

Kaunihera | Council

Ngā Tāpiritanga – Pūrongo | Attachments – Reports ATTACHMENTS UNDER SEPARATE COVER

Notice is hereby given that an ordinary meeting of Matamata-Piako District Council will be held on:

Ko te rā | Date: Wednesday 7 May 2025
Wā | Time: 09:00
Meeting Room: Council Chambers
Wāhi | Venue: 35 Kenrick Street
TE AROHA

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Cemeteries Bylaw				
Key themes			Staff comment	
<p>Which of these Policy options do you support? Proposed - 3 With amendments - 2 Other - 1 No option selected - 1</p> <p>Positive feedback on the clarity of the bylaw was received whilst one submitter asked for the term "people without means" to be used instead of "poor persons" to be used in the bylaw.</p> <p>One submitter noted support for Council to enable natural burials, reflecting growing public interest.</p> <p>There were some submissions concerned about Council placing restrictions on headstone decorations with feedback reflecting that families should be able to decide this themselves with only offensive items restricted.</p> <p>General agreement was received relating to the rule against breakable containers. One submitter suggested flowers etc. should be allowed in non-breakable containers and to state in the bylaw how they must be placed (for amenity/maintenance reasons).</p> <p>Operational comments were received relating to the requirement for consistency in specifications for memorials and plaques across the three main cemeteries. There is also a request to standardise the size of berms for memorials across the district. Additionally, one submitter recommends that any new ash walls be designed to accommodate both standard ash container sizes used at Hamilton Park Crematorium. Currently, only the smaller container fits, which can be distressing for families if the larger one doesn't. They believe families shouldn't be forced to separate a loved one's ashes due to space limitations, especially since container size depends on bone density, which can't be predicted when a plot is pre-purchased.</p> <p>Council has received a suggestion to publish and maintain a public list of approved monumental masons, updated annually, to ensure public confidence and safety compliance.</p>			<p>The draft bylaw has been updated to amend the term 'poor persons' and to reference the Burial and Cremation Act 1964, which states that Council must permit the burial or cremation of any poor person free of charge.</p> <p>Several submissions were received regarding decorations and adornments in cemeteries. In response, staff have recommended changes to the draft bylaw to clarify that decorations may be placed on the concrete berm. The intent of this clause is not to unduly restrict families but to help preserve the amenity and respectful appearance of the cemetery, while also assisting in the maintenance of the cemeteries.</p> <p>The bylaw aims to strike a balance between allowing personal expression and ensuring health and safety—for example, by preventing trip hazards or objects interfering with mowing and grounds maintenance. Items such as oversized flags or unstable decorations can pose risks and make maintenance more difficult.</p> <p>It is noted that Council does not currently offer a designated space for natural burials, unlike some neighbouring councils (for example Hauraki). However, the bylaw notes that staff work closely with funeral directors and families to support individual wishes and preferences wherever possible within existing cemetery settings.</p> <p>Some operational matters raised in submissions—such as the design of ashes walls and historical inconsistencies across cemetery sites—are outside the scope of this bylaw review. These have been referred to operational staff for consideration as part of future planning and design work.</p> <p>The Cemeteries Procedures Manual provides further guidance around cemetery management, and updates to this document may be considered alongside the implementation of the updated bylaw.</p>	
Name / Group or Organisation Name	Preferred Option	Comment regarding option	General comments	Ward
CEB52 Michele Laurie	No selection	Can we please refer to 'people without means' rather than 'poor persons'		Te Aroha

CEB103 Beau Timberland	With amendments	It is so great to hear that MPDC might enable natural burial with this bylaw update. Many people are becoming interested in it and prefer not to be pumped full of preservatives and be buried below the biological zone in a soil profile. Great to hear mpdc might enable this. The only thing I am concerned by with regard to the proposed by law is the undefined rules about decorations. I don't think it's the council's responsibility or authority to decide how someone might decorate their loved ones headstone. Is there even someone who works at council who decides this? It seems like a strange and unfriendly policy. Can we enable people to decorate their loved ones headstones in a way that is appropriate for them, let's liberalise that policy , allow people to express their culture and perhaps just exclude 'offensive' things like gang patches, nazi symbols or other offensive iconography, but enable people to use flags, flowers, decorations etc in a way suitable for them. Decoration and honouring the dead are matters of taste and culture and shouldn't be defined by a council policy.		Te Aroha
CEB223 Cassandra Mankelw-Hancock	With amendments	You have amended the bylaw to say flower vases and containers can't be breakable but then say you must have council approval to place vases and containers. I agree with the breakable element but having to get prior approval to put a plastic container with some flowers is burdensome for the person visiting a cemetery e.g. they may only visit once a year or infrequently. I would suggest it's easier to allow flowers to be placed in non breakable containers but say in the bylaw how containers and vases must be placed, and to be removed if they don't meet requirements.		Morrinsville
Creative Stone - David Tomlinson	Other	I am not so interested in the bylaw as I am operational matters, as below	I would like all the "ashes plaques", "ashes upright memorials" and "upright memorials" to have the same basic specifications in all 3 main cemeteries (Piako, Te Aroha, Matamata). I would love to see all the "square holes" on the older berms on the flat burial lawns at Te Aroha filled in level to the berm with concrete. They serve no valuable purpose to anyone.	Other - I live in Rotorua, and my businesses are in Hamilton and Rotorua, but I do work in MPDC cemeteries regularly
CEB253 Hamilton's Headstones Shop Ltd - Artline Memorials	Proposed	The proposed draft does simplify and improve clarity on the bylaws for the cemetery. Only thing I would encourage is regarding Clause 15.4. We would recommend council provide a list of current Approved Monumental Masons (similar as Auckland city council does) that can be accessed by the public to ensure confidence that they choose an appropriate mason. This list we would recommend meets with all health and safety requirements and qualifications etc and be updated yearly to ensure accuracy for members of the public.	While not related specifically to bylaws, there are a few suggestions we would have regarding the planning of cemeteries moving forward that we feel would help council streamline a lot of processes across the board. The most obvious being standardising the size of berms for memorials across the district. The three main cemeteries for example have 3 different permitted sizes and corresponding berms for upright memorials. We would recommend 450mm for memorials as it fits in line with other councils in the Waikato. With 150mm min berm either side of the stone (to allow for mowing strips etc) this gives a berm width of 750mm on single berms and 1200mm on double berms (back to back). With planning for new cemetery sections/lawns (for memorials) we are happy to help provide feedback and recommendations based on our years of experience using them and how it impacts the public and their use of them. Many legacy decisions have never been properly reviewed, and so council is left with a patchwork of rules and guidelines that are overdue for a review. Lawn areas, cremation plots, headstones etc. Developing a proper PLAN rather than continuing legacy approaches could help simplify everything for both the community and council staff moving forward.	Other - Hamilton

CEB257 Seddon Park Funeral Home/ Sadliers Funeral Services - Christy McMahon	Proposed		I would like to see any new Ash walls that are developed to fit bigger ash containers. There are two standard ash containers used at the Hamilton Park Crematorium (Our closest Public Crematorium), however only one of those containers currently fits in the ash walls. This can be very upsetting to some family as the container which is slightly bigger doesn't fit and I don't believe families should have to be forced to separate their loved one's ashes if they don't want to. There is no way of knowing when a plot is pre-purchased that a person's ash will fit in the current container or the bigger one as it has to do with bone density rather than the person's actual body mass.	Morrinsville
CEB262 David King	Proposed	Looks perfect, and easy to understand.		Te Aroha

Community Safety Bylaw	
Key themes	Staff comment
<p>Summary of Submission Themes Which of these Policy options do you support? Proposed - 4 With amendments - 5 Other - 1 No option selected - 4</p> <p>Many submitters supported the overall direction of the bylaw review but offered suggestions for improvement, clarity, and enforcement. There was support for clearer, plain language to make bylaws more accessible.</p> <p>Some submitters raised concerns around animal management including dogs in shops and roaming or feral cats. There was a call for stronger rules around the feeding, relocating, or dumping of cats and the submitter highlighted the environmental harm they can cause.</p> <p>Some submissions called for more effective enforcement and signage to support compliance with bylaws—particularly in parks, reserves, and alcohol ban areas. Submitters wanted alcohol bans to be more widely known and enforced, noting incidents involving intoxicated individuals in public places. Skate zones and safety for tamariki and kaumatua were mentioned as priorities, with support for retaining no-skate areas and the inclusion of more signage to back them up.</p> <p>A submitter believes that bylaws play an important role in setting clear expectations for acceptable public behaviour. They caution that leaving offences unaddressed or assuming Police or central government will handle them can lead to the normalisation of harmful behaviour, especially given Police resourcing challenges. They do not support removing the bylaw clauses relating to illegal behaviour. There were several submitters that wanted a focus on crime prevention and anti-social behaviour.</p> <p>General support of the alcohol ban areas is noted including the submission received from the NZ Police.</p>	<p>The draft Community Safety Bylaw seeks to strike a balance between encouraging responsible behaviour and maintaining accessible, welcoming public spaces.</p> <p>Signage/Enforcement Many submitters suggested better signage to inform the community of the bylaw rules. While signage plays a valuable role in promoting awareness and setting expectations, it is generally considered a less effective tool for changing behaviour on its own. For example, despite multiple signs in Boyd Park, complaints have still been received around dogs off-leash. Nonetheless, signs can be useful in supporting community compliance by clearly communicating expectations—such as alcohol bans—and providing a reference point for residents and visitors to encourage compliance. New signage installed in parks reflects commonly reported issues for that particular park, but this must be balanced to avoid visual clutter.</p> <p>Work is also underway on updated parks signage that highlights how spaces can be used and promotes inclusivity.</p> <p>Education will play an important role following adoption of the bylaw. Staff intend to promote key messages and raise awareness, for example, through "Did you know?" style communications on Facebook/Antenna.</p> <p>Staff also wish to reinforce the importance of Customer Request Management (CRM) reporting. Formally raising issues through CRMs helps identify trends and inform future improvements, such as where additional signage or physical barriers may be needed.</p> <p>Motorbikes in parks This is a commonly reported issue. Council has installed barriers to help reduce this, but enforcement tools are limited. This presents a challenge in balancing recreation needs and accessibility with</p>

Other topics included managing public nuisance from freedom camping and motorbikes in parks and reserves, traffic safety concerns in town centres, and stronger action against vandalism and anti-social behaviour. One submitter attached their early engagement feedback and shared their experience of smoke nuisance from neighbours causing health issues. Suggestions included a dedicated 0800 number to report bylaw breaches in collaboration with Community Patrols, targeted signage, and utilising Antenno as an education tool.

Overall, submitters stressed the need for targeted enforcement, community education, and bylaw design that balances fairness, safety, and ease of understanding.

maintaining safety in shared spaces. Recreation Aotearoa guidelines emphasise education and enforcement before installing barriers, and Council aims to follow this approach where practical.

Signage is already planned for the Banks/Richardson Road Reserve as mentioned by one submitter - this includes no motorbike signage.

