TABs should be classified as class 4 gambling." A second group of forms all in opposition (20) were received by email on 4 March 2015 from Marama Kuru, Whai Marama Youth Services. The covering note advised that these feedback forms had been collected from "my workplace". Ms Kuru's workplace is located at 59 Higgins Road, Frankton, some distance from the venue.

The minutes of the meeting are enclosed (Schedule A).

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Summary of Written Feedback

As expected, it was more common for those who had no objection to the tenancy change to express this view via the feedback forms, rather than attending the public meeting.

The vast majority of the feedback in opposition, was opposition to gambling in general, rather than addressing the proposed tenancy change. Several of the feedback forms were opposed to a second TAB being established. A second TAB or a new TAB is not going to be established. A lot of the feedback forms mentioned class 4 gambling (gaming machine gambling). This application is however a TAB application, under the TAB policy. The gaming machines are operating under an existing consent granted by council on 7 April 2004.

Schedule B includes all the written feedback received (including several late submissions in opposition which have been accepted and included).

Out of the 2,000 flyers that were delivered, 67 submissions in opposition were received (3.4% of the total number of flyers delivered).

103 responses were received.

8 (7.8%) said they would object to the TAB tenancy change if this resulted in an increase in the level of sports and race betting available at Five Crossroads Sports Bar & Café.

35 (34.0%) said they would not object to the TAB tenancy change if there was no change in the level of sports and race betting available at Five Crossroads Sports Bar & Café.

58 (56.3%) said they would object to the TAB tenancy change in any circumstances (an increase, no change, or even if the change resulted in a decrease in the race and sports betting available).

2 responses didn't indicate one of the above options.

A written submission was received from Waikato DHB Population Health. The submission objects to the proposed TAB tenancy change in all circumstances. The submission advocates for:

- a change to the Board (TAB) Venue Policy so that no further board venues are established;
- a sinking lid on gaming machines;
- the removal of the relocation provisions in the gaming machine policy; and
- the removal of the club merger provisions in the gaming machine policy.

Neil Cubis, the current business owner has provided a letter responding to the concerns raised regarding alcohol consumption, parking and rubbish at the shopping centre. Mr Cubis notes:

- that the vast majority of alcohol is sold by the surrounding off licences;
- the rubbish created is not from his venue, as the venue does not sell product for consumption off premise; and

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- there is ample parking during the peak hours of bar trading.

Below is a selection of the various comments received:

"Never had any issues, always friendly"

"It's a great place to come and relax"

"I do not object to any improvements. Never had any problems in the area with drunk people or inappropriate behaviour"

"Seems unnecessary [the consultation] as no changes are proposed"

"I would support an increase in the TAB facility on site in preference to the bar and café."

"As an occasional patron of TABs and Pubs to play Pokies I would love coffee to be made available."

"We don't need any shops selling alcohol/or betting in our small shopping area... Customers mainly on a Saturday night (but also on other nights) often inebriated, and occasionally fighting amongst themselves, leave empty or partially full bottles and other debris on our berm. Sometimes the bottles have been broken, and left and lying on grass. Every week we hear yelling coming from the rear of the shop..."

"The Negatives were well highlighted. No other shop owners/tenants appeared to be present which suggests that the claims re carpark activities were exaggerated. I sympathise with the objectors' concerns especially as to any negative impact which may result at the planned Enderley re-development."

"All TAB's should be classified as class 4 gambling."

"Why do we need two TABs..."

"Why need another TAB it's just making the community more dangerous to more gambling and drinking."

"I do not support gambling establishments anywhere."

"We don't need another TAB within the Community. Take it to Rototuna!!!!"

"I'm not a supporter of gambling in general because of the negative effects on many of our whanau."

Jarrold True
Partner
Harkness Henry

07 834 6680, 0274527763
Jarrod.True@harkness.co.nz

Schedule A

Minutes of Public Meeting Held at the Enderley Park Community Centre, 66 Tennyson Road, Enderley on Monday 2 March 2015 at 6.00pm re Proposed Change of Ownership of Fivecross Roads Sports Bar and TAB

PRESENT: Jarrod True (Harkness Henry), Michael Wemyss (New Zealand Racing Board), Neil and Norma Cubis (current tenants of the Five Crossroads Sports Bar and TAB), Tim Burtenshaw (Harkness Henry), Simon Schofield (Harkness Henry), Val Koch (Harkness Henry) and 17 residents

Jarrod True introduced himself and Michael Wemyss. Jarrod commenced the public meeting with a PowerPoint presentation explaining what would change and what would not change. Jarrod explained that the New Zealand Racing Board ("NZRB") would become the tenant and there would be a slight change to the signage. Nothing else in relation to the TAB would change.

Question One

What do you mean by under the control of the NZRB?

Michael Wemyss responded and explained that the NZRB would employ the staff and have direct control.

Question Two

What about the location of 227 and 229 Peachgrove Road?

Jarrod responded and explained that the property at 229 Peachgrove Road was the back of the Brooklyn Motor Lodge.

Jarrod confirmed that the owner of the property at 227 Peachgrove Road had given his written consent to the change taking place.

Question Three

What are the benefits to the community?

Jarrod responded and explained that the NZRB would employ the staff and have direct control.

Question Four

What about the consumption of alcohol?

Jarrod responded and explained that the opening hours would not change.

Question Five

Two female residents both very concerned about the short notice for the meeting and with alcohol and what impact this would have on the community. One resident told the meeting that many families wanted to attend the meeting but were not able to because of the short notice. She said there would be issues impacting on families with alcohol and gambling. She made it very clear that she and many residents wanted the bar gone.

Jarrod responded and told the meeting that if the council says no to the proposal, then the bar and TAB would carry on as it is with no changes.

Female resident told the meeting it would not be plain sailing, that the community would rise up and fight as the drinking and gambling was a huge community concern.

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She said that she was representing many families in the community. She said again that the short notice of the meeting was a big concern.

Jarrood responded and explained the reason why the meeting was held and the number of flyers that had been delivered and the radius they had been delivered in.

Question Six

Will the nine gaming machines be taken over?

Jarrood explained that the council consent application was a TAB application, not an application to obtain consent for gaming machines. Jarrood explained that it is likely that the TAB would take over the gaming machines and that the TAB has a policy of distributing 20% of the proceeds to amateur sports and 80% of the proceeds in support of the racing industry. Jarrood confirmed that the Department of Internal Affairs' rules and requirements would continue to apply to the gaming machines and all gaming proceeds must be used for authorised purposes. The proceeds generated from race and sports betting, by all forms of TAB activity (TAB Board Venues, Pub TABs and self-service terminations), is used to fund and support the racing industry.

Question Seven

Female resident asked why she did not receive a flyer in her mailbox? She said that they wanted the community to be all together and that the community was tangata whenua.

Male person told the meeting we were talking to the wrong people in this room.

Female person told the meeting that gambling causes harm.

Jarrood explained the percentage of problem gamblers.

Jarrood explained the employment figures created by the NZRB.

Question Eight

Statement was made that TAB gambling is the worst kind and causes the most harm.

Michael Wemyss explained that this was not the case at all.

Question Nine

Female resident said that 62 houses were being built in the community and asked if this was the reason why the NZRB wants to get bigger with more people coming into the community.

Michael Wemyss explained that the new houses was not a factor in the decision to move to a TAB Board Venue.

Female resident told the meeting that it was better the devil they knew than the devil they did not.

Question Ten

Female person asked about the lease.

Neil Cubis explained that there was four years to go on the lease with a right of renewal at that stage.

Many of the residents present made it clear that they were opposed to any change.

At this point Jarrood asked for a show of hands:

1. Who would object to the TAB tenancy change if this resulted in an increase in the level of sports and race betting available at 5 Crossroads Sports Bar & Café.

Show of hands = 1

2. Who would not object to the TAB tenancy change if there was no change in the level of sports and race betting available at 5 Crossroads Sports Bar & Café.

Show of hands = 3

3. Who would object to the TAB tenancy change in any circumstances (an increase, no change, or even if the change resulted in a decrease in the race and sports betting available).

Show of hands = 4

Female persons stated that they wanted the TAB gone, completely gone.

Question Eleven

Is the TAB currently under the Class 4 Gambling Policy?

Jarrold explained that the gaming machines are allowed at the venue and that the TAB policy and gaming machine policy was separate. Jarrold explained that the TAB policy allows for a further two TAB Board Venues in Hamilton.

Question Twelve

If you get rid of some of the gaming machines, does this mean that these can never be replaced at this venue?

Jarrold responded that the machines would remain unless the venue was closed for a period of six months or more.

The female person said she would be following this up with the council as did not agree and she understood that once the gaming machines had gone, that the same number could not operate from the venue in the future.

Question Thirteen

Were other organisations such as the Police aware of this meeting?

Jarrold explained the notification process that was undertaken after receiving feedback from council staff.

Question Fourteen

What is the process after this meeting?

Jarrold explained the process for providing feedback, and welcomed feedback following the meeting.

Female person stated that she wanted the views of the residents reported direct to the council to make sure that the process was fair. She did not want their views being reported to the council through Jarrold or any other person.

