

Full Council

26 June 2025

Report for Agenda Item | Rīpoata moto e Rāraki take [4]

Department: Assurance, Finance & Risk

Title | Taitara: Application to Operate Nine Class 4 Gaming Machines and a TAB, Queenstown

Purpose of the Report | Te Take mō te Pūroko

The purpose of this report is to determine an application submitted by Aotearoa Gaming Trust Incorporated on 15 May 2025 (attachment A), seeking consent to operate up to nine (9) Class 4 gaming machines and to establish a TAB venue within an existing tavern premises which holds a current alcohol on-licence. The proposed machines and TAB will be operated by the licensee Ballarat Equities Limited, at the premises located at 7 Ballarat Street, Queenstown known as “The Ballarat”.

Executive Summary | Whakarāpopototaka Matua

Under the Queenstown Lakes District Council (QLDC) Class 4 Gambling and TAB Venue Policy 2024 (attachment B), there is consideration for new Class 4 venues to operate a maximum of nine (9) gaming machines within the district. Applicants must meet the criteria set out in the policy in order for the territorial authority to approve the operation of Class 4 Electronic Gaming Machines (EGMs). This approval is required by the Department of Internal Affairs (DIA) who will then grant the appropriate licences to the applicant.

Under s 100(3) of the Gambling Act 2004, and s 95(2) of the Racing Industry Act 202, the territorial authority must issue a decision to the applicant within 30 working days after receiving the application. As this application was received on **15 May 2025**, the deadline for the territorial authority to issue a decision to the applicant is **30 June 2025**.

The application is now before Council to ensure this territorial authority meets its statutory obligations and responds to the applicant before **30 June 2025**.

Recommendation | Kā Tūtohu

That the Council:

1. **Note** the contents of this report; and
2. **Decline** territorial authority consent for the establishment and operation of nine (9) new electronic gaming machines and a TAB venue to be located at the premises known as “The Ballarat”, situated at 7 Ballarat Street, Queenstown.

Prepared by:



Name: Tayla Leevey
Title: Alcohol Licensing
Inspector
30 May 2025

Reviewed and Authorised by:



Name: Sian Swinney
Title: Chief Licensing Inspector
30 May 2025

Reviewed and Authorised by:



Name: Katherine Harbrow
Title: General Manager
Assurance, Finance and Risk
30 May 2025

Context | Horopaki

1. The applicant, Aotearoa Gaming Trust Incorporated (the Trust), submitted an application for a Class 4 Venue Licence under Section 98 of the Gambling Act 2003, and Section 93 of the Racing Industry Act 2020. The application seeks territorial authority consent to install nine (9) new electronic gaming machines (EGMs) and a TAB terminal at the premises known as “The Ballarat”, located at 7 The Mall, Ballarat Street, Queenstown.
2. Pursuant to section 98 of the Gambling Act 2003 (GA), and section 93 of the Racing Industry Act 2020 (the RA) the applicant is requesting territorial authority consent for the installation of these EGMs. Sections of the two Acts are outlined below:

98 When territorial authority consent required

A territorial authority consent is required in the following circumstances:

- (a) *if a corporate society proposes to increase the number of gaming machines that may be operated at a Class 4 venue (whether by way of an application for, or amendment to, a Class 4 venue licence, and whether or not in association with an application for ministerial discretion under section 95 or 96):*
- (b) *if a corporate society applies for a Class 4 venue licence and a Class 4 venue licence has not been held by any corporate society for the venue within the last 6 months:*
- (c) *if a corporate society proposes, in accordance with a relocation policy of the territorial authority, to change the venue to which a Class 4 venue licence currently applies.*

93 When territorial authority consent is required

A territorial authority consent is required if TAB NZ proposes to establish a TAB venue.

3. This application is also pursuant to sections 100 of the GA and Section 95 of the RA, which state:

100 Considering and determining application for territorial authority consent

- (1) *A territorial authority must—*
 - (a) *consider an application for a territorial authority consent in accordance with its gambling venue policy; and*
 - (b) *then either—*
 - (i) *grant a consent with or without a condition specifying the maximum number of gambling machines that may be operated at the venue; or*
 - (ii) *not grant a consent.*
- (2) [...]

95 Considering and determining application for territorial authority consent

- (1) *A territorial authority must—*

- (a) consider an application for a territorial authority consent in accordance with its TAB venue policy; and*
 - (b) either grant or refuse a consent.*
 - (2) The territorial authority must notify TAB NZ and the chief executive of its determination within 30 working days after the later of–*
 - (a) the date of receipt of the application; and*
 - (a) the date that it adopts a TAB venue policy.*
 - (3) A territorial authority must not consider an application for territorial authority consent before it has a TAB venue policy.*
4. QLDC implemented a Class 4 and TAB Gambling Venue Policy (Policy) to regulate the growth and location of Class 4 (non-casino electronic gaming machines) and Totalisator Agency Board (TAB) gambling within the district. This was first adopted on **19 March 2004** and is required under section 102(5) to be reviewed every three years. The Class 4 Gambling and TAB Venue Policy 2024 (the policy) was last reviewed with full revisions presented and approved by Council in **October 2024** with the purpose of the policy at clause 1.2 to:
 - Limit the opportunities for gambling in the community
 - Manage the impacts of gambling in the community
9. Additionally, QLDC's principal objectives of the policy are to:
 - Prevent and minimise harm to the community caused by gambling.
 - Control and manage the growth of gambling in the district.
 - Restrict the locations of gambling venues within the district.
 - Facilitate community involvement in decisions about the provision of gambling.
 - Ensure that money from gambling benefits the community.
 - Ensure QLDC and the community have an influence over the delivery and location of new gambling venues in the district.
10. QLDC has the jurisdiction to determine whether any new Class 4 and TAB venues may be established within the district.