Use of CCTV cameras in problem areas is an option for Council to consider. While these may deter some behaviour, generally this just moved the problem to another area. Research suggests that CCTV may discourage young people from accessing public spaces

Animal Control

Concerns relating to dogs are noted and can be addressed as part of the upcoming Dog Control Policy and Bylaw review in 2025/26. The current bylaw restricts dogs in the CBD areas of Matamata, Morrinsville and Te Aroha from 8am to 6pm, including service lanes and parking areas. However, it does not specifically cover buildings (e.g. shops), and the maps omit them (only the streets are included in the maps).

Management/regulation of cats were also discussed during the review process. Council has considered this issue and decided not to introduce specific provisions regarding cat management due to the absence of supporting central government legislation. In the interim, an explanatory note has been added to the draft bylaw encouraging owners to de-sex and microchip their cats. Any related complaints would be handled under the animal nuisance provisions (clause 41).

Litter

It is an offence under the Freedom Camping Act 2011, to deposit waste in a public area outside of

<p>appropriate receptacles. The receptacles referred to in the Act include a rubbish bin. The provision in the bylaw around not allowing people to deposit household waste in a public bin was intended for those households who receive a rubbish collection. Suggestions to clarify clauses around this, as well as public nuisances and assembly (10.2 and 13.1) have been incorporated into the draft bylaw for Council consideration.</p> <p>There are provisions in the Litter Act 1979 for Council to issue infringements (including depositing litter in a public place or on private land). Only warranted Litter Control Officers (usually Council compliance or animal control staff who have been formally appointed under the Act) can issue litter infringements. Council needs to pass a formal resolution adopting sections 13 and 14 of the Act to enable infringement notices. Staff can undertake further investigation and facilitate further discussions with Council to enable this.</p> <p>Illegal Activity Community concerns about illegal activity have been considered. While some submitters expressed a desire to see these behaviours addressed in the bylaw, Council has opted not to duplicate matters already governed by central government legislation, such as the Crimes Act 1961 or the Summary Offences Act 1981. Enforcement of these laws is the responsibility of NZ Police. Including them in the bylaw could cause confusion or risk to Council staff. However, Council will continue to support Police and other agencies in addressing illegal activity and maintains regular meetings to share community concerns.</p> <p>Heavy Traffic - Matamata While this sits outside the scope of this bylaw, the concern is noted for future review. Council previously investigated a bypass as part of the 2021–31 Long Term Plan. At that time, research indicated truck traffic was expected to decline following completion of the Waikato Expressway. Land previously designated for a bypass was found unsuitable and has since been disposed of. Any future proposal would require new planning and land acquisition.</p> <p>Finally, Council acknowledges that some submitters shared many personal and neighbourhood concerns. While some of these fall outside Council’s regulatory scope—such as civil disputes between neighbours—Council remains committed to fostering safe and respectful communities. Where issues relate to bylaws, Council will respond appropriately as per its Enforcement Policy and assist residents in navigating responsibilities or connecting them with relevant agencies.</p>				
Name / Group or Organisation Name	Preferred Option	Comment regarding option	General comments	Ward
CSB64 Nil	With amendments	It's my belief that we need a by-law that prevents shop owners and customers (other than service animals) from having dogs in their shops. There have been incidents where in-house dogs have barked at customers and in one case, a customer was either attacked or bitten or both.		Te Aroha

<p>CSB102 Beau Timberland</p>	<p>Proposed</p>	<p>I really like that there are notes in natural English to explain the bylaws, in general the by laws can sound antiquated, but the notes do a great job to clarify the intention. I'm wary of any changes that would affect cats. It's a shame to hear that some cats use their neighbours yards as toilets, I'm not confident that this could be addressed reasonably or for a In appropriate cost. I'm glad to read that the council have considered community feedback and I hope that mpdc might be empowered to enforce it's bylaws</p>		<p>Te Aroha</p>
<p>CSB110 Mary Davey</p>	<p>With amendments</p>	<p>I think there should be a bylaw concerning cats, particularly the feeding, catching, and redistributing of wild cats—especially onto properties where they are not wanted. In our case, the person responsible claims the cats help control rats and mice, benefiting the environment. However, we believe they pose a serious threat to native fauna, including birds and invertebrates. A bylaw could help prevent these cats from being 'dumped' and later fed.</p>		<p>Te Aroha</p>
<p>CSB229 Cassandra Mankelov-Hancock</p>	<p>With amendments</p>	<p>1. 10.1c can't deposit house or trade waste in council rubbish bins. Camper answer are becoming people's households on wheels. The freedom camping act enables waste incl rubbish to be placed in council bins. Suggest clarification here. 2. 10.2 this reads in such a way that if you have prior approval you can create a nuisance in a public place. Suggest it's either they can't do any of these things without approval, or they can't create a public nuisance if doing these activities. Could also have something like 14.4 here. 3. 11 isn't sufficient to deal with issues at the rec with motocross bikes, motorbikes and go carts being driven on walkway/cycle ways around the rec, alongside the stream and on the hillside between stream and Rec ground. I think it would be good to have a provision about where these types of vehicles can't drive. As a note, there is basically no signage at the Morrinsville rec. What about addressing people sleeping in vehicles, that aren't self contained vehicles, at parks and reserves. 4. 13.1 as per comment about 10.2 this provision is confused and allows approval to create a nuisance. Could also have something like 14.4 here.</p>	<p>The language in this bylaw is a mash up of old and new. Lawyers should make sure legal requirements are plain language and easy to understand. I see thereto, aforesaid still being used for example.</p>	<p>Morrinsville</p>

<p>CSB232 Mana Rangatahi - Jade Green</p> <p>Attending Hearing</p>	<p>Proposed</p>	<p>Mobile Shops: 12/14 feel that there should be restrictions on where mobile shops park Majority of group brough Ice Cream, they would drive through urban areas What restrictions: We think that there should be restrictions on where they should park Alcohol Ban areas: Most of the group didn't know that there was an alcohol ban, we think the council should do more about letting people know its there, stricter on alcohol Anonymou - There was an incident, my children were playing touch at Campbell park. We felt disgusted to see that the ref had alcohol in his hand and was being sloppy. When we think about it now it makes me think about how my children were unsafe. There was another incident where I picked up my children from Thursday sport at Campbell park, where there was a visibly drunk man, who seemed aggravated and was threatening to beat up a person he was looking for. We think there should be a ban on drinking alcohol in public places, or even the amount of alcohol a person is allowed to drink. Our feedback is that we agree with the town wide ban but we feel the rules should be more enforced and educated on. Keeping of animals: We agree with that law but think that the animals should be well contained, clean, not causing problems. No Skate Zones: 14/14 agreed that we need to keep no skate zone in order to keep our mokos, kaumatua, and tamariki safe. We do feel that the no skate rule should be more enforced, and more signage should be put up.</p>		<p>Morrinsville</p>
<p>CSB244 Conrad Booyesen</p>	<p>Other</p>	<p>Coming from where I do, I speak from a lived experience when I say that if you leave certain crimes or offences unpunished or unspecified, without directly addressing them, you run the risk of normalizing those behaviors, potentially to the detriment of society and the public. By taking a lenient stance in not specifying what unacceptable public behavior is, this issue can quickly drop out of mind, especially if there is a the feeling that central government legislation and the New Zealand Police have it covered, as it were. Truth is, they might not have it covered, and as I understand the case to be, the Police are overstretched as it is. I'm not in favor of removing this particular bylaw. While I don't live in Morrinsville or Matamata, I am in these places for work purposes almost weekly.</p>	<p>Same as above.</p>	<p>Other - Northeast Hamilton</p>
<p>CSB248 Wendy Fenn</p>	<p>With amendments</p>		<p>Well done I personally think you have covered the changes very well. So if this is adopted how does the council convey these changes to the whole community? Signage could be useful but would be costly. Is there someway that the ateno app could be used to educate the community about the changes because some of the community may just switch off when council talk about draft plans. Sorry I can't be present on the days of the hearings as my husband has medical appointments in Hamilton. However I'm happy to talk to council members at any other time.</p>	<p>Matamata</p>

CSB249 Wendy Fenn	With amendments		I would like to offer a suggestion for signage on the Banks/Richardson road reserve or any other where it is appropriate. "This reserve is for our community young and old to enjoy. For the safety and quiet enjoyment of others please refrain from using motor vehicles on this reserve". I think it is polite and friendly and in a similar vein as other signs seen through Centennial drive.	Matamata
CSB251 Transition Matamata - Jeff Johnson	Proposed	There needs to be some changes to current by-laws and this is a good 1st step.	The dangerous, noisy and polluting HGV / Truck and Trailer traffic through Broadway, has to be addressed. This through traffic offers no benefits to Matamata and is an environmental and safety hazard. A six month trial ban would be a start.	Matamata
CSB254 David Irwin	Proposed	The draught covers the concerns tabled at the Matamata workshop I attended. Primarily for me, theft, vandalism and anti-social behavior in our parks and reserves. As discussed, it still does not address how the public are informed of these bylaws and what enforcement is available. If the enforcement or bylaw is not obvious when an offence is observed, it is likely to go unreported. I believe signage in parks that easily directs the observer to the enforcement powers, then offences are more likely to be reported. The sign would also act as a deterrent. It could be as simple as: - Theft (including plants) - Vandalism - Anti social behavior is a CRIME 0800 Bylaw (0800 29429) 24/7 The number has to be 0800 with an easy word, rather than numbers, to remember so the call can be made out of sight of the offenders. The number would go direct to the enforcement officers and out of hours, redirected to the community patrol. There would need to be a collaboration with them.		Matamata
CSB256 Belinda Rowson	With amendments	I support more attention to drug related activities , people living nearby are very aware when dealing is taking place near their homes		Matamata
CSB265 Steve Cullen <i>See attachment Late submission Attending Hearing</i>	No selection		I have read through the information you have sent and would like to add the following: The current Public Safety Bylaw contains areas where drinking alcohol is banned. Do you think these areas are still suitable or are changes required? Please Explain: I think the current restrictions are adequate but the problem is with enforcement. The Police are not always available to enforce the law What are your thoughts on the current rules around animals in public amenities (e.g. parks and reserves)? Are there any changes needed for the safety and enjoyment of all users e.g. more rules, signage, enforcement: Yes there should be more signage and enforcement Especially when it comes to dogs in public. Also with unruly trail bike riders in public parks. What do you think about the rules around the number and type of animals that are allowed to be kept (e.g. chickens, roosters, goats, pigs etc.)? I think there should be restrictions in place for the numbers and types of animals that can be kept in a residential area.	Morrinsville

<p>CSB266 Kelly Ralph</p> <p><i>See attachment</i> <i>Late submission</i> Attending Hearing</p>	<p>No selection</p>		<p>all my complaints are very valid we have lived in Goodwin ave for 21 years and neighbours have no respect you try to talk to them and they just abuse you . kids riding motorbikes up and down street at all hours can also be a problem sometimes eg housing NZ families . I also find it very concerning that when you want to contact landlords about their tenants behaviour you can't get there details due to privacy act so unfair to poor neighbours</p>	<p>Morrinsville</p>
<p>CSB267 New Zealand Police - Inspector Mike Henwood</p> <p><i>See attachment</i> <i>Late submission</i> Attending Hearing</p>	<p>No option selected</p>	<p>See attached submission.</p>		