Jarrold explained that a summary of the meeting and the general views from the meeting would be presented to council and copies of all the written feedback would be provided to council.

Michael Wemyss explained what a TAB Board Venue is. Michael explained that the NZRB only required consent when opening a TAB Board Venue.

Female person made it very clear that the community does not want any form of TAB.

Michael Wemyss advised the meeting that customer feedback was that they wanted a local TAB.

Female person said that she was into protest action, that she was not going to stand by and do nothing, then stated that any change to the TAB was not going to happen.

Female person said she was going to organise submissions in opposition and had a photocopier available for this purpose.

Female person asked if there was going to be another meeting.

Jarrold responded and said there would not be another meeting.

Male person asked if there was any proof of the consent from the owner at 227 Peachgrove Road, that they needed to see proof.

Female person went back to the impact alcohol and gambling had on the community.

Michael Wemyss explained about the gambling on lotto in comparison to race and sports betting.

Jarrold then concluded the formal presentation and invited everyone to stay for tea and coffee and to discuss the proposal one on one with the Harkness Henry and NZRB staff present.

The meeting concluded at 7.00pm and was followed by tea and coffee.

Jarrold, Michael Wemyss, Tim Burtenshaw, Simon Schofield, Neil and Norma Cubis made themselves available for any person wishing to discuss the matter further.

Summary of One on One Discussions

Discussion with Shaun (Shaun was with the Maori Women's Welfare League woman). His concern was the sinking lid policy and that if the NZRB took over that the sinking lid would not apply.

Discussion with Mrs Lofthouse. She was of the view that gaming machines were currently in place at the Mardon Road dairy and that this was causing great concern. Mrs Lofthouse said that she could not read the fine print on the leaflet even with her glasses. Mrs Lofthouse also talked in detail about the new development in Shakespeare Ave. She said that Enderley was built with Returned Servicemen from WWII. She said older men lived in the area with the existing population. The houses were simple with large sections. Now new houses were being put up.

Discussion with woman who sat in the front row. She said that by having it flasher that this would draw more people into it. She was concerned about the activities that took place in the carpark with drunks and kids being left in the car. She was also concerned about car parking as she wanted to do her shopping. She mentioned that she thought music would not be played if it was a TAB Board Venue. She took the view that the lack of music would result in people drinking more and gambling more. She said that she liked the music. This was confirmed by a man in a green singlet. He said that in his view consent had not been obtained from the owners of 229

Peachgrove Road and that the presenters were lying when they said they had obtained such consent. They (three people) reiterated that they did not want any gambling or drinking in the area.

Discussion with Heni (Maori woman with bun on her head). She was concerned about the consultation process. She said that only a few people had got the leaflets and there were people that wanted to come but could not come. She wanted a second meeting. She said that she knew the area and that the people did not want bars in their area.

Discussion with person who did not wish to be named. She said that the two women who were very vocal at the meeting were vocal on a lot of issues and participated in almost all the public meetings. She said that their views were not the views of everyone, despite them dominating the meeting.

Discussion with Hamish Milne from the DHB. Hamish did not take a stance on the proposal. He was supportive of the Women's community group and appeared to support them. He advised that the DHB had no particular policy on gambling and although it would encourage any reduction in gambling opportunities, it did not take any particular issue with the proposal if there was no change in volume. He noted that the DHB had provided input into the current council gambling and alcohol requirements and that those may have largely been accepted by council so he had not decided whether it was the place of the DHB to intervene now.

Discussions with representatives from the Women's community group. They were concerned about the consultation process and the harm that gambling and alcohol caused the community.

Discussion with a man who declined to provide his name (wearing a green basketball style top). He said he was uninterested in providing his specific comments on the changes. He said that his views were the same as those who were vocal during the meeting.

Discussion with Annie Williams. Annie was concerned with the drinking at the pub and said she wanted the pub gone altogether.

Jarrold True

From: Michael Wemyss <Michael.Wemyss@tab.co.nz>
Sent: Wednesday, 4 March 2015 9:44 AM
To: Jarrold True
Subject: FW: 5 Crossroads Sports Bar & Cafe

From: Philip Hassall [<mailto:philip.hassall@hamrad.co.nz>]
Sent: Wednesday, 4 March 2015 9:03 a.m.
To: Michael Wemyss
Subject: 5 Crossroads Sports Bar & Cafe

Dear Michael,

I was out of town when the mail drop regarding changes to ownership of the above bar and café.

I am supportive of the change of ownership.

I would support an increase in the TAB facility on site in preference to the bar and cafe.

regards

Philip Hassall
15 Bailey Avenue
Claudelands
Hamilton 3214
New Zealand

+64-21-901910
+64-7-8389585 DDI Business
+64-7-8558036 Home

This communication, including any attachments, is confidential. If you are not the intended recipient, any unauthorised use is expressly prohibited. Please contact me immediately, destroy it, and do not copy or use any part of this communication or disclose anything about it. It is your responsibility to check this email and any attachments for viruses or other harmful code before opening or sending on. Please note that this communication does not designate an information system for the purposes of the Electronic Transactions Act 2002. The content of this email does not infer an ongoing contract. Thank you.

Jarrold True

From: Michael Wemyss <Michael.Wemyss@tab.co.nz>
Sent: Friday, 27 February 2015 7:19 AM
To: Jarrod True
Subject: Fwd: Enderley Residents survey

Regards

Michael Wemyss
General Manager Gaming
TAB

Begin forwarded message:

From: Tony Dixon <tony.dixon@xtra.co.nz>
Date: 26 February 2015 5:37:26 pm NZDT
To: <Michael.Wemyss@tab.co.nz>
Subject: Enderley Residents survey

I do not object to the TAB tenancy and welcome NZRB providing TAB facilities without the need to enter licensed premises.

Tony Dixon
Resident
5 Bailey Ave
Enderley

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Jarrold True

From: Michael Wemyss <Michael.Wemyss@tab.co.nz>
Sent: Monday, 2 March 2015 8:55 AM
To: Jarrod True
Subject: FW: Five Cross Roads Sports Bar and TAB

-----Original Message-----

From: judith stevens [<mailto:nzjudith@hotmail.com>]
Sent: Sunday, 1 March 2015 5:48 p.m.
To: Michael Wemyss
Subject: Five Cross Roads Sports Bar and TAB

I would NOT object to the TAB tenancy change if there was no change in the level of sports and race betting available at 5 Crossroads Sports Bar and Cafe.

Sorry I won't attend in person, I find these meetings boring and pointless and held only to satisfy legal requirements

I do have a suggestion.

I have lived in this area for four years now and have been annoyed that this establishment has called itself a Sports Bar and Cafe. It has never been a cafe, and tea and coffee has not ever been made available for patrons. With the exception of the "Instant" variety.

I did make the mistake of entering the establishment and asking for an espresso coffee. The young lady behind the bar laughed her head off and said "I know it says Bar and Cafe but we don't sell coffee".

As an occasional patron of TABs and Pubs to play Pokies I would love coffee to be made available.

Regards

Judith Stevens
46 Orchard Ave
Enderley
Hamilton

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Feedback Form

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You can make your views known by:

Sending an email to: Michael.Wemyss@tab.co.nz

Sending a text message to: 027 200 5376

Posting a letter or this form to: Enderley Residents' Survey
C/- Harkness Henry
Private Bag 3077
Hamilton 3240

Delivering a letter or this form to: Harkness Henry
Level 8
KPMG Centre
85 Alexandra Street
Hamilton

You are welcome to express your views by completing the following:

- I would object to the TAB tenancy change if this resulted in an increase in the level of sports and race betting available at 5 Crossroads Sports Bar & Café. Tick
- I would not object to the TAB tenancy change if there was no change in the level of sports and race betting available at 5 Crossroads Sports Bar & Café.
- I would object to the TAB tenancy change in any circumstances (an increase, no change, or even if the change resulted in a decrease in the race and sports betting available).

My general comments on the proposal are:

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All written feedback must be received by 5pm 4 March 2015.

Feedback Form

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- | | |
|--|--|
| <ul style="list-style-type: none"> • I would object to the TAB tenancy change if this resulted in an increase in the level of sports and race betting available at 5 Crossroads Sports Bar & Café. • I would <u>not</u> object to the TAB tenancy change if there was no change in the level of sports and race betting available at 5 Crossroads Sports Bar & Café. • I would object to the TAB tenancy change in any circumstances (an increase, no change, or even if the change resulted in a decrease in the race and sports betting available). | <p>Tick</p> <p><input type="checkbox"/></p> <p><input checked="" type="checkbox"/></p> <p><input type="checkbox"/></p> |
|--|--|

My general comments on the proposal are:

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My general comments on the proposal are:

Seems unnecessary as no changes are proposed.

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My general comments on the proposal are:

this change for my littal Bar
 is only going to make this area
 better for myself and sons
 The state are the best for me.
 A better place for us.
 To spend our ~~2~~ ² of. While
 hegume time than eny other to be apart o
 Kenneth James Whitesid
 10D. ENDerly AVE Enderly.

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Feedback Form

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My general comments on the proposal are:

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I certainly wouldn't object to any improvement concerning this tavern. which is what, I hope is happening as its good for all.