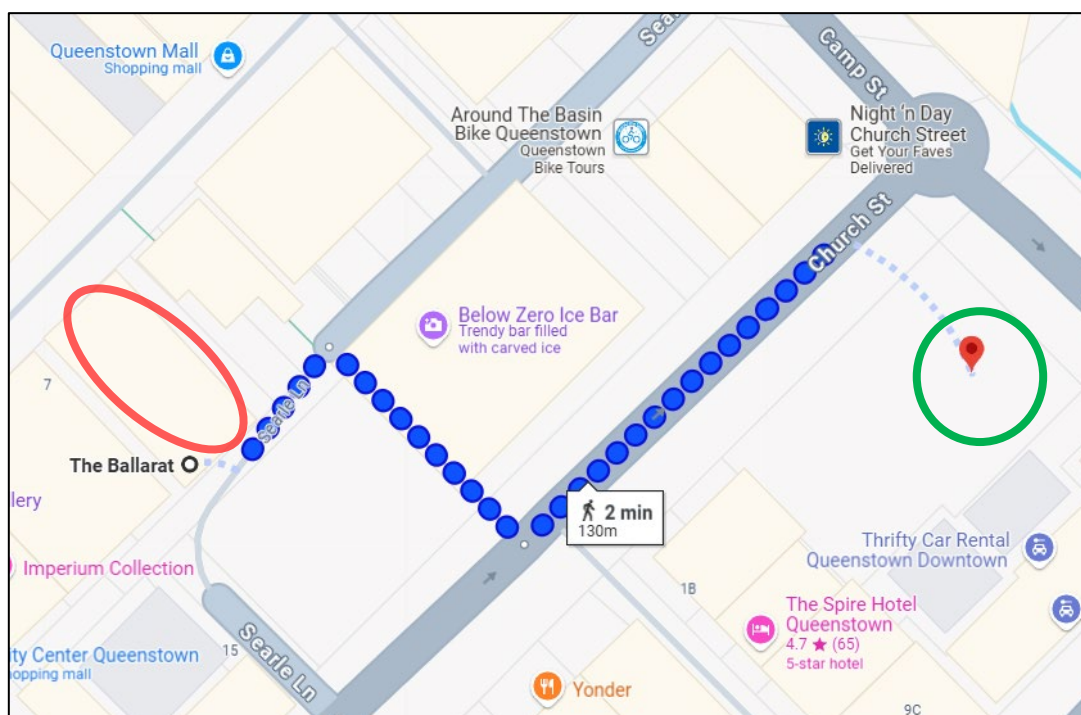
Queenstown Lakes District Class 4 Gambling and TAB Venue Policy 2024

11. Under the Policy, the current provisions permit the establishment of Class 4 gambling and TAB venues within the district subject to meeting the following criteria:
 1. Meeting Application and Fee Requirements (at clause 7):
 - 1.1 A complete application was submitted, and the subsequent fee of \$500 was paid at the time of lodgement.
 2. Proposed new venues are not permitted in any residential area (at clause 4.1):
 - 2.1. The Ballarat premises is located within the Queenstown Town Centre Zone under the Operative and Proposed District Plans.
 - 2.2. No residential properties are known to be in the vicinity, although it is noted that there is visitor accommodation nearby.

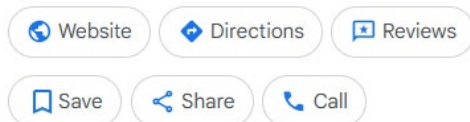
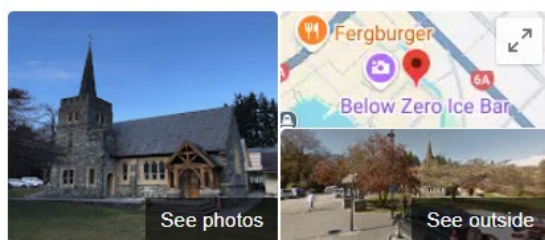
3. Proposed new venues are not to be located within 50 metres or adjacent to any school, early childhood centres, kindergartens, pre-schools, places of worship or any other community facilities (at clause 4.1):

3.1. The applicant has stated that there are no sensitive sites located within 50 metres of the proposed premises, and that the nearest sensitive site, that being the St Peter's Anglican Church, is located approximately 85 metres "as the crow flies" (approximately 130 metres walking) from the premises on the corner of Church and Camp Streets as indicated in green below (The Ballarat premises location is indicated in red):

3.2. As of 27 May 2025, St Peter's Anglican Church operates weekly between the hours of 9.00am to 5.00pm (as indicated below). The Ballarat currently operates daily from 4.00pm to 4.00am (also indicated below). This results in a one-hour overlap (aside from Sundays where there is a two-hour overlap) in operating hours between the two premises. However, given the distance of over 100 metres between them, it is not anticipated this overlap will have any adverse impact on the church's activities.