Gambling Policy and TAB Policy								
Question 1: Gambling - staff comment		Question 2: TAB - staff comment		Question 3: Sensitive Sites - Staff comment				
<p>What option do you support? Proposed: 3 Sinking lid: 14 Decrease: 2 Increase: 1</p> <p>Staff note there were varying views during early and in-person engagements on these policies. Several local groups and community members expressed the importance of gambling grants that fund a range of activities that support community wellbeing. Other community members shared their own experiences with gambling harm, and do not want any new gambling venues in our towns, especially in Te Aroha. Staff also note that the terms 'pokies' and 'play' have been used for engagement documents, but are not included in the proposed Gambling Policy. 'Pokies' is a slang term that is more commonly used than 'Electronic Gaming Machine' (EGMs) and is used in consultation documents to aid readers in understanding the topic. Staff note EGMs terms like 'play pokies' does not acknowledge that for some people pokies are not a game, but are a source of harm.</p>		<p>What option do you support? Proposed option: 3 No venues: 10 Other: 1 No selection: 6</p> <p>Staff note the low number of submissions recieved, and note there was no feedback on the TAB Policy during early and in-person engagements.</p>		<p>What option do you support? Proposed: 7 Current: 9 Other: 1 No selection: 3</p> <p>The current requirements for new venues to consult with affected parties within a 250 metre radius is anti-competitive, as it allows existing gambling venues to provide a written objection to the proposed new venue and trigger a hearing process that is time consuming. Staff note most feedback from early and in-person engagement generally supported gambling venues and EGMs being away from sensitive sites.</p>				
Name & submission #	Question 1 - Which of these Policy options do you support? (Gambling)	Question 1 Comment	Question 2 - Which of these Policy options do you support? (TAB)	Question 2 Comment	Question 3 - Sensitive site requirements	Question 3 Comment	General comment	Ward
GVP51 Anthony Neave	Decrease cap	I lost someone once very close to me through poker machine addiction. I implore the council to reduce the harm caused by these machines. Poker Machines have been designed to addict. They destroy peoples lives, they destroy families and they divert money that would otherwise be spent in local businesses. The only way to reduce the harm they cause is to get rid of them all together. I support a decreasing cap until they are all gone. New Zealand ranks 26th in People per Electronic Gaming Machines (EGMs). There is one poker machine for every 275 people. This is far too many! https://worldpopulationreview.com/country-rankings/slot-machines-by-country?	No TAB Venues		Current		Could you please avoid using the terms 'play' and 'pokies'. The council is normalising gambling by referring to it as a game of skill (not chance), and by using an informal nickname.	Te Aroha

GVP55 Gaming Machine Association NZ - Jarrod True <i>See attachment Attending Hearing</i>	Proposed		No selection		Proposed		Other - N/A	
GVP98 Aotearoa Gaming Trust - Karen Shea <i>See attachment</i>	Proposed	Aotearoa Gaming Trust supports the district wide cap as set out in the proposed option and think it will be a more straightforward formula for Council to administer.	No selection		Proposed	Aotearoa Gaming Trust supports in principle gaming venues being 100 metres from sensitive sites, however, we also support an option for exceptions to be considered on a case-by-case basis.	Aotearoa Gaming Trust (AGT) operates a venue in Matamata and it is our policy to return at least 95% of available funds directly back to the area or to support organisations providing services in the Matamata area that directly benefit the local population. The remaining 5% supports national organisations that undertake work that benefits the wider New Zealand community. As of the end of February 2025 AGT has granted over \$200,000 to groups in Matamata and hold applications that are currently being processed, the available funds are ring-fenced for local organisations to apply for grant funding from. When the available funds reach a level where we think community awareness needs to be raised we will conduct a funding meeting in Matamata and invite interested not-for-profit groups to attend and find out about our criteria and how the application process works. It is our job to distribute funds as quickly and efficiently as possible to support the organisations that do great work within the community. We note from the most recent Ministry of Health information on presentation data that there have been no new clients in the district, while we do not believe these numbers reflect the actual situation it highlights the issues for local communities when there is no face-to-face counselling services available. We provide training and various tools to assist our operators to conduct a gambling operation that puts the well-being of the players at the forefront of the gambling operation and tries to minimise any potential harm.	Other - AGT is based in Dunedin but operates a National Gaming Trust
GVP 111 Freya Turner- Wright	Sinking lid		Proposed		Proposed		Morrinsville	
GVP 228 Cassandra Mankelow- Hancock	Sinking lid		Proposed		Proposed		Morrinsville	

GVP 228 Mana Rangatahi - Jade Green Attending Hearing	Sinking lid	Why we support the sinking lid - The Pokie machines will start to go away that is why we support the sinking lid - Reducing, helping the problem go away Having the pokie machines go away will help valuable communities, having no pokie machines around marae's, schools ect Annonymus - Yes, putting in a restriction will help. Annoymus - Whanau has been affected, sometimes it does help with money, but not all the time, sometimes there is no money left and it leaves me feeling not nice	No selection		No selection			Morrinsville
GVP 233 The Lion Foundation - Samantha Alexander <i>See attachment</i> Attending Hearing	Proposed	See attached submission.	No selection		Proposed	See attached submission.	See attached submission.	Other
GVP235 Raymond Une <i>See attachment</i>	Sinking lid		No TAB Venues		Current			Other
GVP236 Che Halafihi	Sinking lid		No TAB Venues		Current			Other - Manukau Ward
GVP237 Matt Max	Sinking lid		No TAB Venues		Current			Matamata
GVP238 Mapu Maia - Jaebong Choi	Sinking lid		No TAB Venues		Current			Other - Auckland
GVP 239 Mapu Maia - Herman Ah Kiong	Sinking lid		No TAB Venues		Current			Other - Hastings
GVP240 Asian Family Services - Hong Yuan <i>See attachment</i>	Sinking lid		No TAB Venues		Other	We recommend no new venues for both pokies and TAB.		Other - I live in Porirua, our services is national.

GVP241 Lisa Ah Honi	Decrease cap		Proposed		Current		Why do they gambling venues & TABs in the most vulnerable areas? If we have venues in these areas, there should be a strict cap on how many and consultation should be with the community before approving licenses for gambling venues & TAB. The venues target the low social economic areas and spin the narrative to say the money goes back into the community, but it doesn't. Compared to the millions of dollars these venues make and what they give back to the community is minimal. These venues are taking food from families and not only does it affect the family but also the people in their circle or village. The ramifications are huge especially for their mental health.	Other - South Auckland
GVP242 Samoan Family Advocate - Rufo Pupualii <i>See attachment</i>	Sinking lid	Sinking Lid Policy is more effective than per capita policy which is operating at present for Matamata-Piako Council. In order to address the financial struggles of vulnerable communities of Maori and Pacific. The Population of Matamata-Piako district is around 34,000, and the formular of per capita ration to Class four Gaming Machines is 1 machine per 1000 people. If its 34,000 people, it needs 34 machines only in the district. Unfortunately, there is a total of 140 Gambling Machines in the district. What it identified in this formula, the per capita policy does not reflect the struggles of the vulnerable communities to Maori and Pacific in the district. Approximately 6,741 Maori population and 1,914 Pacific population in the district, and I strongly oppose the Per Capita Policy BUT to adopt the Sinking Lid Policy. Sinking Lid can reduce the overall gambling harm by decreasing the numbers of pokies in the district.	No TAB Venues	I strongly put a stop on TAB venues to operate in the district because of the high risk of Maori and Pacific Gambling. The negative impacts on Pacific and Maori would be financial hardships-gambling drains limited income sources, family breakdown-relationships suffer due to gambling related stress and mental health anxiety, depression and suicide rates increase with gambling harm. As a Pacific Health Promoter and Manager for the National Pacific Provider in Problem Gambling, I identified the long-term struggles of Maori and Pacific services users, who access our services, due to the availability of TAB venues and Gambling machines in the Local Communities. Indeed, if the council can be of responsible to look into the community wellbeing related options, a stop on TAB venues would be much appreciated.	Current	This option can be strongly support my view points as mentioned on my comments above	There is too much of Gaming machines in the district, please reconsider your Policy Option and consider the rights of the vulnerable communities. What is the most important thing in the world, its people it is people, it is people.	Other - Waikato and Auckland
GVP245 Mapu Maia - Jonathan Pouli-Lefale	Sinking lid	I believe Option 3 is the best option to be adopted. This is looking at the future. The less gambling venues accessible to the community the better it's going to be in the long run. To achieve this, we eliminate any opportunity for businesses to continue it's presence in the community. Only then the temptation to win big for our community will become less and less, and I believe we will at least having our dream of elimination of the harm of gambling become a reality.	No TAB Venues	This will be a dream come true for us who are trying to support this addiction in the community. By Council NOT approving applications for licenses will result in elimination of another temptation in the community to easy access to gambling.	Current	This will give the opportunity to those who are vulnerable to have a say in this, and be able to make their individual decisions on what is best for them.	For someone who is involved together with work colleagues in that area, I fully support any policy that will look at the reduction of the harm in the community from gambling. And as a Pacific Island individual, I am willing to support any legislation and/or policy regarding reduction or even elimination of gambling harm.	Other - Counties/Maunukau

GVP255 Laura Wade	Increase cap	People will find a way to gamble if they want to. At least with pokies a share of the money helps community groups. If they are gambling online then 100% of the money is going overseas. People gambling in public can be monitored and offered help.	Increase cap		Proposed			Te Aroha
GVP258 Problem Gambling Foundation Services - Madelaine Cullen <i>See attachment Attending Hearing</i>	Sinking lid	See attached submission.	No TAB Venues	See attached submission.	No selection	See attached submission.	See attached submission.	Other - Auckland
GVP263 Te Whatu Ora Te Manawa Taki, Waikato region - Rose Black <i>See attachment Late submission</i>	Sinking lid	See attached submission.	No selection		Proposed	See attached submission.	See attached submission.	Other - Waikato
GVP264 Te Manawhenua Forum mo Matamata-Piako <i>See attachment Late submission</i>	Sinking lid	See attached submission.	No selection		No selection			In district

Alcohol Licensing Bylaw				
Key themes			Staff comment	
<p>Which of these Policy options do you support? Proposed - 2 Status Quo - 2</p> <p>The feedback received expressed concern about proposed fee increases to alcohol licensing. One submitter queried the costs to Council especially given the new requirement for individual licenses unless they are considered linked. Submitters highlight the financial strain already faced by businesses during a time of economic hardship. They suggest that raising fees will ultimately lead to increased costs for consumers and place further pressure on the hospitality sector, which may not be in a position to absorb additional expenses.</p> <p>Submitters in support of the proposed option did not provide reasoning.</p>			<p>The current alcohol licensing fees in the district were set by the Sale and Supply of Alcohol Act 2012, and the prices have not changed since then. For Council to change these fees, Council are required by legislation in the Sale and Supply of Alcohol (Fee-Setting Bylaws) Order 2013 to publicly consult and implement a bylaw with adjusted fees.</p> <p>The submission that requested information on the Act and clarification on the justification for price increases was responded to by staff. The submitter was provided with the relevant clauses in the Act, the Regulation 19 Report which was presented to Council and on the MPDC website, and a breakdown of administration costs.</p>	
Name / Group or Organisation Name	Preferred Option	Comment regarding option	General comments	Ward
AFB69 Matamata RSA - Gayle Dickson	Status Quo	I would like to see a full breakdown of how the administration "costs" are calculated please. I cannot work out how a special license fee can cost anywhere near the figures you are quoting, and I also cannot see how you can justify an increase in fees when you are now requiring individual special licenses unless their considered to be linked! Can you also please send an excerpt of the Act that defines the cost/risk rating as I cannot find this!	Businesses are already struggling, and clubs in particular. How can you justify these increases, but not increase Duty Manager fees surely one's duty manager is a key to the safe and responsible sale of alcohol in any premises??	Matamata
AFB100 Beau Timberland	Status Quo	I think we should seek to avoid price increases for local people in this financial climate. Let's be compassionate to business owners. They will of course pass on those costs to people who consume alcohol or want to dine out. I'm not confident the hospitality industry is in a position to be paying higher fees for something like this.	Let's be compassionate to people during a recession. No need to raise fees.	Te Aroha
AFB224 Cassandra Mankelow- Hancock	Proposed			Morrinsville
AFB246 David King	Proposed			Te Aroha