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All written feedback must be received by 5pm 4 March 2015.

*B STATT
Hamilton East
Hamilton*

Feedback Form

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- I would object to the TAB tenancy change in any circumstances (an increase, no change, or even if the change resulted in a decrease in the race and sports betting available).

My general comments on the proposal are:

PATRON / PUNTER OF 3 YRS
~~K&B~~ NEVER SEEN ANY UNDERAGERS OR
 ANY TROUBLE. VERY FRIENDLY STAFF RESPONSIBLE
 AND RELABLE. MUCH RESPECT FOR PREMISES AND
 MANAGEMENT.
 NO PROBLEMS
 ALI TAHIRI ROTOTOMU

All written feedback must be received by 5pm 4 March 2015.

Feedback Form

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- I would object to the TAB tenancy change in any circumstances (an increase, no change, or even if the change resulted in a decrease in the race and sports betting available).

My general comments on the proposal are:

I have been coming to 5x Road Sports Bar for over 7 years. I have never seen people rolling out pub Drank. I find the 5x Road Sport Bar to be one of the clean and tidy Bar in Hamilton.

.....

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All written feedback must be received by 5pm 4 March 2015.

GAVIN CROSSMAN
Enderley

Feedback Form

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- I would object to the TAB tenancy change in any circumstances (an increase, no change, or even if the change resulted in a decrease in the race and sports betting available).

My general comments on the proposal are:

I AM " Happy to come to this
 I dont DRINK, the here treat me
 with respect regardless that I dont
 DRINK, I enjoy coming here to have
 bet and they respect me.

K. MOKE SEN MOKE,

All written feedback must be received by 5pm 4 March 2015.

Feedback Form

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- I would object to the TAB tenancy change in any circumstances (an increase, no change, or even if the change resulted in a decrease in the race and sports betting available).

My general comments on the proposal are:

I've been a customer for ~~over~~ seven years and its been pretty good

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13 Emerson Pl.
Enderley
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All written feedback must be received by 5pm 4 March 2015.

Feedback Form

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My general comments on the proposal are:

I live in Nanton I've been visting this Sports Bar for the last 14 years and find it to be a very friendly and enjoyable ~~the~~ place

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My general comments on the proposal are:

I am Happy about the way Sports Bar is run. And all the information that provided and great people that run and manage the Sport bar 5 Cros Roads.

William Kingi, 71 Marshall St
Hamilton

All written feedback must be received by 5pm 4 March 2015.

Enderley

Feedback Form

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- I would object to the TAB tenancy change in any circumstances (an increase, no change, or even if the change resulted in a decrease in the race and sports betting available).

My general comments on the proposal are:

I do not object to any improvements
 Never had any problems in the
 area with drunk people or
 inappropriate behavior.

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Julie Brassington
 Fairfield.

All written feedback must be received by 5pm 4 March 2015.

Feedback Form

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My general comments on the proposal are:

Any improvement must be good
 Pub is well managed
 It is my local

By hand
 29 WINTER ST
 HAMILTON.

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Feedback Form

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My general comments on the proposal are:

.....
No problem

great for community
as a whole

L. Water
D. Smith

Claudehords

All written feedback must be received by 5pm 4 March 2015.

Marita Enderley

Feedback Form

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My general comments on the proposal are:

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All written feedback must be received by 5pm 4 March 2015.

*Christine
Enderley*

Feedback Form

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My general comments on the proposal are:

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My general comments on the proposal are:

Stephen Wallbank
 S. Livedale.
 At All Road

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Feedback Form

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Hamilton 3240
- Delivering a letter or this form to: Harkness Henry
Level 8
KPMG Centre
85 Alexandra Street
Hamilton

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- I would object to the TAB tenancy change if this resulted in an increase in the level of sports and race betting available at 5 Crossroads Sports Bar & Café. Tick
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- I would object to the TAB tenancy change in any circumstances (an increase, no change, or even if the change resulted in a decrease in the race and sports betting available).

My general comments on the proposal are:

it will be a big improvement with more room to move so we can enjoy our time at the TAB.

[Signature]
Queenwood.

All written feedback must be received by 5pm 4 March 2015.

Feedback Form

The views of Enderley residents on the change of designation of the venue to a formal TAB Board Venue are sought because the venue is not within a formal gambling permitted area under council's policy and its principal entrance is less than 50m from land zoned residential. The proposal therefore requires council to make an exemption to its existing policy.

You can make your views known by:

- Sending an email to: Michael.Wemyss@tab.co.nz
- Sending a text message to: 027 200 5376
- Posting a letter or this form to: Enderley Residents' Survey
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My general comments on the proposal are:

This is a good ideal and it would be very good if it happened. Its a great place that alot of people come here to enjoy - its needs to be a lot bigger for the T.A.B room, so rocking down the wall makes sense. ☺

All written feedback must be received by 5pm 4 March 2015.

*Hark Cossey
Woodstock
Hamilton*

Feedback Form

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*Richard DOWNSKI
8 KIMIOKA CLOSE
FAIRVIEW DOWNS*

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- I would object to the TAB tenancy change in any circumstances (an increase, no change, or even if the change resulted in a decrease in the race and sports betting available).

My general comments on the proposal are:

This is a sound idea, the place is too small and is overcrowded most times. I enjoy my local for a drink & a wager and would appreciate more affordable conditions to enjoy my leisure time.

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Feedback Form

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My general comments on the proposal are:

View is too small
to be craned ie fire hazard

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13 Erika place Birnie Downs

[Signature]

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Feedback Form

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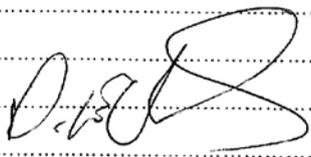
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- I would object to the TAB tenancy change in any circumstances (an increase, no change, or even if the change resulted in a decrease in the race and sports betting available).

My general comments on the proposal are:

IT WOULD MAKE SENSE TO MAKE
IT BIGGER TO GIVE PEOPLE
MORE SPACE TO RELAX!



All written feedback must be received by 5pm 4 March 2015.

Feedback Form

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- I would object to the TAB tenancy change in any circumstances (an increase, no change, or even if the change resulted in a decrease in the race and sports betting available).

My general comments on the proposal are:

's great place to come and relax

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All written feedback must be received by 5pm 4 March 2015.

Danny Aron
Farfield

Feedback Form

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- I would object to the TAB tenancy change in any circumstances (an increase, no change, or even if the change resulted in a decrease in the race and sports betting available).

My general comments on the proposal are:

I THINK ITS A GOOD IDEA FOR CUSTOMERS
IF MORE ROOM IS NEEDED.

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All written feedback must be received by 5pm 4 March 2015.

J.W. Myer
FLAGSTAFF

Feedback Form

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- I would object to the TAB tenancy change in any circumstances (an increase, no change, or even if the change resulted in a decrease in the race and sports betting available).

My general comments on the proposal are:

Never had any issues, always friendly.

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Bevan.

All written feedback must be received by 5pm 4 March 2015.

Clarelands,

Feedback Form

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My general comments on the proposal are:

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Ray Williams
(ENDERLEY)

All written feedback must be received by 5pm 4 March 2015.

Feedback Form

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My general comments on the proposal are:

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Hamilton

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- | | |
|--|-------------------------------------|
| | Tick |
| • I would object to the TAB tenancy change if this resulted in an increase in the level of sports and race betting available at 5 Crossroads Sports Bar & Café. | <input type="checkbox"/> |
| • I would <u>not</u> object to the TAB tenancy change if there was no change in the level of sports and race betting available at 5 Crossroads Sports Bar & Café. | <input checked="" type="checkbox"/> |
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My general comments on the proposal are:

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- I would object to the TAB tenancy change in any circumstances (an increase, no change, or even if the change resulted in a decrease in the race and sports betting available).

My general comments on the proposal are:

.....
 DW + C M Brown
 27 Fifth Avenue
 Hamilton 3214

All written feedback must be received by 5pm 4 March 2015.



4th March 2015

To whom it may concern:

Proposed Change of Five Cross Roads Pub TAB to a NZ Racing Board TAB Board Site

As licensee of the said premises I wish to dispute various claims made at the Enderley Community Centre meeting on the 2nd March 2015. Many were completely inaccurate and I have listed below the facts.

My best estimate is that less than 5% of alcohol sold in the area is purchased at our premises. This is backed up by the fact that there are in excess of twelve outlets in the nearby area. The bottle shop/supermarkets totally dominate alcohol sales. Crossroads Sports Bar is an ON Licence holder ONLY and cannot and does not sell alcohol for consumption outside of the premises. Off Licence purchases are then consumed in households or at parties in an uncontrolled environment in the local area. This can easily be seen by touring the area on a Tuesday morning and seeing the vast quantity of empty cans and bottles out for recycling. The TOTAL beer sales per week at our outlet is only 8-10 kegs.

The sale of alcohol from off licences has grown considerably and as shown it is easy to see why.

Bottle Shop/Supermarket 24 bottles of Tui \$30.00

Our Outlet \$120.00

This creates a major problem with preloading but the ON licences are the businesses being blamed.