***Distance from proposed venue (marked in red) to
St Peter's Anglican Church (marked in green) above.***

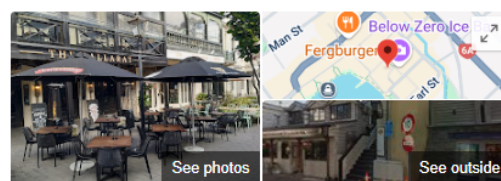


Address: 2 Church Street, Queenstown 9300

Phone: 03 442 8391

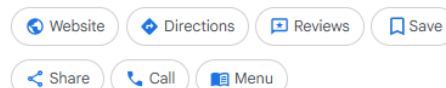
Hours:

Day	Hours
Thursday	9 am–5 pm
Friday	9 am–5 pm
Saturday	9 am–5 pm
Sunday	9 am–5 pm
Monday	9 am–5 pm
Tuesday	9 am–5 pm
Wednesday	9 am–5 pm



The Ballarat

4.4 ★★★★★ 514 Google reviews :
\$20–30 · Gastropub



Hearty pub grub, draft beer & wine offered in an easygoing eatery with regular live music.

Service options: Outdoor seating · Live music · Dancing

Located in: Queenstown Mall

Address: 7/9 The Mall, Queenstown 9300

Phone: 03 442 4222

Menu: ballarat.co.nz

Reservations: ballarat.co.nz

Providers ⓘ

Hours:

Day	Hours
Thursday	4 pm–2:30 am
Friday	4 pm–4 am
Saturday	4 pm–4 am
Sunday	3 pm–2:30 am
Monday	4 pm–2:30 am
Tuesday	4 pm–2:30 am
Wednesday	4 pm–2:30 am

4. New venues are not to be located within 50 metres of an existing gambling venue so that the concentration of gambling venues in a particular location is limited (at clause 4.1):

4.1. Across the Queenstown Lakes District, there are currently four licensed venues operating Class 4 gaming machines:

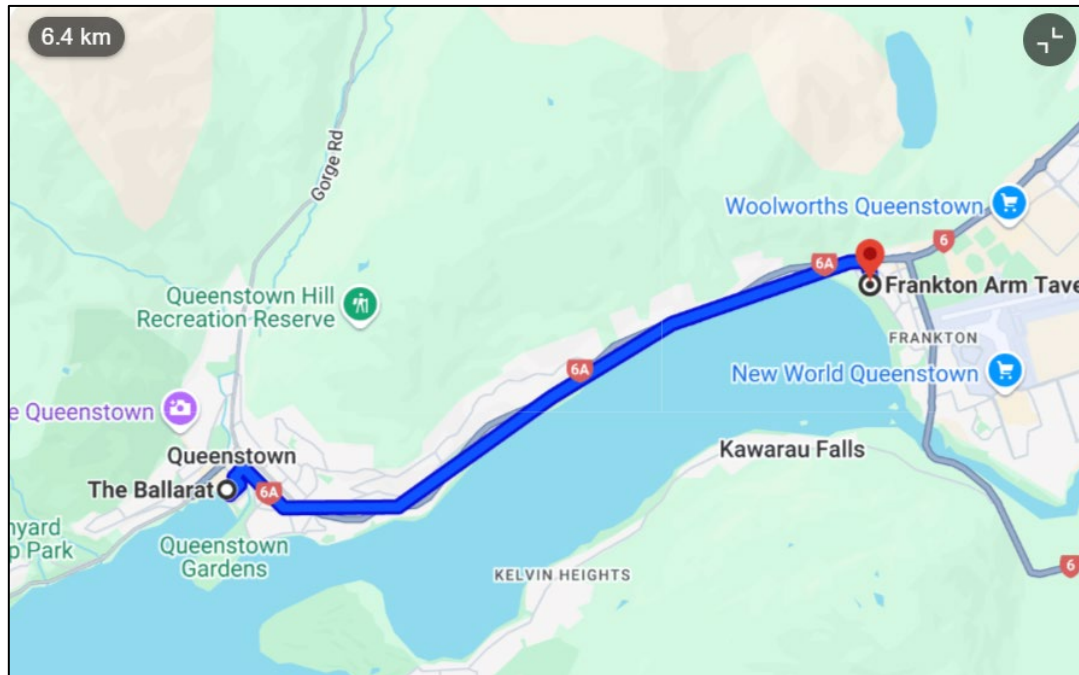
- Frankton Arm Tavern, Queenstown (operating 17 machines),
- Wanaka Bullock Bar, Wānaka (operating 18 machines),
- The Water Bar, Wānaka (operating 9 machines),
- Woody's & Rove, Wānaka (operating 3 machines).