Fees and Charges	
Key themes	Staff comments
<p>Which of these Policy options do you support? Proposed - 1 Other - 2 A submitter expressed concern about new/increased Council fees and their impact on residents, especially during a time of economic hardship. They suggested that if additional revenue is needed, the Council could consider reinstating library late fees or increasing charges for non-essential services such as pools, spas, and libraries rather than raising building consent fees, which they see as a barrier to private property improvement.</p> <p>One submitter was particularly concerned about dog registration fee increases, noting that responsible dog owners—who do not require services like Animal Control Officers, are unfairly penalised for the actions of those who let their dogs roam or don't register them. They noted that the increase may discourage compliance and create financial strain, particularly for those on fixed incomes like pensions.</p> <p>One submission supported the proposed option but did not provide reasoning.</p>	<p>Council reviews its Fees and Charges annually to ensure they are up to date and reflect the actual and reasonable costs of providing services and activities to the community. For each activity, the percentage of revenue that can be collected through fees and charges is set through the Revenue and Financing Policy which takes into account the distribution of benefits between the whole community, separate communities and individuals.</p> <p>Library Overdue Fees</p> <ul style="list-style-type: none"> Libraries can be understood as fulfilling an essential function in a democratic society, ensuring access to information for everyone in the community. Research has shown that library fines act as a deterrent to library use, and are not an effective tool for managing overdue items. Less than 10% of councils in New Zealand charge library fines. For further information refer to Library Fine Free Proposal Report attached to Fees and Charges Report <p>For further background see also: https://finefreeaotearoa.org.nz/</p> <p>Building Consent Fees</p> <ul style="list-style-type: none"> For building consent fees, the Revenue and Financing Policy sets a range of 50-90% for the percentage of costs to be covered by the individual, taking into account that the benefits are distributed between the individual and the community at large (in terms of managed and appropriate development in the community) Building consent fee increases for 2025/26 are made up inflation, a small increase to cover insurance costs, and a change to the structure of the fees due to changes from our external supplier of building consent services. <p>Affordability</p> <ul style="list-style-type: none"> Most fees have been increased by inflation only, balancing council's need to recover costs with the need to keep costs down for the community. Some fees have remained the same eg Libraries Where fees have increased by more than inflation this is largely due to changes outside Council's control such as Objective Build fees in the Building activity, MPI levies in the Licensing activity, or to ensure Council is covering the actual costs of providing the service eg. Weekend and public holiday cemeteries fees, Rubbish fees <p>Dog Registration Fees</p> <ul style="list-style-type: none"> Dog registration fees have only increased by inflation For animal control fees, the Revenue and Financing Policy sets a range of 80-100% for the percentage of the costs to be covered by the individual, arguing that this range encourages responsible dog ownership, and promotes public safety.

Name / Group or Organisation Name	Preferred Option	Comment regarding option	General comments	Ward
FC101 Beau Timberland	Other	The council recently did away with library late fees, I'm sure this wasn't a major source of income, but perhaps they could be reinstated if the council needs to strengthen its income. I'm supportive of MPDC raising fees for services it offers like libraries, pools, spa etc. But for building consent I'm not supportive. I think this is already an expensive form of taxation and we might like to encourage and stimulate people to build and improve their own private properties without the need for higher fees. Perhaps put the fees up on non essential, luxurious things like the pools, library and spa and keep prices low or reduce them for important things like consent fees.	Let's consider that we are in a recession , there is weak local job market and everyday people might be badly affected by new or increased taxes and fees.	Te Aroha
FC226 Cassandra Mankelow-Hancock	Proposed			Morrinsville
FC230 Lorraine Hardy	Other	I already have to pay increased rates anyway. In the 8 years of owning a dog whilst living in Matamata, my dog has NEVER been picked up by a dog warden. This increase does not reflect those people who look after their dog but yet again are forced to pay out more money to cover the expenses of those that let their animals roam free and are possibly not even registered. Just how far do think a pension can stretch?	As a responsible owner, I cannot see ANYTHING that we get for the money we have to pay and I truly believe that increase will prevent some people from registering their dog as it makes it an unaffordable expense when you receive nothing back for it. I'm not interested in the dog warden, never seen him anyway, or how much it costs to keep someone else's dog penned up and fed when they're not looking after them at home, they shouldn't be having dogs in the first place so why should I have to pay for them!	Matamata

Dangerous and Insanitary Buildings Policy				
Key themes			Staff comment	
<p>Which of these Policy options do you support? Proposed - 3</p> <p>All three submissions were in support of the proposed option. One submitter highlights the significant challenges facing St Marks Church in Te Aroha, noting it will cost around \$4 million to repair, with additional unknown costs for converting it from a heritage building and potential insurance liabilities. \$200,000 has been raised in two years, suggesting it may take many years or even decades before restoration can proceed.</p>			<p>Staff note that there are earthquake prone building provisions affecting a building in Te Aroha but this is covered by separate legislation, Building (Earthquake-prone Buildings) Amendment Act 2016), not covered by the Dangerous and Insanitary Buildings Policy.</p> <p>The development of the amended policy was made to align with MBIE recommendation and align with legislation, therefore staff recommend that Council adopt the policy which was publicly consulted on.</p>	
Name / Group or Organisation Name	Preferred Option	Comment regarding option	General comments	Ward
DIB86 David King	Proposed	I'm very aware of the situation at St Marks church in Te Aroha. Will take about \$4million to repair, who knows how much to change from a Heritage building, and unknown insurance liability to let people in again. I'm told that after 2 years of fundraising, they have raised \$200,000. So will be several years/decades before they can go to tender.		Te Aroha
DIB227 Cassandra Mankelow-Hancock	Proposed			Morrinsville
DIB247 Wendy Fenn	Proposed		No I think you have covered this topic well.	Matamata

CSB265

Submission ID:

Submission Date:

2024-10-19

16:41:49

If so, please provide your name and the best way to contact you and our Policy Team will be in touch.

Steve Cullen

Which area are you based in?

Morrinsville Ward

How familiar are you with the current Bylaws?

Please let us know your overall thoughts on the current Public Safety and Public Amenities Bylaws. Do they cover the issues that you care about? Are there any issues that should be included or removed?

The current Public Safety and Amenities Bylaws cover a range of different issues. Would you like to comment on any of these topics? We've included some prompts to help when providing feedback but please feel free to share any other insights you may have.

Behaviour and personal safety Neighbourly issues Public health and safety

Have you noticed any issues with alcohol and/or drug use in public places in our district? If so, where did this occur and what happened?

The current Public Safety Bylaw contains areas where drinking alcohol is banned. Do you think these areas are still suitable or are changes required? Please explain:

What are your thoughts on the current rules around animals in public amenities (e.g. parks and reserves)? Are there any changes needed for the safety and enjoyment of all users e.g. more rules, signage, enforcement etc.?

What do you think about the rules around the number and type of animals that are allowed to be kept (e.g. chickens, roosters, goats, pigs etc.)? Have you ever experienced any issues in your neighbourhood? Are any changes needed?

Have you ever experienced behaviour in our district that made you feel uncomfortable or unsafe? If so, what happened and where did this occur?

Neighbours having a drunken brawl on their front lawn
[redacted].

Neighbours went away and left their dog tied up and barking continuously for 12
hours, [redacted].

We regularly see dogs roaming around our area and they are mostly Pitbull type dogs
with no collar or registration tag.

Neighbours lighting open fires and incinerators causing smoke to drift through our
house.

I am a chronic asthmatic so this can have an adverse effect on my health.

On Saturday 12th October some people down the road at [redacted] decided to light
an open fire while there was quite a significant Westerly wind blowing.

The fire got out of control fairly quickly and the fire brigade was called.

**Which specific behaviours or actions in the community concern you the most
and why?**

Antisocial behaviour, loud noisy parties, drunken brawls

Roaming Dogs.

Dogs tied up and continuously barking for hours and hours on end.

The lighting of open fires and incinerators

**What are your thoughts on the current rules to keep people safe in public
places around littering, camping, lighting fires, skating, loitering etc.?**

Like most other laws in this country, the problem is not the law itself.

The problem is there is no one around to enforce the law.

Therefore people are free to do whatever they choose without any consequences.

**What changes (if any) would you recommend to the bylaws to better
manage nuisance or offensive behaviour in the community e.g. more rules,
signage, enforcement etc.?**

Tougher penalties for non compliant dog owners including harsher consequences for
repeat offenders

A ban on all outside fires and incinerators except for barbecues.

**Have you seen any issues at cemeteries like antisocial behaviour or
activities that are not allowed such as removal of monuments or tablets? If
yes, please describe the issue(s) you encountered and where this occurred.**

**What rules (if any) do you think should be in place to help maintain and
respect cemeteries?**

What makes a rad or bad neighbour? Please provide some examples.

It's quite simple really.

A Rad neighbour is one who has a bit of consideration for their neighbours.

Unfortunately we have not experienced this.

A Bad neighbour is:

Has loud, drunken, noisy parties regularly

Ties their dog up in the back yard and leaves it to bark continuously for hours and hours on end.

Let's their dog roam, doesn't bother to register their dog.

Lights open fires or incinerators without any consideration for their neighbours

Have you experienced anything in your neighbourhood that caused problems e.g. burning of rubbish or insanitary conditions? Please describe:

A party that ended up in a drunken brawl on the front lawn

Neighbours having loud noisy parties until the early hours of the morning

Neighbours that tied their dog up in the back yard and left it to bark continuously for 12 hours.

Neighbours regularly lighting open fires and incinerators smoking us out.

Random people entering our property without our consent.

What (if anything) should Council include in its bylaws to support the safety of food premises in the district?

Are the rules in the current Public Safety Bylaw clear and relevant for maintaining health and safety of hostels, guest houses, boarding houses, and similar accommodation? If not, please provide suggested changes.

Is there anything else that Council should include to support public health and safety?

Council's current Public Safety Bylaw includes rules and standards around signage. Do you think rules should be in place to control signage and keep our towns looking great and, if so, what should be included?

What are your thoughts on the current rules around activities such as trading, fundraising, and performing in public places? Should there be specific conditions or restrictions, and if so, what should they be?

The current Public Safety Bylaw contains areas excluded from mobile shop trading. Do you think any changes should be made to where mobile shops are allowed to operate from within our district?