Our outlet has NEVER advertised in newspapers or social media except for our 3 per year Karaoke competitions. Regular full page advertising is in the local free papers with alcohol at very low price levels from local off licences. Our onsite RTD sales are now minimal.

Our staff are all trained and licenced with manager certificates and handle any problems to their best ability. We do not tolerate abusive or drunken behaviour and have banned any such persons.

Having been licensee for 9 years we are on first name terms with many patrons and often give them rides home free of charge.

Interestingly with have virtually NO young patrons. The average age would be approximately 35 years old.

A large percentage of our customers come from outside the Enderley precinct. This can be seen by the questionnaire replies.

We were accused of creating the rubbish pile of empties on the roadside at Enderley Community centre. *Please find a photograph attached.* Our outlet cannot and DOES NOT sell product for consumption off the premises. Surely the local community can clean up this disgusting area.

GAMING

We are limited to nine Gaming machines.

All staff are fully trained and have passed Harm Minimisation Courses. We are very strict with regard to both potential problem gamblers and underage persons. We also receive MVE details from other outlets to remove registered problem gambling patrons.

We have seen many of our casual patrons at other nearby gaming outlets. Patrons definitely move around venues including Casino visits.

Many of our gaming patrons do not drink alcohol on the premises

TAB

The TAB is an integral part of most sports bars in New Zealand. Once again all staff have attended harm minimisation courses.

The average transaction is approximately \$6.00 (less than most lotto and scratch card purchases).

The majority of our customers are weekend visitors only and many do not drink alcohol

PARKING

We were told it is our fault no parking is available. This is completely untrue.

The parking is controlled by Colliers International and car parks are privately owned.

Parking Enforcement Services also patrol the 2 hour time limit.

There is ample parking during the peak hours of the bar trading.

In summary all of the above statements have NO effect on the proposed change of lessee, however I felt it necessary to correct many of the unsubstantiated statements from the meeting.

We are planning NO changes to the outlet other than modernisation. There will be no change of trading hours which are only 10.30pm Sunday thru Thursday and 12 midnight on Friday and Saturday. Most Sundays to Tuesdays we are closed by 8.00pm and even Saturdays we are normally closed by 9.30pm. Hardly a booze barn.

All management and staff will be retained.

Yours truly



Neil Cubis

Director NZ Sports Cafes Ltd t/a Crossroads Sports Bar and Cafe



Jarrold True

From: Marama Kuru <Marama@terunanga.org.nz>
Sent: Wednesday, 4 March 2015 4:12 PM
To: Michael Wemyss
Cc: Melisa Fotu; kylie.bryant@waikatodhb.health.nz
Subject: Feed Back Forms for TAB
Attachments: Feedback Forms for TAB.pdf

Hi there,

Here are some feedback forms that I have collected back from my workplace.

Thank you
Marama Kuru ☺

Marama Kuru

Youth Coach
Whai Marama Youth Services
Te Runanga o Kirikiriroa
PO BOX 19165
59 Higgins Rd
Frankton
Hamilton
(07) 846-1042
0800 SUSSED (787733)

This email message and any Accompanying data may contain information that is confidential and subject to legal privilege. If you are not the intended recipient you are hereby notified that any use, dissemination, distribution or copying of this message or data is prohibited. If you have received this email in error please notify us immediately and erase all copies of the message and any attachments. Thank you.

To comply with the Unsolicited Email Messages Act 2007, if you do not wish to receive emails from Whai Marama Youth Services (WMYS) in the future please reply to this email asking WMYS to cease sending all emails.

Feedback Form

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Level 8
KPMG Centre
85 Alexandra Street
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My general comments on the proposal are:

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My general comments on the proposal are:

Don't have any gambling resources in this area. Take it away!

All written feedback must be received by 5pm 4 March 2015.

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My general comments on the proposal are:

My Whararau and I would not like this in Enderley

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My general comments on the proposal are:

Too close to residents.

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Tick

My general comments on the proposal are:

NO TO TAB!!!

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Feedback Form

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You can make your views known by:

- Sending an email to: Michael.Wemyss@tab.co.nz
- Sending a text message to: 027 200 5376
- Posting a letter or this form to: Enderley Residents' Survey
C/- Harkness Henry
Private Bag 3077
Hamilton 3240
- Delivering a letter or this form to: Harkness Henry
Level 8
KPMG Centre
85 Alexandra Street
Hamilton

You are welcome to express your views by completing the following:

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- I would object to the TAB tenancy change in any circumstances (an increase, no change, or even if the change resulted in a decrease in the race and sports betting available).

My general comments on the proposal are:

TAB will increase temptation for those who have gambling/ alcohol addiction.

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My general comments on the proposal are:

Having TAB tenancy in areas that already have low socio-economic disparities will only increase temptation for those who can not afford to gamble. Move to some other area away from those who are already struggling.

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My general comments on the proposal are:

Having any type of gambling venue
in our communities is not the way
for our whanau, we want to better
their situations and support making
the best decisions for their future.

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Tick

My general comments on the proposal are:

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My general comments on the proposal are:

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My general comments on the proposal are:

I do not support gambling establishments anywhere. Especially in a community that is predominantly low income beneficiary people

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My general comments on the proposal are:

I do not support gambling establishments and I think they do more harm to the community than good.

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My general comments on the proposal are:

Encouraging gambling in low income areas is stupid.

Take it to a high income area like Rotorua, Auckland-Ponsonby

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All written feedback must be received by 5pm 4 March 2015.

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My general comments on the proposal are:

If TAB is in the community it has the potential to escalate the gambling and alcohol outlets.

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My general comments on the proposal are:

• We dont need another TAB
within the community
Take it to Rotorua!!!!

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My general comments on the proposal are:

I object because it will not be right for the community.

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My general comments on the proposal are:

I'm not a supporter of gambling in general because of the negative effects on many of our whānau.

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My general comments on the proposal are:

*Current entity is fine but oppose
to increased control by TAB*

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My general comments on the proposal are:

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My general comments on the proposal are:

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 TABS will be in breach of
 current council policy, therefore
 the proposal should be denied.

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Tick

My general comments on the proposal are:

I would strongly object to this move.

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- | | Tick |
|--|-------------------------------------|
| • I would object to the TAB tenancy change if this resulted in an increase in the level of sports and race betting available at 5 Crossroads Sports Bar & Café. | <input type="checkbox"/> |
| • I would <u>not</u> object to the TAB tenancy change if there was no change in the level of sports and race betting available at 5 Crossroads Sports Bar & Café. | <input type="checkbox"/> |
| • I would object to the TAB tenancy change in any circumstances (an increase, no change, or even if the change resulted in a decrease in the race and sports betting available). | <input checked="" type="checkbox"/> |

My general comments on the proposal are:

I would like to encourage the Hamilton City Council reviews all TAB's in our community. I believe they should be classed as type four gambling. Further gambling impacts more than 50 miles. Gambling is pervasive and people will travel to gamble. Gambling impacts our psychological well beings. It is an addiction which impacts on the individual, family, and community.

I believe the current Hamilton City Council policy regarding land zoned residential and monitoring should remain intact.

All written feedback must be received by 5pm 4 March 2015.

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My general comments on the proposal are:

The current Hamilton City policy regarding land zoned residential & monitoring should be upheld & reviewed, including all TAB being classified as Class 4 gambling

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- Posting a letter or this form to: Enderley Residents' Survey
C/- Harkness Henry
Private Bag 3077
Hamilton 3240
- Delivering a letter or this form to: Harkness Henry
Level 8
KPMG Centre
85 Alexandra Street
Hamilton

You are welcome to express your views by completing the following:

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- I would object to the TAB tenancy change in any circumstances (an increase, no change, or even if the change resulted in a decrease in the race and sports betting available).

My general comments on the proposal are:

① the current policy Hamilton city regarding land zoned residential monitoring should remain in -bet
classified

② All TAB should be class 4 gambling

All written feedback must be received by 5pm 4 March 2015.

Feedback Form

The views of Enderley residents on the change of designation of the venue to a formal TAB Board Venue are sought because the venue is not within a formal gambling permitted area under council's policy and its principal entrance is less than 50m from land zoned residential. The proposal therefore requires council to make an exemption to its existing policy.

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My general comments on the proposal are:

I would like to uphold the current Hamilton City Council policy regarding land zoned residential & monitoring. All TAB's should be classified as class 4 gambling.

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All written feedback must be received by 5pm 4 March 2015.

Feedback Form

The views of Enderley residents on the change of designation of the venue to a formal TAB Board Venue are sought because the venue is not within a formal gambling permitted area under council's policy and its principal entrance is less than 50m from land zoned residential. The proposal therefore requires council to make an exemption to its existing policy.

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- | | |
|--|----------------------------------|
| • I would object to the TAB tenancy change if this resulted in an increase in the level of sports and race betting available at 5 Crossroads Sports Bar & Café. | Tick
<input type="checkbox"/> |
| • I would <u>not</u> object to the TAB tenancy change if there was no change in the level of sports and race betting available at 5 Crossroads Sports Bar & Café. | <input type="checkbox"/> |
| • I would object to the TAB tenancy change in any circumstances (an increase, no change, or even if the change resulted in a decrease in the race and sports betting available). | <input type="checkbox"/> |

My general comments on the proposal are:

The current Hamilton City policy regarding land residential and monitoring, should remain in tact

All TAB's should be Classified Class A gambling.