4.2. With the addition of the proposed venue, the total number of EGMs operating in the district will increase from 47 to 56. The Frankton Arm Tavern is situated in Frankton, is currently the only licensed venue operating Class 4 machines within Queenstown, aside from the Skycity Casino located on Beach Street which currently operates 86 gaming machines.¹

4.3. The image in Figure 1 below indicates the location of the The Ballarat, in relation to the Frankton Arm Tavern, marked by the red pinpoint:

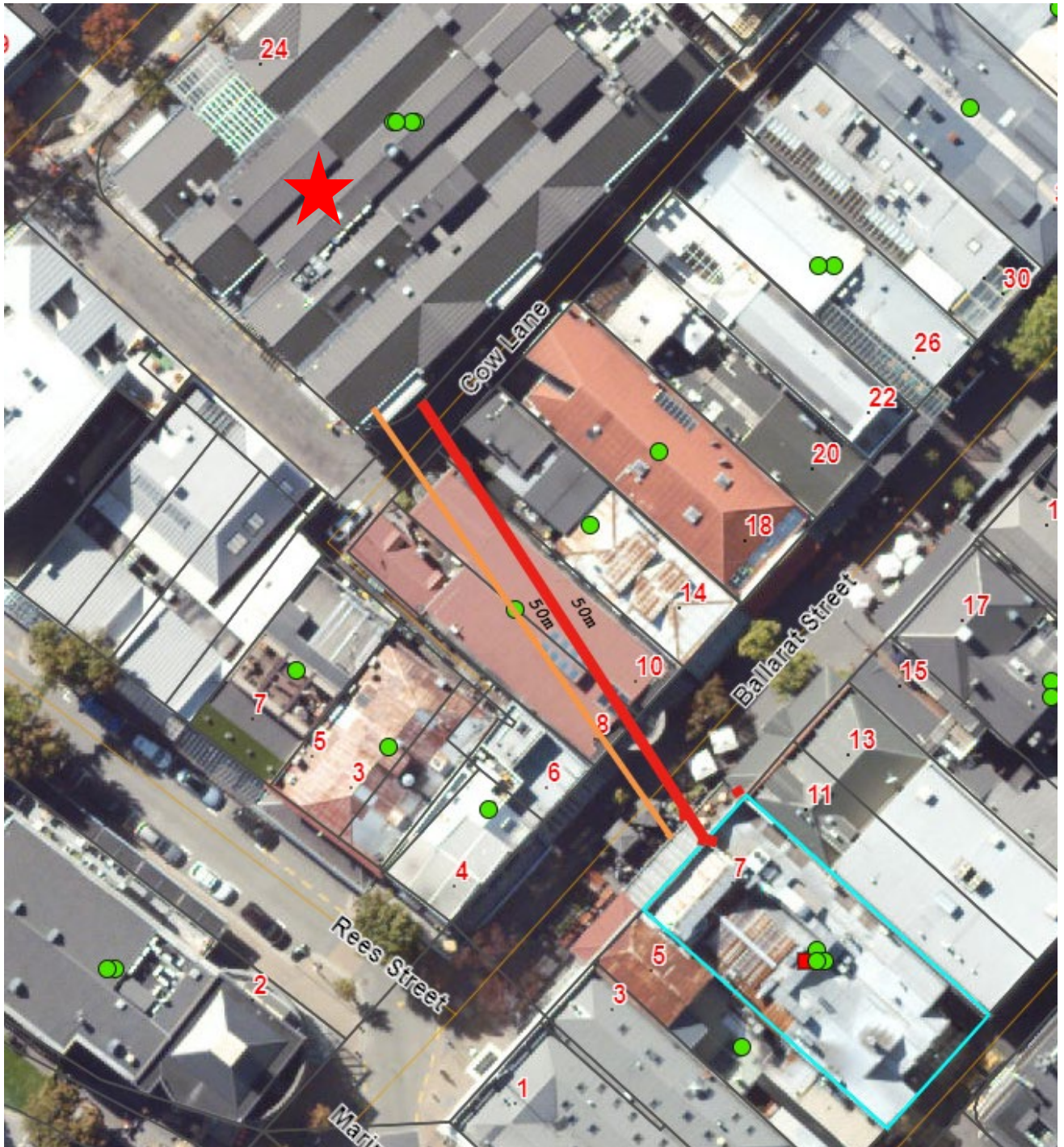
¹ [Application by Queenstown Casinos Limited for renewal of a Casino Venue Licence 2025](#) – Gambling Commission website -Retrieve 31 May 2025.

Figure 1:



- 4.4. The Skycity Queenstown Casino is located within 50 metres (approximately 48 metres) of the premises “as the crow flies”. From The Ballarat people can walk through the Skyline Arcade between Ballarat Street Mall and onto Cow Lane to the rear of the Skycity Casino building where access can be gained, as well as from Beach Street. This means that the application does not comply with clause 4.1 of the Policy, in that it would be located within 50 metres of an existing gambling venue.
- 4.5. Figure 2 below (and also provided as attachment C), provides an aerial view of the location of The Ballarat premises (the parcel boundary is indicated in blue), the location of the Skycity Casino (indicated by the red star); the orange line runs from the eave of the roof of The Ballarat to the casino at a 50m distance clearly showing that the distance between the venues is less than 50m; the red line one runs from the parcel boundary and is set to a 50m distance which lands on the casino parcel boundary line indicating that the two venues are within 50m of each other:

Figure 2:



- 4.6. The applicant has indicated in the application, and also confirmed in an email dated 4 June 2025, that they have measured the distance between The Ballarat and the Skycity Casino as being approximately 56 metres.
- 4.7. The measurement from door to door is 48 metres. The issue here is where the distance is measured from for the proximity of the proposed class 4 venue to comply with clause 4.1 of the Policy. The definition of a class 4 venue is key to this measurement.