Have you ever seen dangerous driving in a park or reserve? Please describe what happened and where this occurred. Was there any damage done?

How could Council better manage vehicles in parks and reserves so that everyone can enjoy these spaces e.g. more rules, signage, enforcement etc.?

Do you have specific comments about any of the other topics included in the Bylaws?

Is there anything else you'd like to share about what makes a good neighbour and citizen to help us understand what should be included when writing the new Bylaw/s?

Would you like to discuss your comments/responses further?

Yes

ID: CSB266

Submission ID:	Submission Date:	2024-10-19 16:45:08
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If so, please provide your name and the best way to contact you and our Policy Team will be in touch.

KELLY RALPH

Which area are you based in?

Morrinsville Ward

How familiar are you with the current Bylaws?

Please let us know your overall thoughts on the current Public Safety and Public Amenities Bylaws. Do they cover the issues that you care about? Are there any issues that should be included or removed?

The current Public Safety and Amenities Bylaws cover a range of different issues. Would you like to comment on any of these topics? We've included some prompts to help when providing feedback but please feel free to share any other insights you may have.

Behaviour and personal safety Neighbourly issues Public health and safety

Have you noticed any issues with alcohol and/or drug use in public places in our district? If so, where did this occur and what happened?

The current Public Safety Bylaw contains areas where drinking alcohol is banned. Do you think these areas are still suitable or are changes required? Please explain:

What are your thoughts on the current rules around animals in public amenities (e.g. parks and reserves)? Are there any changes needed for the safety and enjoyment of all users e.g. more rules, signage, enforcement etc.?

What do you think about the rules around the number and type of animals that are allowed to be kept (e.g. chickens, roosters, goats, pigs etc.)? Have you ever experienced any issues in your neighbourhood? Are any changes needed?

Have you ever experienced behaviour in our district that made you feel uncomfortable or unsafe? If so, what happened and where did this occur?

yes neighbours lighting incerators and open fires in [redacted] resulting in smoke pouring across our section and into our house and other neighbours houses my partner is a severe asthmatic and smoke inhalation can put him in hospital and also kill him . really he also suffers from anaphylaectic shocks eg swelling of the throat inhaling smoke can also cause this. also our neighbour lit the incerator 3 feet off our 6 ft wooden fence the corner of our house is very close to this fence and we have major problems with cross winds in our street which could cause the flames to jump to fence then catch our house on fire there is absolutely no need to have outside fires in town neighbours have the right to breathe fresh air especially inside their houses .THIS IS A HEALTH AND SAFETY ISSUE PLEASE ADDRESS IT .

Which specific behaviours or actions in the community concern you the most and why?

PARTIES OUR NEIGHBOUR had a party and it turned into a fist fight resulting in 2 guys slamming each other into the fence we watched in horror as the fence rocked and bent and at one stage we thought the fence was going to colapse we called police it took over an hour for them to arrive .we have also had neighbours smash a fence panel and keep quiet about it no offer to repair it.neighbours kids kicking balls over the fence into our property and smashing outside lights no offer to repair or say sorry . NEIGHBOURS PEEING IN FRONT OF OUR KITCHEN WINDOWS AND FENCES WE DON'T NEED TO SEE OUR NEIGHBOURS [redacted] .

What are your thoughts on the current rules to keep people safe in public places around littering, camping, lighting fires, skating, loitering etc.?

THERE SHOULD BE NO INCERATORS IN TOWN FULL STOP OR OUTSIDE FIRES NEIGHBOURS SHOULD NOT HAVE TO PUT UP WITH SMOKE INSIDE THEIR HOUSES THERE IS A LAW THAT SAYS NEIGHBOURS CANNOT DO THINGS TO OTHER NEIGHBOURS THAT RUIN THE ENJOYMENT OF THEIR PROPERTY AND QUIET FRANKLY [redacted] PEOPLE JUST THINK THEY CAN FLOUT THE LAW .

What changes (if any) would you recommend to the bylaws to better manage nuisance or offensive behaviour in the community e.g. more rules, signage, enforcement etc.?

BYLAWS NEED TO BE CHANGED REGARDING FIRES AND INCERATORS BYLAWS NEED TO BE CHANGED REGARDING OUT OF CONTROL PARTIES. BYLAW SHOULD BE INTRODUCED REGARDING FIREWORKS PUBLIC DISPLAYS ONLY AS SOME OF OUR NEIGHBOURS DO IT 2 NIGHTS IN A ROW BESIDE OUR HOUSE SOME DO IT ALL [redacted] WEEK AND THEY SET ALL THE DOGS OFF BARKING .

Have you seen any issues at cemeteries like antisocial behaviour or activities that are not allowed such as removal of monuments or tablets? If yes, please describe the issue(s) you encountered and where this occurred.

What rules (if any) do you think should be in place to help maintain and respect cemeteries?

What makes a bad or good neighbour? Please provide some examples.

LIGHTING OUTSIDE FIRES AND INCERATORS

PEEING IN FRONT OF NEIGHBOURS WINDOWS

OUT OF CONTROL PARTIES

WANDERING DOGS

NEIGHBOURS CHOOKS WANDERING ONTO OTHER NEIGHBOURS PROPERTY

DAMAGING FENCES

THROWING BALLS AND FRUIT ONTO NEIGHBOURS PROPERTIES WHICH HAS RESULTED IN SMASHED LIGHTS AND WINDOWS

Have you experienced anything in your neighbourhood that caused problems e.g. burning of rubbish or insanitary conditions? Please describe:

YES WE HAVE ALL THESE PROBLEMS

What (if anything) should Council include in its bylaws to support the safety of food premises in the district?

Are the rules in the current Public Safety Bylaw clear and relevant for maintaining health and safety of hostels, guest houses, boarding houses, and similar accommodation? If not, please provide suggested changes.

Is there anything else that Council should include to support public health and safety?

Council's current Public Safety Bylaw includes rules and standards around signage. Do you think rules should be in place to control signage and keep our towns looking great and, if so, what should be included?

What are your thoughts on the current rules around activities such as trading, fundraising, and performing in public places? Should there be specific conditions or restrictions, and if so, what should they be?

The current Public Safety Bylaw contains areas excluded from mobile shop trading. Do you think any changes should be made to where mobile shops are allowed to operate from within our district?

Have you ever seen dangerous driving in a park or reserve? Please describe what happened and where this occurred. Was there any damage done?

How could Council better manage vehicles in parks and reserves so that everyone can enjoy these spaces e.g. more rules, signage, enforcement etc.?

7

Do you have specific comments about any of the other topics included in the Bylaws?

Is there anything else you'd like to share about what makes a good neighbour and citizen to help us understand what should be included when writing the new Bylaw/s?

Would you like to discuss your comments/responses further?

Yes

ID: CSB267



15 April 2025

To: Matamata-Piako District Council (MPDC)

Subject: Review of Matamata-Piako Public Safety Bylaw 2014 (amended 2019)

Requirement to be satisfied: Section 147A; Local Government Act 2002.

Name: Inspector Mike HENWOOD; New Zealand Police

Submitter's position on current Bylaw: Strongly supports.

I write this letter on behalf of NZ Police to support a continuation of the Matamata-Piako Public Safety Bylaw and specifically the Alcohol Control aspect via the existing Liquor Ban.

What the submitter would like the council to do: renew the existing bylaw.

Reason for supporting the bylaw:

The existing Alcohol ban areas were identified to address the level of alcohol related crime, violence, disorder and nuisance behaviour etc. within Matamata Piako District Council (MPDC) area.

Specifically the central public areas in each township where typically licensed premises are situated and large numbers of the general population congregate for business, shopping, tourism and hospitality.

In essence, the bylaw is working as MPDC public place crime (violence and disorder) are significantly lower since the liquor ban was introduced by council and enforced by Police. Removal or the reduction of the Alcohol ban would almost certainly lead to crime increasing back to the pre-existing levels, unnecessarily putting the community at risk. Any change to the current bylaw to reduce the geographic coverage of the Alcohol ban areas to be restricted to the central business areas and parks and reserves would create uncertainty to the public and could result in issues of offending persons sitting "just outside" the Alcohol ban areas and ultimately negating the effectiveness of the ban.

SUBMISSION:

1. Crime and violence

In New Zealand (New Zealand Police, 2010) alcohol is responsible for:

- a third of all violence (33%)
- a third of all family violence (34%)
- half of all sexual assaults (54%) and homicides (49.5%).

In 2018, there were (on average) 103 offences recorded every day in which the identified offender had consumed alcohol prior to offending (NZ Police, 2018).

Alcohol contributes to between 9.6% and 9.9% of 'impulsive' crimes (e.g., property damage, vandalism, arson) (Boden, Fergusson, & Horwood, 2013).

1

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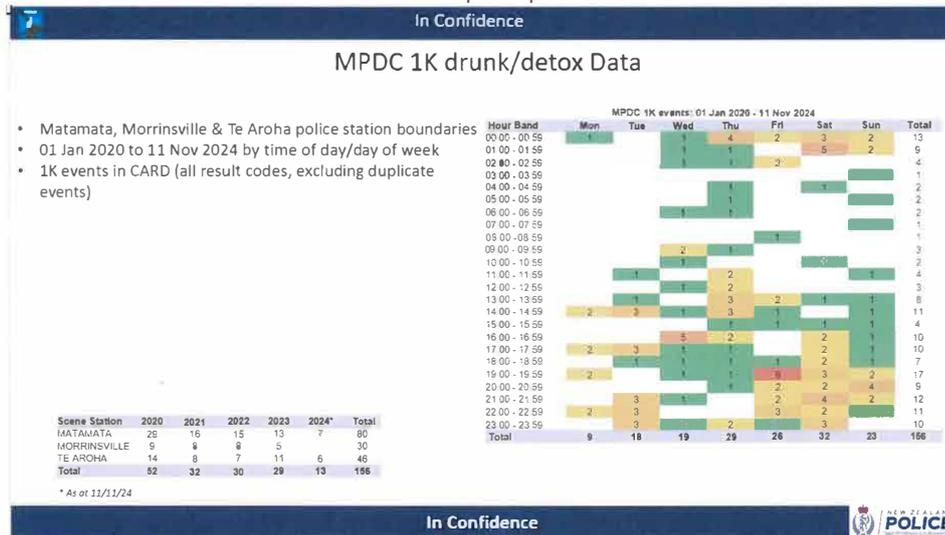
2. Disorderly behaviour, intoxicated in a public place and Liquor Ban offences

The first piece of data from NZ Police records (Table 1 below) indicates a couple of points and describes the volume and generally when and where Police deal with persons so intoxicated in a public place the Police are called by the public or they are observed by Police patrols;

(a). The incidence of public place intoxication has been slowly decreasing in the Area in recent years. This is against a backdrop of general alcohol consumption remaining largely the same during the same time. One can reasonably assume the existing bylaw and it's enforcement has contributed to this.

(b). Public place intoxication peaks later in the day and around the weeks but there is clear indication that it also can occur at almost any time of the day or day of the week. Once can assume the 24/7 nature of the bylaw is therefore both required and relevant.