This community can not afford to spend more & more money without an ↑ in poverty

All written feedback must be received by 5pm 4 March 2015.

Feedback Form

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My general comments on the proposal are:

* All TAB to be under the
 Classified Class 4 Gambling
 * 50 metre zone extended
 to 150 metres.

All written feedback must be received by 5pm 4 March 2015.

Feedback Form

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My general comments on the proposal are:

Support the residency int
to support

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Feedback Form

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My general comments on the proposal are:

The current Hamilton City policy regarding land zoned residential and Maniototo should remain in tact. All TAB should be class 4 gambling.

See Hart - on 8894446.
I work in the Enderley Area.

All written feedback must be received by 5pm 4 March 2015.

Feedback Form

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- I would object to the TAB tenancy change in any circumstances (an increase, no change, or even if the change resulted in a decrease in the race and sports betting available).

My general comments on the proposal are:

The Current Hamilton City Policy regarding
Land Zoned residential + monitoring
should remain in tact.
All TABs should be ^{classified} under class 4
gambling.

RAYMOND MITAERE R. Mitaere - 2/3/15.
All written feedback must be received by 5pm 4 March 2015.

Feedback Form

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My general comments on the proposal are:

The current policy regarding the land-zoned residential & monitoring should remain in fact. Under the All T.A.B.'s should be classified as 'Class 4' gambling.

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All written feedback must be received by 5pm 4 March 2015.

Feedback Form

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My general comments on the proposal are:

The current Hamilton City Council Policy regarding land zoned residential & monitoring should remain intact. All TAB should be class.ified ~~as~~ under 'Class A' gambling

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Feedback Form

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My general comments on the proposal are:

The current Hamilton City Council policy regarding land zoned residential monitoring, should remain intact. All TABs should be classified as Class 4 gambling.

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All written feedback must be received by 5pm 4 March 2015.

Feedback Form

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- I would object to the TAB tenancy change in any circumstances (an increase, no change, or even if the change resulted in a decrease in the race and sports betting available).

My general comments on the proposal are:

That the current ~~policy~~ Hamilton City Policy
 regarding land zoned residential + Monitoring
 should ~~remain~~ be upheld, remain intact.
 All TAB's should be under Class 4 gambling.

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All written feedback must be received by 5pm 4 March 2015.

Feedback Form

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- I would object to the TAB tenancy change in any circumstances (an increase, no change, or even if the change resulted in a decrease in the race and sports betting available).

My general comments on the proposal are:

The current Hamilton City Council Policy regarding land zoned residential and monitoring should remain intact.
 all TABs should be classified as class 4 gambling

Y. Williams

All written feedback must be received by 5pm 4 March 2015.

Feedback Form

The views of Enderley residents on the change of designation of the venue to a formal TAB Board Venue are sought because the venue is not within a formal gambling permitted area under council's policy and its principal entrance is less than 50m from land zoned residential. The proposal therefore requires council to make an exemption to its existing policy.

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- I would object to the TAB tenancy change in any circumstances (an increase, no change, or even if the change resulted in a decrease in the race and sports betting available).

My general comments on the proposal are:

I support the current ~~policy~~ policy & TAB be brought under class 4 gambling act.

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Feedback Form

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Denise Kingi 
21/3/15

My general comments on the proposal are:

The current Hamilton City policy regarding land zoned residential & monitoring should remain ~~intact~~ intact in fact.

~~We want to update the current terms~~

All TAB's should be class 4 gambling.

All written feedback must be received by 5pm 4 March 2015.

Feedback Form

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- I would object to the TAB tenancy change in any circumstances (an increase, no change, or even if the change resulted in a decrease in the race and sports betting available).

My general comments on the proposal are:

The current policy Hamilton City policy regarding land zoned residential and monitoring would remain in tact.
 All TABs should be classified as class 4 gambling.

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All written feedback must be received by 5pm 4 March 2015.

Feedback Form

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- I would object to the TAB tenancy change in any circumstances (an increase, no change, or even if the change resulted in a decrease in the race and sports betting available).

My general comments on the proposal are:

The current Hamilton city policy regarding land zoned residential and maritime would remain intact.

All TABs should be classified as class 4 gambling.

All written feedback must be received by 5pm 4 March 2015.

Feedback Form

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- I would object to the TAB tenancy change in any circumstances (an increase, no change, or even if the change resulted in a decrease in the race and sports betting available).

My general comments on the proposal are:

The current Hamilton City policy regarding land zoned residential and gaming should remain intact.

All TAB's should be classified as class 4 gambling.

All written feedback must be received by 5pm 4 March 2015.

Feedback Form

The views of Enderley residents on the change of designation of the venue to a formal TAB Board Venue are sought because the venue is not within a formal gambling permitted area under council's policy and its principal entrance is less than 50m from land zoned residential. The proposal therefore requires council to make an exemption to its existing policy.

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My general comments on the proposal are:

The current Hamilton City policy regarding land zoned residential and gaming should remain in fact and all TAB's should be classified as class 4 gambling

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All written feedback must be received by 5pm 4 March 2015.

Feedback Form

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My general comments on the proposal are:

The current Hamilton City policy regarding land zone residential & monitoring should remain in fact and up held.

All local gambling policy be reviewed.

All TAB's should be classed as class 4 gambling.

All written feedback must be received by 5pm 4 March 2015.

Feedback Form

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My general comments on the proposal are:

The current Hamilton City policy regarding land zoned residential and mandatory and should ~~be~~ remain in fact.
 All TAB'S should be classified as Class 4 Gambling.

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All written feedback must be received by 5pm 4 March 2015.

Feedback Form

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Alison Bury
02/03/15

My general comments on the proposal are:

Hamilton City
That the current policy to the Land owned policy (zoned residential + monitoring) should remain intact.

Uphold the current Policy.
all TABS should be class 4 gambling

All written feedback must be received by 5pm 4 March 2015.

Feedback Form

The views of Enderley residents on the change of designation of the venue to a formal TAB Board Venue are sought because the venue is not within a formal gambling permitted area under council's policy and its principal entrance is less than 50m from land zoned residential. The proposal therefore requires council to make an exemption to its existing policy.

You can make your views known by:

- Sending an email to: Michael.Wemyss@tab.co.nz
- Sending a text message to: 027 200 5376
- Posting a letter or this form to: Enderley Residents' Survey
C/- Harkness Henry
Private Bag 3077
Hamilton 3240
- Delivering a letter or this form to: Harkness Henry
Level 8
KPMG Centre
85 Alexandra Street
Hamilton

You are welcome to express your views by completing the following:

- I would object to the TAB tenancy change if this resulted in an increase in the level of sports and race betting available at 5 Crossroads Sports Bar & Café. Tick
- I would not object to the TAB tenancy change if there was no change in the level of sports and race betting available at 5 Crossroads Sports Bar & Café.
- I would object to the TAB tenancy change in any circumstances (an increase, no change, or even if the change resulted in a decrease in the race and sports betting available).

My general comments on the proposal are:

The current Hamilton City policy regarding land zoned residential & monitoring & should be remain in tact.
All TABs should be classified as class 4 gambling.

All written feedback must be received by 5pm 4 March 2015.

Feedback Form

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My general comments on the proposal are:

The current HCC policy regarding land zoned residential + monitoring should continue.
 All TAB's should be classified class 1 gambling.

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Feedback Form

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My general comments on the proposal are:

The current Hamilton City policy regarding land zoned residential and monitoring and should be remain in fact ALL TAB's should be classified as class 4 gambling.

BKDKO 2/03/15

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- I would object to the TAB tenancy change in any circumstances (an increase, no change, or even if the change resulted in a decrease in the race and sports betting available).

My general comments on the proposal are:

I object to any TAB gambling in residential areas within this general position in particular - I object to any change in current operation other than any reduction.

All written feedback must be received by 5pm 4 March 2015.

Feedback Form

The views of Enderley residents on the change of designation of the venue to a formal TAB Board Venue are sought because the venue is not within a formal gambling permitted area under council's policy and its principal entrance is less than 50m from land zoned residential. The proposal therefore requires council to make an exemption to its existing policy.

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|--|-------------------------------------|
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My general comments on the proposal are:

A Meeting held at the Enderley Community Centre, Monday evening 2nd March, at Tennyson Road, Hamilton. The evening was attended by about 12 residents, some not formally notified, others received a letter but drop. The meeting was not formally chaired or presided over by a chair person which does not legally seem a formally heard Meeting. There was not an even representation due to the lack of notification to residents. There was a strong vocal objection to the proposed operation with regard to entering into a new lease for the tenant. This matter must be justifiably attended to.

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Feedback Form

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My general comments on the proposal are: Ruoka Meeting

The Negotiations were well highlighted.
 No other shop owners/tenants appeared to be present which suggests that the claims of carpark activities were exaggerated.
 I sympathise with the objectors' concerns especially as to any negative impact which may result at the planned Enderley re-development.

Debbie Henry
 3.3.15

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My general comments on the proposal are:

We don't need another particular such as a T.A.B. our community is already seen as a poverty stricken area. Don't put a T.A.B. in our community to take what little finance we have left.