- 4.8. The Gambling Commission has previously stated that it is permissible to limit the size of a Class 4 venue to part of a building, and this assists us to define a premises. On that basis, Council can establish the true distance in accordance with the requirements, and the proximity distance set out in the Policy. In the Gambling Commission decision *Perry Foundation* [2006] GC14/06² the Commission stated:

“29. A “Class 4 venue” is defined in section 4 of the Act as “a place used to conduct Class 4 gambling”. The definition of “place” includes a building and a room (amongst other things). Accordingly, what constitutes the Class 4 venue in any given instance will vary from case to case depending on the facts and the terms of the particular licence. As noted by the Commission in its decision GC10/05,³ relating to an appeal by the New Zealand Community Trust, the Secretary has the ability to licence individual parts of a building as Class 4 venues, if that is necessary or desirable.”

- 4.9. It is noted there is no caselaw pertaining specifically to section 101(4)(e) of the Gambling Act 2003 in relation to territorial authority policy determination of “how close any venue should be permitted to be to any other venue”.

- 4.10. In this case, if the Council accepts that the true proximity is measured door to door (namely a building and a room), then the proposal does not comply with the Policy and the Council should not grant the application, but it may use its discretion in coming to a decision on whether the proposed application actually is within the 50m proximity of another gambling venue. If it finds that the proposal is within 50m of SkyCity, then Council should not deviate from the policy. Officers are concerned that any deviation from the proximity in the Policy has potential to lead to precedent effect. With other venues exploiting the deviation to justify further venues being approved outside of the Policy.

- 4.11. QLDC Policy interpretation of “Class 4 Venue” is provided below for context:

Class 4 venue: the GA categorises gambling activities according to their intensity and potential for harm. Class 4 gambling (non-casino gambling machines) is the highest risk form outside of a casino, racing and sports betting, which are covered by the Racing Industry Act 2020, do not fall within this classification system.

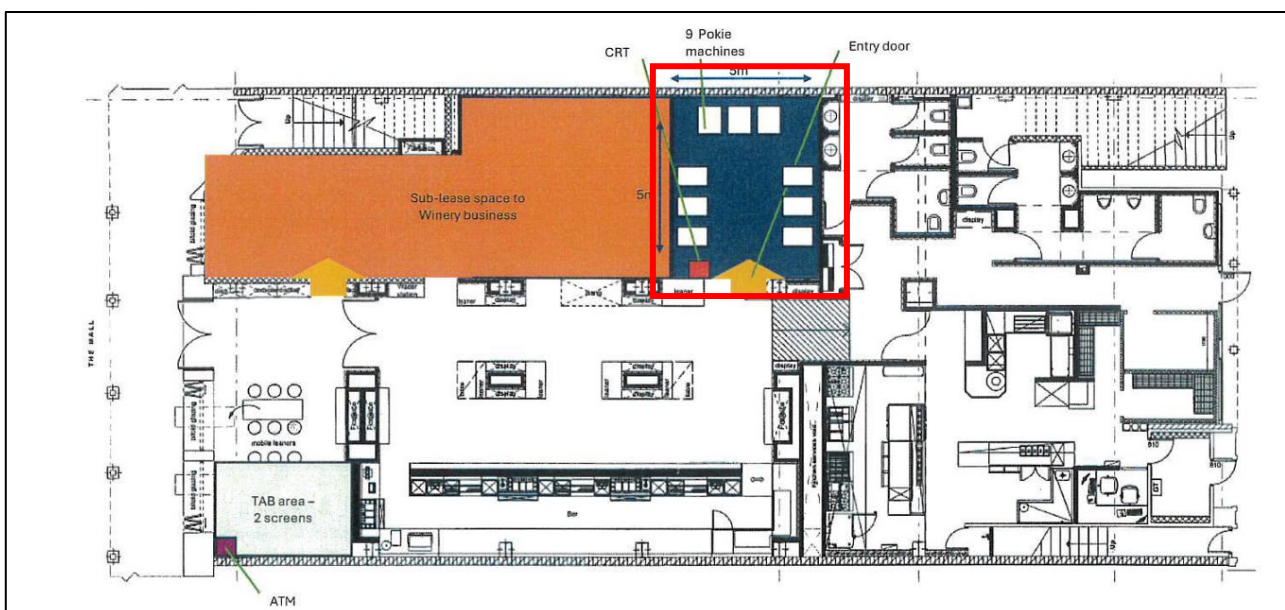
5. A venue that holds a tavern style on-licence issued under the Sale and Supply of Alcohol Act (at clause 4.2):

- 5.1. Under section 5(1) of the Sale and Supply of Alcohol Act 2012, the interpretation of a tavern is defined as follows:
- (a) means premises used or intended to be used in the course of business principally for providing alcohol and other refreshments to the public; but
 - (b) does not include an airport bar

² [Gambling Commission Decision *Perry Foundation* \[2006\] GC14/06](#)

³ [Gambling Commission Decision *New Zealand Community Trust* \[2005\] GC10/05](#)