Table 1: Matamata-Piako Area – Intoxicated in a public place data

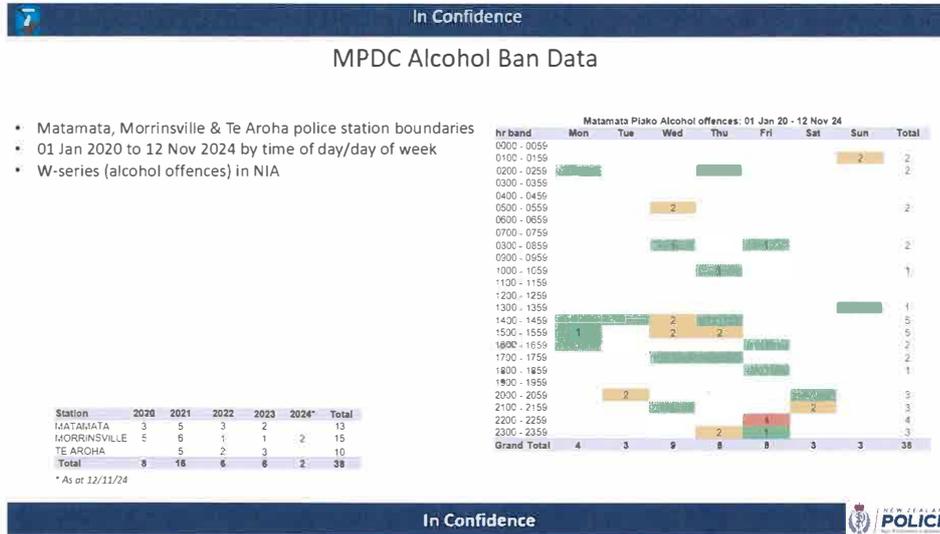


The second piece of data from NZ Police records (Table 2 below) indicates when Police have detected and enforce the existing liquor ban in recent years. Relevant points are:

(a). While these are not large numbers compared to when this bylaw was originally enacted this can be interpreted that the bylaw has had an affect rather than that it is not required.

(b). The existence of bylaw breaches in weekday daylight hours between 2pm and 5pm indicates that without the existence of the bylaw the problems associated with public place drinking would be experienced by the wider public at a time of the day when retail businesses are open, kids are walking home from school and the majority of the public are out and about going about their daily business.

Table 2: Matamata-Piako Area – Alcohol ban enforcement



Removing this preventative tool would almost certainly lead to increased crime, in the form of public place violence and disorder in the public areas currently governed by the liquor ban.

Every Waikato District council in the vicinity has an Alcohol ban and by not having one Matamata Piako District Council (MPDC) would almost certainly become the destination of choice for vagrants or young person’s wanting to drink in public places with no repercussions.

3. Police Graduated Response Model applied to Liquor Ban Breaches

It is important to note that since 2008 when the original liquor ban was implemented the way Police deal with such matters has changed significantly.

In late 2013 the Alcohol Infringement Offence Notice (AION) system was introduced increasing the enforcement options Police have at their discretion and arguably alleviating many of the concerns the average rate-payer has that they might be arrested for having a social drink without knowing they were in an Alcohol ban area i.e. having a bottle of wine with a picnic in the park.

The reasonable use of discretion is the defining feature of the NZ Police Graduated Response Model for policing local liquor bans. The behaviour, actions and intoxication levels of individuals detected breaching any Alcohol ban bylaw are assessed on a case-by-case basis and common sense applied:

- (1) Engage and communicate.
- (2) Educate.
- (3) Encourage compliance.
- (4) Enforcement.

This results in four options to Police staff in terms of outcomes; (a) a verbal warning, (b) written warning, (c) instant fine or (d) arrest.

It allows for a case-by-case response and allows individuals likely to cause or be the victims of crime later to be targeted i.e. a group of young males drinking a box of beers in a car outside a bar, as opposed to harmless persons better dealt with by way of some brief education and a warning.

4. Support from Research Literature

Relevant research by accepted experts in this field can provide valuable background when considering this bylaw.

"The widespread introduction of liquor bans has been credited as a significant tool in ongoing efforts to prevent and reduce alcohol-related problems."

"A critical feature of the liquor ban regime is the power of arrest that police officers have where by-law breaches are detected. The ability to apprehend and remove troublemakers from hot spots, and to physically take them to the local police station for processing (thereby allowing them to cool down in an environment that is safer for both themselves and others), is seen by frontline officers as probably the critical factor in being able to 'nip alcohol-related problems in the bud', before they begin to escalate."

"Liquor ban bylaws are now a widely-used and well-established strategy to address alcohol-related problems in public places."

"This acts as strong disincentive to irresponsible alcohol-related behaviour in the areas covered by bans, which in the past have often been trouble spots."

"The liquor ban is a tremendous tool for staff policing...This also helps in keeping the city a safer place and enhances public perception of such. There is a notable decrease in the number of 'macho type' young males strolling the inner city streets with liquor in-hand, intimidating and depositing dangerous litter."

Webb, M. et al (2004). Banning the bottle: Liquor bans in New Zealand.

<http://www.alcohol.org.nz/sites/default/files/useruploads/ActsImagePdf/banningbottleliquorbans.pdf>

"Controls over public place drinking stem from established knowledge that poorly controlled drinking environments are one of a constellation of factors that influence exposure to alcohol-related harm."

Plant, M., et al (2002). People and Places: Some factors in the alcohol violence link, Journal of Substance Use, Vol 7:201-213

"The most commonly indicated problems associated with drinking in public places are underage drinking, alcohol-related violence and later drink driving."

Single, E. (1997). 'Public Drinking, problems and prevention measures in twelve countries: Results of the WHO project on public drinking', Contemporary Drug Problems, vol 24: 425-448.

(5). Conclusion

Common sense, Police statistics over a number of years and considerable research literature indicates the positive effect of liquor bans on helping curb crime and anti-social behaviour, specifically in public places.

Clearly in the Matamata-Piako District Council areas the establishment and enforcement of the liquor ban has contributed to a decrease in crime; specifically public place violence and disorder.

4

12

On this basis section 147A of the Local Government 2002 (LGA) is certainly satisfied; crime caused or made worse by alcohol, would return or arise in the specified public places if the bylaw was revoked.

In summary Police would be significantly disadvantaged in maintaining law and order if the existing liquor ban was removed and actual public safety and perceptions of safety would decrease.

Regards



Inspector Mike HENWOOD BMS
Area Commander
East Waikato Police

ID: GVP55

The Gaming Machine Association of New Zealand's Submission on Matamata-Piako District Council's Gambling Venue Policy

Introduction

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

Summary

2. The Association supports the proposed option 1, namely:
 - A district-wide cap of 15 venues and 201 gaming machines.
 - A relocation provision that enables venues to move to a location with the same or lower deprivation score.
 - A restriction on venues being within 100 metres of a sensitive site, with the ability for non-compliant applications to still be considered by Council on a case-by-case basis.
3. A district-wide cap is easier to administer and easier to calculate. The current population-based cap per town is difficult to administer as the cap changes. The population information is often out of date and of limited value, due to delays in obtaining census data.
4. The removal of the requirement to consult and get approval from affected parties within a 250-metre radius of the proposed venue is supported. There is no requirement in the Gambling Act 2003 for approval to be sought from affected parties during each application. The Act provides for public notification and public input into the policy itself. This is a more efficient process than a large number of potentially affected parties having input into each application made under the established policy.
5. The existing requirement to obtain approval from all affected parties is also subject to abuse. An affected party currently includes an existing nearby gaming venue. Naturally an existing nearby venue would object to potential new competition.
6. The current consultation and hearing process results in applications taking longer than the statutory requirement to consider and determine applications within 30 working days of receipt: s 100(3). This timeframe is an absolute requirement, with no ability to extend the timeframe due to the time required for a hearing.

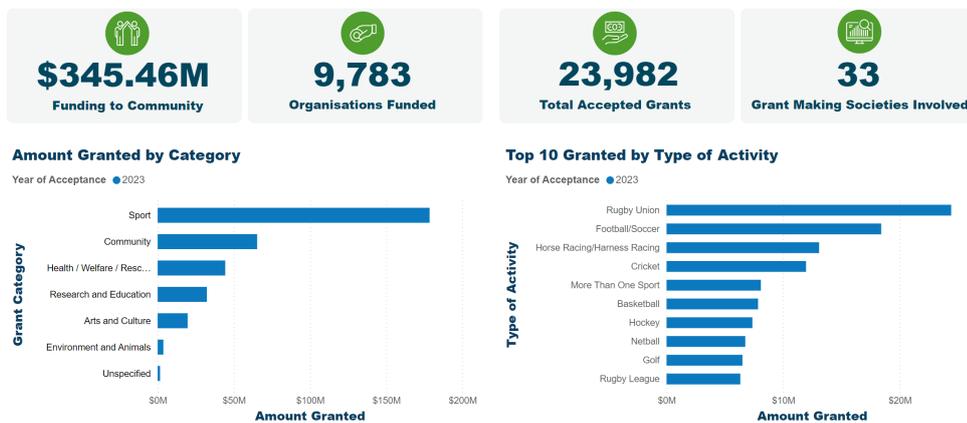
Problem Gambling in the Matamata-Piako District

7. The Ministry of Health keeps a record of the number of people in each territorial authority that seek help via the phone, text, email or face-to-face counselling services that are available. Problem gambling presentations from persons based in the Matamata-Piako District are extremely low, with no new clients being seen in the 12 month period 1 July 2022 to 30 June 2023. The Matamata-Piako District presentation data¹ (Table 10 – excludes brief interventions) are as follows:

2019/20	new clients 2	total clients seen 2
2020/21	new clients 1	total clients seen 2
2021/22	new clients 4	total clients seen 8
2022/23	new clients 0	total clients seen 2

Benefits from Gaming Machines - Gaming Machine Funding

8. The Gambling Act 2003 seeks to balance the potential harm from gambling against the benefits of using gaming machines as a mechanism for community fundraising.
9. In 2023, approximately \$345m of grant funding was approved across 23,982 grants to 9,783 different organisations.² In addition, over \$50m was applied by various RSAs and Workingmen’s Clubs to support their own activities. Of the grants distributed in 2023, 51% were sports-related. The second most popular category was community (19%). This funding is crucial.



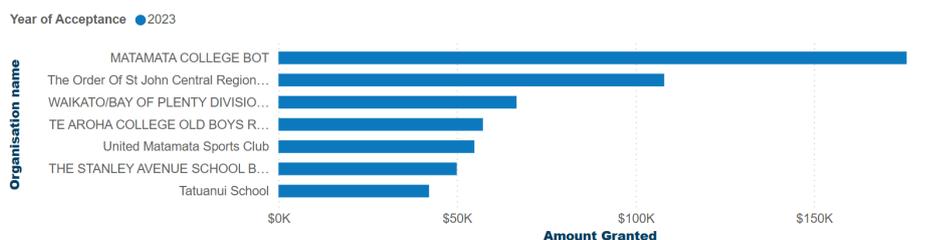
¹ <https://www.health.govt.nz/our-work/mental-health-and-addiction/addiction/gambling/service-user-data/intervention-client-data#territorial>

² <https://granted.govt.nz/dashboard.html>

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

External Grants

11. The grants made to Matamata-Piako District-based organisations are posted on the granted.govt.nz website.
12. In 2023, grants totalling **\$1,656,460.00** were made to the Matamata-Piako District:



Grants to National and Regional Organisations

13. Approximately 6% of all grants are made to national and regional organisations. For example, if St John sought funding for a new ambulance for the Matamata station, the funding application would be made by the Auckland-based head office, and the funding allocated to Auckland, despite the grant having a direct benefit to Matamata-Piako District.