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All written feedback must be received by 5pm 4 March 2015.

Feedback Form

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My general comments on the proposal are:

*Why need another TAB its
just making the community more
dangerous to more gambling
and drinking.*

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All written feedback must be received by 5pm 4 March 2015.

Feedback Form

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My general comments on the proposal are:

*Why do we need two TABS
when the money should be
put into ~~the~~ community positives
for youth etc*

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All written feedback must be received by 5pm 4 March 2015.

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My general comments on the proposal are:

I would prefer if the council would review policy around gambling especially under class 4. Our community does not need ^{another} big board ^{gamble} with gambling as their over arching goal available ~~to~~ to whanau in the area as it impacts negatively on my own whanau



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My general comments on the proposal are:

I would like Hamilton City Council and those other agencies such as DIA who are responsible ~~of~~ for the monitoring and distribution of community funding from gambling to come together and discuss & review the legislation and policies which apply to gambling.

If there are to be no new pokie venues then the same should apply to TAB board venues.

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My general comments on the proposal are:

The Council's policy states that the venue is not within a formal gambling permitted area - the entrance is too close to residential areas.

This policy was set for a reason - the council should stick by that. If they don't then such policies will be seen as a nonsense - vulnerable to future challenges.

All written feedback must be received by 5pm 4 March 2015.

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My general comments on the proposal are:

I object to the TAB all together. Gambling doesn't do any good in our community it just breaks up family and ruins lives. We don't need it.

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All written feedback must be received by 5pm 4 March 2015.

Feedback Form

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|--|---|
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<input type="checkbox"/>

<input type="checkbox"/>

<input checked="" type="checkbox"/> |
|--|---|

My general comments on the proposal are:

- Consultation for residents was not carried out well. Less than 3000 flyers were dropped between 7 & 5 days prior to meeting
- Michael Wemyss stated that Enderley is a strategic location and they will be closing other venues in lower deprivation areas to grow their customer base in Enderley which is a high deprivation area

• Council policy should be upheld to stop this application

All written feedback must be received by 5pm 4 March 2015. By NZRB.

• This form is misleading as the first table state increase when you can not increase - so option is null and void P.T.O

• Both ^{options} questions 1 & 2 pretty much say the same thing but with different words

↳ if there is no charge I support NZRB to fake tenancy

Jarrold True

From: Donald Hamer <don.denise@hotmail.co.nz>
Sent: Wednesday, 25 February 2015 1:18 PM
To: Michael Wemyss
Subject: Feedback re 5 Crossroads sports bar

Michal re Sports bar Enderley on your flier

1 You should have at least allowed an extra week for the closing date.

2 I would object to the TAB tenancy change if this resulted in an increase etc as stated on your flier.

3 I would object to the TAB tenancy in any circumstances as stated on your flier.

4 COMMENTS:

We don't need any shops selling alcohol/or betting in our small shopping area.

5 The shop is not complying with City Council regulations

6 Customers mainly on a Saturday night (but also on other nights) often inebriated, and occasionally fighting amongst themselves, leave empty or partially full bottles and other debris on our berm. Sometimes the bottles have been broken, and left and lying on the grass. Every week we hear yelling coming from the rear of the shop.

7 We believe that the shop is too close to our residential area.

Don and Denise Hamer
13a Enderley Avenue.
Hamilton

Feedback Form

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My general comments on the proposal are:

M. Wemyss

.....

51 A. Claude St.

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.....

All written feedback must be received by 5pm 4 March 2015.

Jarrold True

From: Michael Wemyss <Michael.Wemyss@tab.co.nz>
Sent: Wednesday, 4 March 2015 4:55 PM
To: Jarrold True
Subject: FW: OBJECT TO NZRB TAB PROPOSAL

From: Fan Johnson [<mailto:manutiwaiwaka@hotmail.com>]
Sent: Wednesday, 4 March 2015 4:35 p.m.
To: Michael Wemyss
Subject: OBJECT TO NZRB TAB PROPOSAL

Tena koe Michael

The following are my objections:

1 The community consultation process from the outset was flawed:

The majority of households in particular Maori & Pacific Island families living 1km in the catchment area from 5 Crossroads Sports Bar & Cafe - did not get a mail box notice.

You reported 2,300 notices were delivered to all permitted households however since the meeting to canvas the catchment area no evidence of this was sited, except one elderly resident who commented:

'that must have been that tiny bit of paper I couldn't read which I threw away instead'

Had illegible residents received the Notice the meeting would have been in full attendance instead of a mere 20 people.

I believe the process of consultation from the outset was flawed and as a result the community have been denied the opportunity to attend and have a say at a meeting supposedly set up for them therefore, due process to ensure this was to happen, did not happen.

The mail box Notice was also not clearly indicated and/or presented by you and neither was it requested for, by those present - to view.

2 Request for a formal TAB Board Venue must never be allowed within a formal gambling permitted area and I support Hamilton City Council Policy that reflects exactly that.

Again residents have been denied the opportunity to express their views here as they would have been strongly against your Proposal as I am.

3 The social impact from this Proposal upon local families in Enderley - including under-funded social agencies, staff & volunteers struggling in their efforts 24/7 to curb drinking, gambling & family violence in

place of a better life for all - would be damaging and morally wrong in an environment already highly deprived, if the Proposal were to go ahead.

I OBJECT TO THE NEW ZEALAND RACING BOARD TAKING OVER THE LEASE AND REQUEST THEY EXPLORE THE OTHER TWO OPTIONS INDICATED BY THEM AT THE PUBLIC MEETING.

IF THE PROPOSAL IS APPROVED IT WOULD TAKE A MUCH GREATER EFFORT BY THE COMMUNITY AT LARGE TO MOVE THEM ON, WHICH IN THE END, WE WOULD NOT SUCCEED & SO THIS IS WHY WE MUST NOT HAVE THEM IN OUR COMMUNITY FROM THE START - WHICH RIGHT NOW.

THIS IS THE ONE & ONLY FORUM TO HAVE MY OBJECTION ADDRESSED FOR THE BENEFIT OF MY COMMUNITY & FAMILIES' OF ENDERLEY.

NZRB YOU ARE NOT WELCOME GO HOME.

Annie Williams & Anaru Williams

6 Keats Crescent
Enderley
Hamilton
P: 8553792
C: 0212024348
E: manutiwaiwaka@hotmail.com
E: arapua@hotmail.com

This communication, including any attachments, is confidential. If you are not the intended recipient, any unauthorised use is expressly prohibited. Please contact me immediately, destroy it, and do not copy or use any part of this communication or disclose anything about it. It is your responsibility to check this email and any attachments for viruses or other harmful code before opening or sending on. Please note that this communication does not designate an information system for the purposes of the Electronic Transactions Act 2002. The content of this email does not infer an ongoing contract. Thank you.



SUBMISSION ON:

Proposed change of ownership of Five Crossroads Sports Bar and TAB February 2015

1. Introduction

- 1.1. The Waikato District Health Board (Waikato DHB) serves a population of more than 360,270 people within 10 territorial authorities and two regional councils, stretching from the northern tip of Coromandel Peninsula to south of National Park and from Raglan and Awakino in the west to Waihi in the east. About 21% of its population lives in rural areas (NZ Census 2006).
- 1.2. The Waikato DHB has five hospitals and two continuing care facilities; community services, older persons and rehabilitation service, population health service and mental health and addiction services (collectively known as its provider arm Health Waikato). It directly employs around 6083 doctors, nurses, allied health professionals and support staff.
- 1.3. The Waikato DHB also funds and monitors (through contracts) a large number of other health and disability services that are delivered by independent providers such as GPs and practice nurses, rest homes, community laboratories, dentists, iwi health services, Pacific peoples' health services, and many other non-government organisations and agencies.
- 1.4. The Waikato DHB is extensively engaged in providing services in the region both directly through the provider wing of the organisation and indirectly through other providers. These include personal health services and public health or population based health services
- 1.5. Waikato DHB Population Health is focused on providing early intervention services that improve, promote and protect the health of population groups within the Waikato DHB region.

2. Acknowledgement

2.1. Thank you for the opportunity to comment on the proposed change of ownership of Five Crossroads Sports Bar and TAB. The following comments are provided:

3. Submission

3.1 Population Health **objects** to the proposed TAB tenancy change in all circumstances.

3.2 Population Health **supports** Hamilton City Council in **opposing** the proposed change of the ownership of Five Crossroads Sports Bar and TAB. The change of tenancy will result in the venue falling within the definition of a formal TAB Board Venue. Consent is required by Council for the NZ Racing Board to operate the premises under the Board (T.A.B) Venue Policy.

3.3 Population Health notes that under the Board (T.A.B) Venue Policy, the **venue sits outside the gambling permitted area** and breaches 5.3(iii) Hamilton City Council's Board (T.A.B.) Venue Policy *the principal entrance of the venue premises shall not be located closer than 50meters (in a straight line) to any residentially zoned or community facilities zoned land.*

3.4 Population Health would support Council in **opposing** consent on these grounds and **supports** an early review of both the Board (T.A.B.) Venue Policy and the Class 4 Gambling Venue Policy to prevent this type of situation occurring again, with the following changes:

3.3.1 Board (T.A.B.) Venue Policy

3.3.1.1 Population Health **advocates** Hamilton City Council consider a '*no further board venues be established in Hamilton city/district*' policy stance.