- 5.2 The licensee of the proposed premises, Ballarat Equities Limited, holds a tavern style licence, number 68/ON/0254/2022 with an expiry date of 15 June 2023. The renewal application is currently being processed and complies with clause 4.2 of the Policy.
6. The cumulative effect of additional opportunities for gambling in the district (at clause 4.3):
- 6.1. The cumulative impact of additional gambling opportunities may contribute to a gradual increase in exposure and accessibility within the district. While ongoing monitoring, regulatory controls and harm minimisation strategies would be put in place at the premises, it is for the Council to decide whether this application will contribute to an increase in exposure and accessibility to the degree that it does not comply with Clause 4.3 of the policy. This can be determined by the context of the application, and controls in place to mitigate cumulative impact.
7. The activity of the venue must not be associated with family or children's activities (at clause 4.3):
- 7.1. The venue operates under a tavern style licence with a supervised designation, which ensures minors are not permitted on the premises unless accompanied by a parent or legal guardian. As such, the venue's activities are not associated with family or children's events, and access for minors is controlled in accordance with the requirements of the alcohol licence. The application complies with clause 4.3 of the Policy.
8. Electronic Gaming Machines (EGM) must not be visible from outside the licensed venue or visible to underage persons within the venue (at clause 4.3):
- 8.1. The applicant's floor plan below (and also provided as attachment D), shows the proposed gaming room at the rear of the premises in dark blue and outlined in red, adjacent to the bar:



- 8.2. This space is part of the venue's existing layout and does not require any structural changes. At present, the proposed gaming room is boarded off from public access and has seating positioned in front of it.

- 8.3. The space will not have lockable doors, in line with the DIA requirements to maintain clear line of sight from the main point of sale at all times. If necessary, a curtain or similar solution may be used to provide a partial separation without obstructing visibility. The area is not required to be locked, as the TAB and EGM's are cleared each night. The electronic gaming machines within this room will not be visible from outside the licensed premises on Ballarat Street and will be clearly observable from the far end of the bar. Refer to Attachment E for photos illustrating the proposed space and existing layout of the premises. As such, it complies with clause 4.3 of the Policy.
- 8.4. The proposed TAB area at the front of the premises is not subject to the same requirements as EGMs, such as being required to be obscured from public view.
9. Signage regarding gambling activity, such as the presence of gaming machines, prizes or jackpots gained from gaming machines must comply with relevant legislation, district plan guidelines and council bylaws (at clause 4.3):
- 9.1 Signage will be installed at the entrance of the proposed gaming area, following a design consistent with that of the Class 4 venue at the Frankton Arm-Tavern, and complies with the Policy.
10. Maximum permitted electronic gambling machines (EGMs) (at clause 4.4):
- 10.1. The applicant has proposed the installation of on nine (9) new electronic gaming machines. This complies with the Policy, which states that all new Class 4 gambling venues may operate a maximum of no more than nine (9) gaming machines.

Application (at clause 6 of the policy)

12. The application was received on 15 May 2025 (refer to attachment A). Additional documents also submitted include:
- Name and address details for the applicant society.
 - Physical address of the proposed Class 4 and TAB venue.
 - The names of management staff trained on the venue gambling policy.
 - A copy of the current alcohol on-licence confirming the premises operates as a tavern.
 - A copy of the floor plan and proposed layout of the gaming room and TAB.
 - A copy of the "Venue Specific Harm Prevention & Minimisation Policy" produced by Aotearoa Gaming Trust.
 - The licensee's "New Staff Training Checklist" and "Front of House Playbook".
 - A copy of the Aotearoa Gaming Trusts "Gambling Harm Prevention & Minimisation Policy", providing information on training, identifying problem gambling and its procedures, record keeping, exclusion orders and legal responsibilities.
 - Landowners consent email from Steve Rutherford, Director of and solicitor to Church Street Trustee Limited, approving the installation of Electronic Gaming Machines and a TAB at The Ballarat.

13. Police approval is not a requirement for this type of application. However, background checks are conducted during the alcohol licence renewal process for each director of Ballarat Equities Limited and their appointed duty managers. No oppositions have been received from police in relation to the most recent renewal application, and the application complies with the Policy.

Additional Information Relating to The Ballarat Premises Operators

14. The Ballarat premises licensee, Ballarat Equities Limited, falls under the parent company of Republic Hospitality Group. Republic Hospitality Group also own and operate the Frankton Arm Tavern premises and have done since 2013. It is considered that they are experienced operators given the Frankton Arm Tavern houses 18 EGMs and a TAB. Aotearoa Gaming Trust also own the EGMs and TAB located at the Frankton Arm Tavern.
15. The applicant submitted in an email dated 26 May 2025, the EGM's and TAB will only operate within the venue's licensed hours as stated below:

"The gaming machines and TAB will only ever be operated within the hours stated on the liquor licence. Generally, we will not open before 11.00 am and will close well before 4:00 am dependent upon patronage."