Club Authorised Purpose Payments

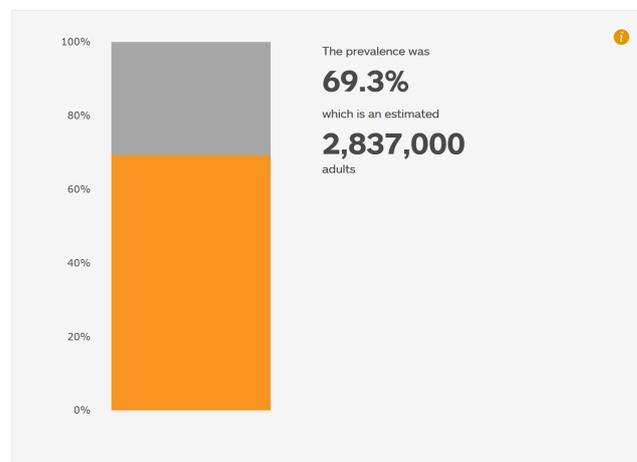
14. Three of the 10 venues that operate gaming in the Matamata-Piako District are clubs:
- Matamata Club – 18 gaming machines.
 - Te Aroha Memorial RSA – 7 gaming machines.
 - The Town and Country Club – 6 gaming machines.
15. The gaming machine proceeds are used by these clubs to benefit the very members who play the machines. All the profits remain within the local economy. Clubs are required to publish their accounts on the Incorporated Societies website or the Friendly Societies website. The accounts set out the gross gaming revenue, the gaming profits, and how the profits are allocated.

16. By way of example, in the year ended 30 June 2024, the Matamata Club made a profit of **\$135,331.00** from its gaming machines. This money was used to support the club's various adjuncts and used for repairs and maintenance to the clubrooms, rates, and other non-bar-related operational costs.

Benefits from Gaming Machines - Gambling is an Enjoyable Activity

17. Gambling is a popular form of entertainment that most New Zealanders participate in. The 2020 Te Hiringa Hauora Health and Lifestyles Survey³ found that 69.3% of adult New Zealanders had participated in some form of gambling in the previous 12 months (estimated to be 2,837,000 New Zealanders aged 16 and over).

2020 Health and Lifestyles Survey



18. The majority of people who gamble do so because they find it an enjoyable activity. This was observed by Suits (1979, p. 155)⁴, who stated:

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

19. Gambling for the non-addicted gambler may also be an avenue for socialising, stress relief and a way of having fun. Contrary to how it may appear from a non-gambler's perspective, gamblers do not necessarily anticipate they will make money from gambling.

³ <https://kupe.healthpromotion.govt.nz/#!/gambling/gambling-participation>

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

Parke (2015)⁵ stated:

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

Benefits from Gaming Machines - Positive Wellbeing Impact from Gambling in New Zealand

20. The 2021 TDB Advisory report, Gambling in New Zealand: A National Wellbeing Analysis⁶, found that gambling in New Zealand had a net positive wellbeing benefit totalling around \$1.74b to \$2.16b per annum.



Revenue Breakdown

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

Typical Distribution of Gaming Machine Profits

	GST Inclusive	GST Exclusive
Government Duty	20%	23%
GST	13.04%	0
Problem Gambling Levy	1.08%	1.23%
DIA Costs	2.9%	3.33%
Gaming Machine Depreciation	6.95%	8%
Repairs & Maintenance	2.84%	3.27%

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

6 https://www.gamblinglaw.co.nz/download/Gambling_in_New_Zealand.pdf

Venue Costs	13.9%	16%
Society Costs	1.74%	2%
Donations	37.53%	43.16%

Gaming Machines – Key Facts

22. Gaming machines have been present in New Zealand communities since the early 1980s. Initially the machines were operated without a gaming licence. The first gaming licence was issued to Pub Charity on 25 March 1988, nearly 37 years ago.
23. Gaming machine numbers are in natural decline. In 2003, New Zealand had 25,221 gaming machines. In December 2024, New Zealand had 13,985 gaming machines.
24. New Zealand has a very low problem gambling rate by international standards. The New Zealand National Gambling Study: Wave 4 (2015)⁷ found the problem gambling rate was 0.2% of people aged 18 years and over (approximately 8,000 people nationally). The problem gambling rate is for all forms of gambling, not just gaming machine gambling.
25. All gaming machine societies contribute to a problem gambling fund. This fund provides over \$25 million per annum to the Ministry of Health to support and treat gambling addiction and to increase public awareness. The funding is ring-fenced and not able to be redirected to other health areas.
26. An excellent, well-funded problem gambling treatment service exists. The problem gambling helpline is available 24 hours a day, 365 days per year. Free, confidential help is available in 40 different languages. Free face-to-face counselling is also available, and specialist counselling is available for Māori, Pasifika and Asian clients. An anonymous, free text service (8006) is available. Support via email is also available (help@pgfnz.org.nz).

Existing Gaming Machine Safeguards

27. Introducing a more restrictive policy is not necessary given the significant measures that are already in place to minimise the harm from gaming machines.
28. **Gamblers are now only permitted to make one cash withdrawal per day.** If a second cash withdrawal is made, the venue staff are required to talk to the player about their gambling and complete a two-page report about the person’s gambling. That report must then be reviewed by the venue manager within seven days.
29. ATMs are excluded from all gaming rooms. ATMs at gaming venues must be in direct line of sight from the main bar area or main customer service area.
30. Gaming machines cannot be visible from outside the venue.
31. Venue staff are required to undertake three formal sweeps of the gaming room per hour

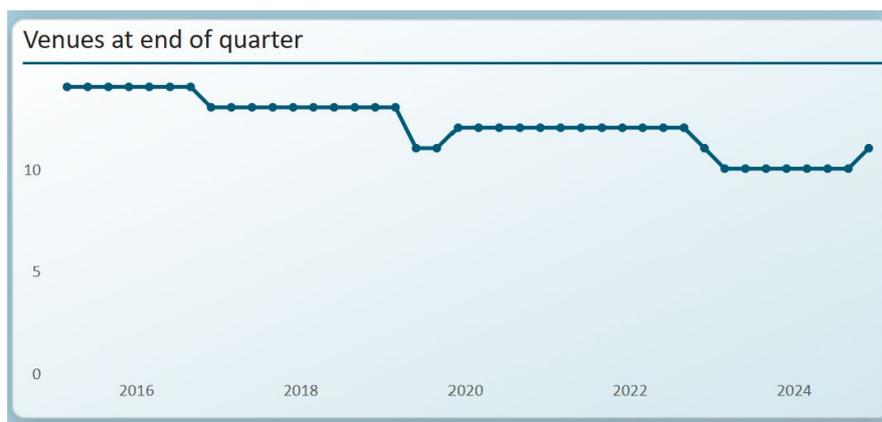
⁷ <https://www.health.govt.nz/system/files/documents/publications/national-gambling-study-report-6-aug18.pdf>

and keep a detailed record of each sweep.

32. Limits exist on the type of venues that can host gaming machines. The primary activity of all gaming venues must be focused on persons over 18 years of age. For example, it is prohibited to have gaming machines in venues such as sports stadiums, internet cafes, and cinemas.
33. There is a statutory age limit that prohibits persons under 18 years of age playing a gaming machine.
34. There are very restrictive limits on the amount of money that can be staked and the amount of prize money that can be won. The maximum stake is \$2.50. The maximum prize for a non-jackpot machine is \$500.00. The maximum prize for a jackpot-linked machine is \$1,000.00.
35. All gaming machines in New Zealand have a feature that interrupts play and displays a pop-up message. The pop-up message informs the player of the duration of the player's session, the amount spent, and the amount won or lost. A message is then displayed asking the player whether they wish to continue with their session or collect their credits.
36. Gaming machines in New Zealand do not accept banknotes above \$20.00 in denomination.
37. All gaming venues have a harm minimisation policy.
38. All gaming venues have pamphlets that provide information about the characteristics of problem gambling and how to seek advice for problem gambling.
39. All gaming venues have signage that encourages players to gamble only at levels they can afford. The signage also details how to seek assistance for problem gambling.
40. All gaming venue staff are required to have undertaken comprehensive problem gambling awareness and intervention training.
41. Any person who advises that they have a problem with their gambling is required to be excluded from the venue.
42. It is not permissible for a player to play two gaming machines at once.
43. All gaming machines have a clock on the main screen. All gaming machines display the odds of winning.
44. The design of a gaming machine is highly regulated and controlled. For example, a gaming machine is not permitted to generate a result that indicates a near win (for example, if five symbols are required for a win, the machine is not permitted to intentionally generate four symbols in a row).
45. It is not permissible to use the word "jackpot" or any similar word in advertising that is visible from outside a venue.

The Proposed Cap is Reasonable

46. The proposed cap is reasonable, given the current environment of high regulation and naturally reducing machine numbers.
47. Gaming machine venue numbers have already declined considerably. In 2015, the Matamata-Piako District had 14 venues and 173 gaming machines; the district currently only has 11 venues and 147 gaming machines.



48. There is no direct correlation between gaming machine numbers and problem gambling rates. Over the last ten years, the problem gambling rate has remained the same, despite gaming machine numbers declining rapidly (4,618 gaming machines have been removed from the market).
49. The 2012 National Gambling Survey⁸ concluded that the prevalence of problematic gambling reduced significantly during the 1990s and has since stayed about the same. The report stated on pages 17 and 18:

Problem gambling and related harms probably reduced significantly during the 1990s but have since remained at about the same level despite reductions in non-casino EGM numbers and the expansion of regulatory, public health and treatment measures. Given that gambling availability expanded markedly since 1987 and official expenditure continued to increase until 2004, these findings are consistent with the adaptation hypothesis. This hypothesis proposes that while gambling problems increase when high risk forms of gambling are first introduced and made widely available, over time individual and environmental adaptations occur that lead to problem reduction.

⁸ <https://www.health.govt.nz/system/files/documents/publications/national-gambling-study-report-2.docx>

50. The New Zealand National Gambling Study: Wave 3 (2014)⁹ noted that the problem gambling rate had remained the same over the last 10-15 years despite gaming machine numbers decreasing. The report stated on page 19:

In contrast to the 1990s, there is no evidence that problem gambling prevalence decreased with decreasing participation rates during the 2000s. When methodological differences between studies are taken into account, it appears that problem gambling prevalence has remained much the same during the past 10 to 15 years.

...gambling participation has decreased substantially in New Zealand during the past 20 years, and problem gambling and related harm has probably plateaued...

51. Professor Max Abbott is New Zealand's leading expert on problem gambling. In 2006, Professor Abbott published a paper titled *Do EGMs and Problem Gambling Go Together Like a Horse and Carriage?* The paper noted that gaming machine reductions and the introduction of caps generally appear to have little impact on problem gambling rates. Professor Abbott noted:

EGM reductions and the introduction of caps generally appear to have little impact (page 1).