3.3.2 Class 4 Gambling Venue Policy

3.3.2.1 Population Health **advocates** Hamilton City Council consider a '*no further class 4 gambling venues be established in Hamilton city/district*' policy stance.

3.4 Key Points

3.4.1 Population Health continues to **oppose** all clauses in the current Class 4 Gambling Venues Policy (5.1 and 5.2) that allow for relocation and/or two or more private clubs

to merge and consolidate their gambling machines at a single (and potentially new) venue and/or where an existing venue is in the process of applying for a new venue consent.

3.4.2 Neither *merging* nor *relocation* is consistent with a sinking-lid policy. It does not prevent the growth of class 4 gambling nor does it mitigate the harm caused by gambling over time.

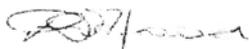
3.5 Population Health supports Council in demonstrating leadership and using its statutory ability to reduce the adverse effects of gambling on the community over time.

4 Contact details

Any comments on this submission or requests for further information can be addressed to:

Dr Dell Hood
Medical Officer of Health
Population Health, Waikato District Health Board
PO Box 595
Hamilton

Population Health does not wish to be heard in support of this submission.



T: 07 8382569
E: dell.hood@waikatodhb.health.nz



SUBMISSION ON:

Proposed change of ownership of Five Crossroads Sports Bar and TAB February 2015

1. Introduction

- 1.1. The Waikato District Health Board (Waikato DHB) serves a population of more than 360,270 people within 10 territorial authorities and two regional councils, stretching from the northern tip of Coromandel Peninsula to south of National Park and from Raglan and Awakino in the west to Waihi in the east. About 21% of its population lives in rural areas (NZ Census 2006).
- 1.2. The Waikato DHB has five hospitals and two continuing care facilities; community services, older persons and rehabilitation service, population health service and mental health and addiction services (collectively known as its provider arm Health Waikato). It directly employs around 6083 doctors, nurses, allied health professionals and support staff.
- 1.3. The Waikato DHB also funds and monitors (through contracts) a large number of other health and disability services that are delivered by independent providers such as GPs and practice nurses, rest homes, community laboratories, dentists, iwi health services, Pacific peoples' health services, and many other non-government organisations and agencies.
- 1.4. The Waikato DHB is extensively engaged in providing services in the region both directly through the provider wing of the organisation and indirectly through other providers. These include personal health services and public health or population based health services
- 1.5. Waikato DHB Population Health is focused on providing early intervention services that improve, promote and protect the health of population groups within the Waikato DHB region.

2. Acknowledgement

- 2.1. Thank you for the opportunity to comment on the proposed change of ownership of Five Crossroads Sports Bar and TAB. The following comments are provided:

3. Submission

3.1 Population Health supports Hamilton City Council in opposing the proposed change of the ownership of Five Crossroads Sports Bar and TAB. The change of tenancy will result in the venue falling within the definition of a formal TAB Board Venue. Consent is required by Council for the NZ Racing Board to operate the premises under the Board (T.A.B) Venue Policy.

3.2 Population Health notes that under the Board (T.A.B) Venue Policy, the venue sits outside the gambling permitted area and breaches 5.3(iii) Hamilton City Council's Board (T.A.B.) Venue Policy *the principal entrance of the venue premises shall not be located closer than 50meters (in a straight line) to any residentially zoned or community facilities zoned land.*

3.3 Population Health would support Council in opposing consent on these grounds and supports an early review of both the Board (T.A.B.) Venue Policy and the Class 4 Gambling Venue Policy to prevent this type of situation occurring again, with the following changes:

3.3.1 Board (T.A.B.) Venue Policy

3.3.1.1 Population Health advocates Hamilton City Council consider a '*no further board venues be established in Hamilton city/district*' policy stance.

3.3.2 Class 4 Gambling Venue Policy

3.3.2.1 Population Health advocates Hamilton City Council consider a '*no further class 4 gambling venues be established in Hamilton city/district*' policy stance.

3.4 Key Points

3.4.1 Population Health continues to oppose all clauses in the current Class 4 Gambling Venues Policy (5.1 and 5.2) that allow for relocation and/or two or more private clubs to merge and consolidate their gambling machines at a single (and potentially new)

venue and/or where an existing venue is in the process of applying for a new venue consent.

3.4.2 Neither *merging* nor *relocation* is consistent with a sinking-lid policy. It does not prevent the growth of class 4 gambling nor does it mitigate the harm caused by gambling over time.

3.5 Population Health supports Council in demonstrating leadership and using its statutory ability to reduce the adverse effects of gambling on the community over time.

4 Contact details

Any comments on this submission or requests for further information can be addressed to:

Dr Dell Hood
Medical Officer of Health
Population Health, Waikato District Health Board
PO Box 595
Hamilton

Population Health does not wish to be heard in support of this submission.



T: 07 8382569

E: dell.hood@waikatodhb.health.nz

From: Sara Epperson <sara.epperson@pgfnz.org.nz>
Sent: Friday, 6 March 2015 09:41

I have passed this information on but due to the short time frame, we have not had enough time to compile the data we would like to present but we make the following points:

1. First of all, we wish to note our surprise that this request having resulted in consultation. The TAB policy for Hamilton City Council (HCC) states that new applications for TAB venues 'shall not be a part of a place where another venue, a Class 4 venue or a casino is located.' **The HCC has grounds to reject this application outright.**
2. By accepting the application from the TAB NZRB, the HCC are setting an **unhealthy precedent** that could be used in applications to change Council policy. Local Councils provide ample time and opportunity for communities and stakeholders to be consulted and to provide submissions on what these policies look like during class 4 and TAB policy reviews.
3. Consultation during the review of the Class 4 policy indicated that communities hold a **healthier vision for their city than the status quo** provides. A sinking lid sets a strong precedent for a reduction of gambling venues due to attrition; meanwhile, TABs are regulated by a cap. **This this decile 8 (high deprivation) community has said there are too many sources of gambling harm in their area** rather than allowing natural attrition to reduce that source.
4. The Waikato Times article supports the above point and gives a clear message that **the community is not happy with the proposal** and application made to the HCC.
5. Please note that relicensing the venue will have an impact on community funding. At a class 4 venue, some of the money lost in machines is redistributed for community purposes in the form of grants. While the TAB NZRB must give a percentage in community funding, a minimum of 80% of that money goes to Racing Authorised Purposes. The remaining goes to **Sports Authorised Purposes** (e.g. amateur Sports) with the amount being up to 20%. Class 4 gaming venues are not bound by this same expectation.

If I was a councillor in these circumstances the questions I would be asking TAB NZRB are:

1. If there is a demand for more TABs, why aren't the Taverns getting them given there is no council consent required for this?
2. How much money has gone back into communities over the last two years (not back into TAB Racing but communities more broadly)?

Internal Affairs and the Gambling Act are clear that they do not want mini casinos operating throughout the country, and by that I mean venues with the main purpose of gambling. The legislation is clear within Section 67 (1)(k) of the Gambling Act 2003, which relates to **Grounds for granting Class 4 venue licence: "the class 4 venue is not used mainly for gambling;"**

This application is not a mere technical change but moves to create a venue whose sole purpose is gambling in an area already vulnerable and at risk of changes that can significantly impact on individuals, whānau and wider communities.

Please get in touch if you have any questions or if we can be of further assistance.

Kind regards,

Sara Epperson

National Public Health Practice Leader | Problem Gambling Foundation of New Zealand

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 15a Stanley Street, Sydenham, Christchurch | PO Box 33275, Barrington, Christchurch
www.pgfnz.org.nz | facebook.com/pgfnz | twitter.com/pgfnz | [Gamblefree Day 1 September](#)

Committee: Council

Date: 26 March 2015

Report Name: Amendments to Waikato Plan
Terms of Reference

Author: Brian Croad

Status	<i>Open</i>
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1. Purpose

- The purpose of this report is to seek Council approval for minor amendments to the Terms of Reference for the Waikato Plan Joint Committee. The changes relate to the role of the non-local government member selected to provide a perspective on the interests of Māori.

3. Recommendation

That:

- the Report be received;
- pursuant to clause 30 of Schedule 7 of the Local Government Act 2002, Council resolves to amend the section 3.1 of the Terms of Reference for the Waikato Plan Joint Committee as follows:

At least one of the five non-Local Government Members must be a suitable person to ~~represent~~ provide a perspective on the interests of Māori.

(Amendments highlighted in red).

4. Attachments

Attachment 1 - Terms of Reference for the Waikato Spatial Plan Joint Committee

6. Background

- Council has previously confirmed its commitment to progress with a Waikato Plan, and has approved a Terms of Reference for the Waikato Plan Joint Committee.
- Features of the terms of reference include:
 - A membership representative of each participating local authority; and
 - Appointment of five non-local government members, one of whom must represent the interests of Māori.