16. In terms of the operation systems, the applicant confirmed in an email dated 26 May 2025, security staff will be on-site and actively monitoring designated areas as needed, with a staff member positioned at the front door (of the premises) to direct patrons. Staffing levels will increase during peak periods, and a designated staff member will oversee key areas to maintain operations and payouts. This operational model has been implemented at their other venue Frankton Arm Tavern.
17. Venue staff are trained using a PowerPoint presentation titled "Gambling Host Responsibility Training: Venue Manager & Duty Manager" provided by the Trust. This training covers signs of gambling harms, prevention strategies, and relevant regulatory requirements. An annual refresher presentation, based on the same core information is undertaken to ensure ongoing awareness and compliance.
18. A "Front of House Playbook" for The Ballarat has been provided with the application, outlining the responsibilities of designated staff overseeing the EGM's and TAB. It includes procedures for handling payouts, monitoring till screens, managing ATM processes and addressing customer disputes. In accordance with payout procedures, cash payouts under the TAB are limited to a maximum of \$990. Amounts exceeding this limit must be collected over multiple days unless the patron holds a TAB account, in which case funds can be transferred directly to their account. There is no daily cash payout limit for EGM's.

Territorial Authority Consideration and Determination Obligations

19. Under s 100(3) of the GA, and s 95(2) of the RA, the territory authority must issue a decision to the applicant within 30 working days after receiving the application. As this application was received on 15 May 2025, the deadline for issuing a decision to the applicant is 30 June 2025.

20. Ordinarily an application of this nature would be presented to the Community & Services Committee for their consideration. However, given the legislated timeframe set out in the GA and RA, and the fact the Committee would not be meeting until 3 July 2025, the application is now before Council to ensure this territorial authority meets its legal timeframe obligations and responds to the applicant before 30 June 2025.

Analysis and Advice | Tatāritaka me kā Tohutohu

21. This report identifies and assesses the following reasonably practicable options for assessing the matter as required by section 77 of the Local Government Act 2002.
22. Additionally, the territorial authority must consider and determine an application for consent in accordance with the Policy, and then either grant consent, or decline to grant consent as outlined in sections 100(1) of the GA and 95(1) of the RA.
23. Option 1: Provide consent for the applicant to establish and operate nine (9) electronic gaming machines and a TAB facility.

Advantages:

- The venue may generate increased revenue, employment opportunities, and continued funding and grants which are distributed back to the community through the Aotearoa Gaming Trust. The first quarter of 2025 has seen the Trust donate \$172,281 into the Queenstown Lakes District.⁴
- Approval of the application will ensure that gambling would occur in a licensed and controlled setting, where harm minimisation can be enforced and monitored by premises staff, who would be trained to ensure that there is compliance with the Act.
- Approval of the application could also limit the opportunity for further applications to be successful where venue proximity is considered. Queenstown's Town Centre has a small footprint, and increased capacity will be difficult to entertain where premises are close to other gambling premises and fail to comply with the proximity requirements under the Policy.

Disadvantages:

- The additional gaming machines and a TAB facility may contribute to increased gambling related harm within the community, although there is limited evidence on this because the data has shown a decrease and natural decline in class 4 venues in the district.
- The presence of gaming machines and a TAB in a licensed venue may contribute to the normalisation of gambling, potentially influencing young adults or first-time gamblers, particularly given the nature of the tavern, hours of operation, and its patrons

⁴ [Aotearoa Gaming Trust Donations – 1st Quarter 2025](#) – Retrieved 31 May 2025

- Would lead to a concentration of gaming machines with the Queenstown town centre as the new venue is potentially within 50 metres of an existing gambling venue, that being Skycity Casino.
- If this application does not comply with the Policy, but is consented, this could be contrary to the Policy at both clauses 4.1 and 4.3, and further, it could create a precedent with future applications needing to be considered in the same manner out of procedural fairness, even if that application also fails to comply with proximity (or any other policy or objective) requirements in the Policy.

24. Option 2: Decline to grant consent for the application for nine (9) new gaming machines and to establish a TAB venue.

Advantages:

- Supports harm minimisation objectives by limiting the presence and access to gambling facilities set out in the Policy at clause 4.3
- Helps to protect the social and financial wellbeing of individuals and families, reducing the risk of gambling related harm and meets the purpose and objectives set out in the Policy.
- Eliminates a potential concentration of gambling venues in a particular location as approval would see a further nine machines within 50 metres of the Skycity Casino which has 86 EGMs currently operating.⁵
- Ensures that the Policy location provisions are adhered to thus meeting the objectives of clause 4.1 of the Policy.

Disadvantages:

- Class 4 gaming operations help fund local initiatives and community groups through a share of its profits. If the application is declined, there may be less economic benefit and funding available to support these initiatives.
- May reduce the venue's ability to generate additional revenue, which may otherwise contribute to operational sustainability, job retentions, or improvements to the premises.
- Risk of Judicial Review if evidence demonstrates that the venue complies with the proximity provisions at clause 4.1 (or clause 4.3) of the Policy, and Council did not fully consider that evidence as part of its determination. Considering evidence from the applicant on this point would reduce the risk of a JR for Council. Decision-makers should ensure that the evidence before the Council is robust and leads to a defensible decision.

25. The Council must apply s 100(1) of the GA when considering an application for territorial authority consent, which includes considering and determining an application in accordance with the Policy. It is the Policy that sets out the Community's views in accordance with proper consultation under the LGA. Section 100 states:

⁵ Ibid, at 1.