9. Amendments to Terms of Reference

- 10. The Joint Committee operates under the Terms of Reference approved by all participating Councils that includes a statement that:

At least one of the five non-Local Government Members must be a suitable person to represent the interests of Māori.

- 11. At the November meeting of the Joint Committee, concerns were expressed by Steven Wilson (non-local government appointee) that the current wording is unlikely to be acceptable to Iwi/Māori, and the terms of reference should be amended to state:

At least one of the five non-Local Government Members must be a suitable person to provide a perspective on the interests of Māori.

- 12. The Joint Committee do not consider this change will make a material difference to the outcome of the Waikato Plan.
- 13. This change has been approved by the Joint Committee and it is recommended that participating Councils confirm this change to the terms of reference.

14. Conclusion

- 15. The Iwi/Māori representative on the Joint Committee is seeking a minor wording change to the terms of reference to ensure greater clarity in relation to his role on the Joint Committee. The Joint Committee consider this to be a minor amendment that will not materially change the outcome of the Waikato Plan, and recommends this change be approved by the participating councils.

Signatory

Authoriser	Brian Croad, General Manager City Environments Group
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Terms of Reference for the Waikato Spatial Plan Joint Committee

Approved by all participating local authorities 30 June 2014.

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1) Objectives of the Waikato Spatial Plan Joint Committee

This is a Committee established to govern, lead and resource the development and recommendation to adopt the Waikato Spatial Plan ("WSP") to Councils within the Waikato region.

The primary objective of the WSP itself is "to contribute to the Waikato's social, economic, environmental and cultural well-being through a comprehensive and effective long-term (30 year) strategy for Waikato's growth and development."

2) Specific Responsibilities of the Waikato Spatial Plan Joint Committee

Subject to the delegations set out in clause 6 below, the Committee's responsibilities include:

- a) To oversee the ongoing selection and recommendation of five (5) non-Local Government Members for appointment to the WSP Joint Committee.
- b) Stage 1 of the development of the WSP (common evidence base within the region) has already been completed.
- c) On behalf of all the Councils of the Waikato Region to take responsibility for overall guidance on and further development of the WRSP including the following stages, noting that Stage 1 is complete:
 - i. WSP : Stage 2 – Fill knowledge and research gaps
 - ii. WSP : Stage 3 – Community engagement on key issues
 - iii. WSP : Stage 4 – Plan formation and engagement
 - iv. WSP : Stage 5 – Special Consultative process, including hearings
 - v. WSP : Stage 6 – Consideration and adoption.
- d) For the avoidance of doubt the Committee does not have any specific role or responsibility in relation to the practical and detailed implementation of the WRSP. This is a matter that will be determined by the Councils at the appropriate time.

3) Membership

3.1 Quantum of Members

The membership will be 15 persons in total, made up and appointed by the Committee (from time to time), as follows:

Ten Local Government Members

One member nominated by each of the following constituent Local Authorities within the Region – namely Waikato Regional Council, Hamilton City Council, Hauraki District Council, Matamata-Piako District Council, Otorohanga District Council, South Waikato District Council, Taupo District Council, Waikato District Council, Waipa District Council, and Waitomo District Council.

The Local Government Members may be replaced from time to time by the respective Local Authorities providing written notice to the Committee confirming the amended nomination.

Five Non-Local Government Members

Five non-Local Government Members, recommended by the ten Local Government Members, appointed on the basis of skills, experience, standing and networks in the regional community relevant to the goals of the WSP.

At least one of the five non-Local Government Members must be a suitable person to ~~represent~~ provide a perspective on the interests of Māori.

Local Government Members as Invited Observers

The two Local Authorities without specific membership are Thames-Coromandel District Council and Rotorua District Council. These Councils can nominate one member as invited observers at the discretion of the Joint Committee and subject to any limitations that the Joint Committee consider appropriate.

3.2 Chairperson

Appointment of the Chairperson and deputy to be determined by the full Committee when all 15 members have been appointed.

The Chairperson must be one of the five non-Local Government members.

3.3 Quorum

Must include the Chairperson or deputy Chairperson of the Committee and at least 50% of the remaining membership.

3.4 Alternates

Each of the Councils is entitled to appoint an alternate member who may attend and vote at meetings of the Committee, but only in the event that the nominated and appointed member is unable to do so.

3.5 Remuneration

Each Council shall be responsible for remunerating its representative on the Committee for the cost of that person's participation in the Committee.

The remuneration of the non-Local Government Members will be determined and approved by the Councils, following consideration of any recommendation by the Committee.

3.6 Term of Appointment

The initial ten Local Government Members shall be appointed for terms that expire on the date of each Local Government triennial election.

The subsequent Local Government Members shall be appointed in accordance with the process set out above as soon as possible after each Local Government triennial election, and for a term that expires on the date of the next Local Government triennial election.

The initial five non-Local Government Members shall be appointed for terms that expire on the date of the Local Government triennial election in 2016. Each of the initial five non-Local Government Members shall, subject to the following clauses, be eligible for re-appointment at the beginning of the Triennium following the 2016 elections:

- a) On 30 January 2017, and on each succeeding 30 January one of the five non-Local Government Members shall retire from office.
- b) The non-Local Government Members to retire in any year shall be the member who has been longest in office since the last appointment, but as between members who became or were appointed as members on the same day, the order in which members shall retire shall (unless they otherwise agree among themselves) be decided by lot.

4) Operating Principles

4.1 The Councils have agreed that they will not act independently of the Committee, so that any Joint Committee recommendations that the Council(s) are not prepared to accept will be referred back to the Committee for further consideration.

4.2 Local Authority Shared Services Ltd (LASS) will be the administering body for the Joint Committee.

5) Standing Orders

The Model Standing Orders are adopted.

6) Delegations

The Councils delegate to the Committee the following functions and powers to enable the Committee to achieve the specific responsibilities:

6.1 Membership

- a) To oversee the ongoing selection and recommendation of five (5) non-Local Government Members for appointment to the WSP Joint Committee.

6.2 WSP : Stage 2

- a) Management and oversight of the completion of Stage 2.

6.3 WSP : Stage 3

- a) Formulation of the community engagement strategy including the determining of the key issues;
- b) A recommendation on the community engagement strategy and key issues to be reported back to the Councils for information prior to Stage 4.

6.4 WSP : Stage 4

- a) Management and oversight of the development of a draft WSP and the process for further community engagement.
- b) A recommendation on the form and content of the draft WSP and the process for further community engagement to be reported back to the Councils for approval prior to Stage 5.

6.5 WSP : Stage 5

- a) Formulation, management and the oversight of the running of the special consultative process.

6.6 WSP : Stage 6

- a) Receiving and considering the recommendation from those hearing submissions on the draft WSP ("hearings panel");
- b) Making a recommendation on the hearings panel recommendation to the Councils.
- c) In the local authority sector, only the Councils can adopt the WSP.

7) Duration of the Committee

In accordance with clause 30(7) of Schedule 7 of the Local Government Act 2002, the Waikato Spatial Plan Joint Committee is not deemed to be discharged following each triennial election.

8) Signature of Appointed Representatives

Independent Chairperson: _____
Margaret Devlin

Representative of Waikato DC: _____
Cnr Wally Hayes

Representative of Hamilton CC: _____
Mayor Julie Hardaker

Representative of Waipa DC: _____
Mayor Jim Mylchreest

Representative of Waikato Regional Council: _____
Cnr. Bob Simcock

Representative of Hauraki DC: _____
Deputy Mayor Bruce Gordon

Representative of Matamata-Piako DC: _____
Cnr Leonie Tisch

Representative of Sth Waikato DC: _____
Mayor Neil Sinclair

Representative of Taupo DC: _____
Cnr. Rosanne Jollands

Representative of Otorohanga DC: _____
Mayor Max Baxter

Representative of Waitomo DC:

Cnr Allan Goddard

Non-local government representative:

Michael Spaans

Non-local government representative:

Dr Bev Gatenby

Non-local government representative:

Steven Wilson

Non-local government representative:

Mark Ingle

Resolution to Exclude the Public

Section 48, Local Government Official Information and Meetings Act 1987

The following motion is submitted for consideration:

That the public be excluded from the following parts of the proceedings of this meeting, namely consideration of the public excluded agenda.

The general subject of each matter to be considered while the public is excluded, the reason for passing this resolution in relation to each matter, and the specific grounds under section 48(1) of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution follows.

General subject of each matter to be considered	Reasons for passing this resolution in relation to each matter	Ground(s) under section 48(1) for the passing of this resolution
C1. Council Minutes - Public Excluded - 26 February 2015) Good reason to withhold information exists under Section 7 Local Government Official Information and Meetings Act 1987)))	Section 48(1)(a)
C2. Domain Endowment Lease		

This resolution is made in reliance on section 48(1)(a) of the Local Government Official Information and Meetings Act 1987 and the particular interest or interests protected by Section 6 or Section 7 of that Act which would be prejudiced by the holding of the whole or relevant part of the proceedings of the meeting in public, as follows:

Item C1.	for the reasons listed on the 26 February Council agenda	Section 7 (2) (i) (j) Section 48 (2) (a) (i)
Item C2.	to enable Council to carry out negotiations	Section 7 (2) (i)