100 Considering and determining application for territorial authority consent

(1) A territorial authority must—

(a) consider and determine an application for a territorial authority consent in accordance with its Class 4 venue policy; and

(b) then either—

(i) grant a consent with or without a condition specifying the maximum number of gaming machines that may be operated at the venue (but with no other condition); or

(ii) not grant a consent.

(2)⁶

26. This report recommends **Option 2** that the Council declines consent for nine new EGMs and a TAB venue. This is because Option 2 potentially overrides important Policy objectives to exclude gambling venues where proximity to other gambling venues is within 50 metres. In this case the proposed venue is less than 50m “as the crow flies” from the Skycity Casino venue which already has 86 ECMs. It is also potentially inconsistent with clause 4.3 in respect of the cumulative impact of additional gambling opportunities which may contribute to a gradual increase in exposure and accessibility within the district.

27. The application does not comply with the Policy at clause 4.1 if the Council accepts that its proximity is within 50m of SkyCity namely: “*not to be located within 50m of an existing another gambling venue*”. Although it may be that it would fail by a small increment (2 metres), the Policy is clear and the risk of precedents being set if the bar is lowered is a genuine risk to the Policy being further undermined in future, not just for location, but potentially for other objectives where the margin of compliance is slim. The Policy was resolved by Council last year after public consultation.

Next steps

28. Following a decision from Council, officers will notify the applicant of the outcome.

Consultation Process | Hātepe Matapaki

Significance and Engagement | Te Whakamahi i kā Whakaaro Hiraka

29. This matter is of low significance, by reference to the Council’s Significance and Engagement Policy 2024 because:

- the proposal will not change the level of services provided by Council, or Council’s capacity.
- there are no financial consequences for Council.
- the territorial authority decision on this application is required under Gambling Act and the Racing Industry Act provisions, and there is no opportunity under the Acts for public participation where Council is obliged to comply with its statutory duty to grant or decline an application within 30 days.

⁶ [Section 100 Gambling Act 2003](#) – New Zealand Legislation website

- the extent of community impact from gambling in the district is considered in the review of the Policy, and not on individual applications. In that case, there is full public participation as set out under the LGA. Otherwise, there is no provision for public consultation on this application, and engagement is therefore, low.

Māori Consultation | Iwi Rūnaka

30. Council has not consulted with iwi and runaka regarding the lodgement of this application. However, iwi and runaka were consulted during the 2024 review of the current Policy.

Risk and Mitigations | Kā Raru Tūpono me kā Whakamaurutaka

31. This matter relates to the Community & Wellbeing risk category. It is associated with RISK10003 Economic impacts and prosperity within the QLDC Risk Register. This risk has been assessed as having a high residual risk rating.
32. It could be considered that **Option 2** would allow Council to retain the risk at its current level. This will be achieved due to there being no significant changes to the effects of the community.

Financial Implications | Kā Riteka ā-Pūtea

33. **Option 2** has no financial implications for Council.

Council Effects and Views | Kā Whakaaweawe me kā Tirohaka a te Kaunihera

34. The following Council policies, strategies and bylaws were considered:
- The principles of healthy and fulfilled people and a good standard of living in the Strategic Framework: Our Strategic Framework | Queenstown Lakes District Council. Problem gambling can adversely impact health and fulfilment, but the premises also provides employment that can contribute to a good standard of living.
 - The Class 4 Gambling and TAB Venue Policy 2024 which has the purpose of limiting the opportunities for gambling and managing the impacts of gambling in the community.
35. This matter is not included in the Long Term Plan/Annual Plan, as the implementation of electronic gaming machines and the TAB is undertaken at the cost of the premises licensee and applicant Trust.

Legal Considerations and Statutory Responsibilities | Ka Ture Whaiwhakaaro me kā Takohaka Waeture

36. The Policy, the Gambling Act 2003, and the Racing Industry Act 2020, set out the legal process and requirements for Council to consider and determine this matter.

37. Council is required to meet the statutory timeframes under these Acts. Public participation is factored into the Policy, which sets out the objectives for Council to consider in making its decision. It is the Policy that applications for class 4 venues before Council are required to comply with, and it is the Policy that should be the guiding document for Council's decisions.

Local Government Act 2002 Purpose Provisions | Te Whakatureture 2002 o te Kāwanataka ā-Kiaka

38. Section 10 of the Local Government Act 2002 states the purpose of local government is (a) to enable democratic local decision-making and action by, and on behalf of, communities; and (b) to promote the social, economic, environmental, and cultural well-being of communities in the present and for the future.
39. In regard to this application, community input is not required. Community input is already factored into the Policy as it is consulted on, and submissions from the Public are considered where the Policy is reviewed.
40. The preferred option:
- Does not require funding through the Long Term Plan and Annual Plan;
 - Would be consistent with the Council's plans and policies; and
 - Would not significantly alter the intended level of service provision for any significant activity undertaken by or on behalf of the Council or transfer the ownership or control of a strategic asset to or from the Council.

Attachments | Kā Tāpirihaka

A	Application for New Class 4 Gambling Venue at The Ballarat (Circulated separately)
B	QLDC Class 4 Gambling and TAB Venue Policy 2024
C	Aerial Distance Map Between The Ballarat premises and the Skycity Casino
D	Floor Plan of The Ballarat premises
E	Photographs of the proposed locations of the EGMs and TAB within The Ballarat