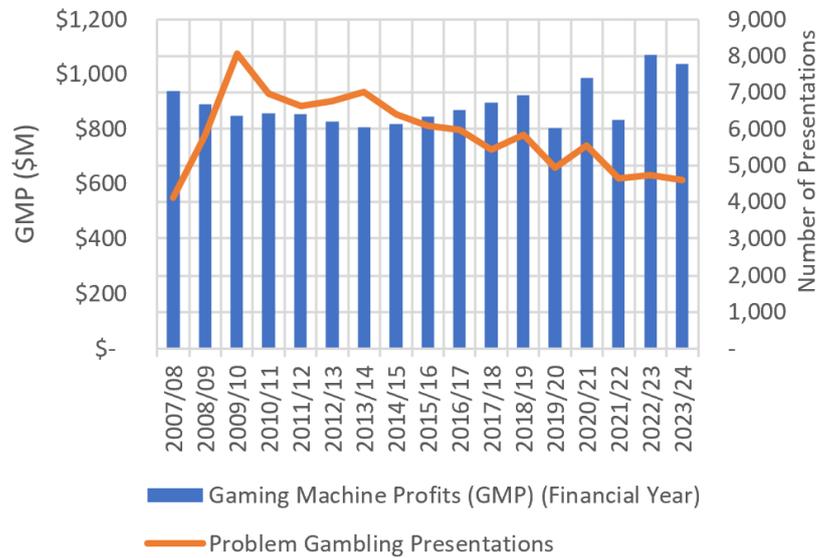
Over time, years rather than decades, adaptation ('host' immunity and protective environmental changes) typically occurs and problem levels reduce, even in the face of increasing exposure (page 6).

Contrary to expectation, as indicated previously, although EGM numbers and expenditure increased substantially in New Zealand from 1991 to 1999, the percentage of adults who gambled weekly dropped from 48% to 40%. This is of particular interest because it suggests that greater availability and expenditure do not necessarily increase high-risk exposure (page 14).

52. There is no direct correlation between gaming machine spend and problem gambling presentations:

⁹ <https://www.health.govt.nz/publication/new-zealand-national-gambling-study-wave-3-2014>

Problem Gambling Presentations and GMP



Source: DIA website: https://catalogue.data.govt.nz/dataset/class-4-gambling-key-performance-indicators/resource/4893f532-b4b8-4966-b33c-de3836817a49?inner_span=True

- 53. Adopting a more restrictive policy is unlikely to reduce problem gambling, but will, over time, reduce the amount of funding available to community groups based in the Matamata-Piako District. Reducing gaming machine venues reduces casual and recreational play, and therefore reduces machine turnover and the amount of money generated for grant distribution. However, problem gamblers are people who are addicted to gambling. If a new bar is established and the policy prevents that bar from hosting gaming machines, a person who is addicted to gambling will simply travel the short distance to the next bar that has gaming machines, or worse, may move to another form of gambling such as offshore-based internet and mobile phone gambling.

Unintended Consequences – Increase in Internet and Mobile Phone Gambling

- 54. Any reduction in the local gaming machine offering may have unintended consequences, as this may simply lead to a migration of the gambling spend to offshore internet- and mobile-based offerings. While it is illegal to advertise overseas gambling in New Zealand, it is not illegal to participate in gambling on an overseas-based website or mobile phone application.



- 55. It now takes only a simple search and a few minutes to download to your computer, tablet, or mobile phone any type of casino game you desire, including an exact replica of the gaming machine programs currently available in New Zealand venues.
- 56. There is no question that New Zealanders love gambling online.
- 57. The 2020 Health and Lifestyle Survey found that 1 in 4 New Zealand adults participated in some form of online gambling, with 19% participating almost every week.¹⁰

In the last 12 months,

1 in 4 (27%) New Zealand adults participated in some form of online gambling.

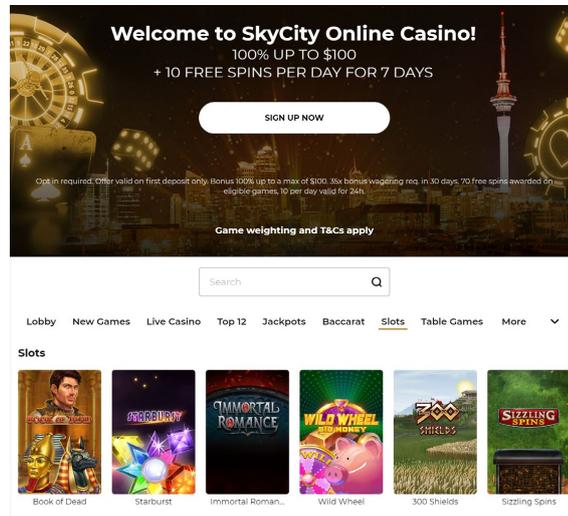


19% of online gamblers participated in online gambling almost every week.



- 58. TAB New Zealand's online channels make up over 80% of its betting turnover.
- 59. SkyCity has a very popular offshore-based online casino with a large selection of gaming machine games.

¹⁰ <https://www.hpa.org.nz/sites/default/files/2020%20Health%20and%20Lifestyles%20Survey%20Top%20line%20report.pdf>



60. TAB New Zealand estimates that the total online spend with offshore gambling websites by New Zealanders for the 12 months to August 2020 was \$570-\$580m.
61. In March 2022, Kiwibank advised¹¹ that its customers were spending around \$30 million every month playing on online gambling sites. Kiwibank is only one bank; one of the smaller banks.
62. The migration from physical Lotto stores and SkyCity was apparent during the Covid-19 lockdowns. When the physical venues were closed, the number of online registered players, and the amount of online revenue, skyrocketed:

‘MyLotto’:

- 2018 748,000 registered players.
- 2020 1,230,000 registered players.

- 2018 \$201m spend.
- 2020 \$430m spend.

SkyCity online casino:

- 2018 25,661 registered players.
- 2020 48,958 registered players.

- 2018 \$254m spend.
- 2020 \$793m spend.

¹¹ <https://www.newshub.co.nz/home/new-zealand/2022/03/kiwibank-customers-spending-30m-every-month-playing-on-online-gambling-sites.html>

63. The Australian National University 2024 study *Gambling Participation in Australia 2024, Trends Over Time, and Profiles Associated with Online Gambling*¹² confirmed the player migration from physical gambling venues to online. The study found at page 6:

Our data also suggest that these individuals may have ‘switched’ their gambling activity from venue-based gambling (e.g. EGM gambling) to activities that are readily available online in Australia, such as betting on sports and racing. This may reflect increase in overall online gambling participation that has been observed prior to COVID-19.

64. Offshore-based online gambling poses considerable risks because it:
- Is highly accessible, being available 24 hours a day from the comfort and privacy of your home;
 - Has no restrictions on bet sizes;
 - Has no capacity for venue staff to observe and assist people in trouble;
 - Reaches new groups of people who may be vulnerable to the medium;
 - Provides no guaranteed return to players;
 - Is more easily abused by minors;
 - Has reduced protections to prevent fraud, money laundering or unfair gambling practices; and
 - Is unregulated, so on-line gamblers are often encouraged to gamble more by being offered inducements or by being offered the opportunity to gamble on credit. For example, many overseas sites offer sizable cash bonuses to a customer’s account for each friend that they induce to also open an account and deposit funds.
65. Offshore-based online gambling does not generate any community funding for New Zealanders, and does not make any contribution to the New Zealand health and treatment services, as no contribution is made to the problem gambling levy.
66. The Government recently confirmed that it has made a decision to regulate online casino gambling and issue online gambling licences from early 2026. The introduction of a licensing system will enable offshore-based online providers to market and advertise more freely, which will lead to even greater growth. While the online providers will be licensed and required to pay gaming duty, they will not be required to make any community grants and may remain entirely based offshore (no local employment and all profits being removed from New Zealand).

¹² https://www.gamblinglaw.co.nz/download/Gambling_in_Australia_2024_002.pdf

Retaining the Relocation Provision

67. In September 2013, Parliament recognised the merit in enabling venues to relocate, and expressly amended the Gambling Act 2003 to enable venues to relocate and retain the same number of machines when a relocation consent was obtained.
68. Venue relocation is a harm minimisation tool.
69. If a venue wishes to relocate out of a high deprivation area to a lower deprivation area, the policy should permit this.
70. If a venue wishes to relocate out of a suburban/residential area to a more suitable area, such as a central business district, the policy should permit this.
71. If a venue wishes to relocate away from sensitive sites, the policy should permit this.
72. Restricting the option to relocate simply entrenches venues in undesirable locations.
73. The proposed relocation policy supports businesses that wish to move to new, modern, refurbished premises. Allowing local businesses to upgrade their premises and provide a more modern, attractive offering to the public helps to revitalise business districts, improves the local economy and encourages tourism.
74. The first venue to relocate under the amendments made to the Gambling Act 2003 was the Te Rapa Tavern in Hamilton. The photos below show the old, rundown premises and the new modern premises. The redevelopment cost \$3,000,000.



The old Te Rapa Tavern



The new Te Rapa Tavern

75. The relocation policy should continue to enable venues to move to smaller, more suitable premises. Enabling venues to move away from large premises, with large car parking areas, to newer, smaller premises also has the advantage of freeing up large areas of land, which may be better used for affordable high-density housing.
76. The relocation policy should continue to enable venues to move out of earthquake-prone buildings to stronger, more modern buildings. This is a health and safety issue.

77. The relocation policy should continue to enable venues to relocate when the move is due to onerous rental sums or lease terms being imposed. Currently, once a venue has obtained a licence to host gaming machines its value is artificially increased. This often leads to landlords demanding higher than normal rentals. Allowing flexible relocation prevents landlords demanding unreasonable rentals as it gives the venue operator the ability to relocate to an alternative venue.
78. Previously, venues were able to relocate a short distance without needing to obtain Council consent under what was known as the Waikiwi Tavern precedent. This option was removed by the High Court on 19 February 2024: *Feed Families Not Pokies Aotearoa Inc v Secretary for Internal Affairs* [2024] NZHC 217 [19 February 2024]. The only way now for a venue to relocate, no matter how minor the distance, is to obtain a relocation consent under Council's gambling venue policy. It is therefore more important than ever that Councils cater for venue relocations in their gambling venue policies.

Council Conflicts of Interest

79. It is important that the committee of councillors that determines the gambling venue policy reflects the full views of the community. It has, however, become common for councillors who are involved in community and sporting groups to withdraw from the gambling venue policy deliberation as they consider the receipt of funding by a group that they are associated with constitutes a conflict. It has also been common for councillors with very strong, pre-determined anti-gambling views to refuse to withdraw from the policy deliberation, despite their strongly held views.
80. The Association has sought independent legal advice (copy attached) from Brookfields Lawyers regarding gambling venue policy conflicts. In summary, the key advice is:
 - Being a member of a club or organisation that receives funding from a gaming grant will not usually give rise to conflict of interest when it comes to deciding or discussing Council's gambling venue policy, unless that member holds a paid role (e.g., a coach who is paid for that service); and
 - Where an elected member, outside of a debate on the issue, has expressed a view on the gambling venue policy that suggests that they do not and cannot have an open mind on the matter, this could give rise to a conflict of interest on the grounds of predetermination.

Oral Hearing

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

12 March 2025

Jarrod True
Counsel
Gaming Machine Association of New Zealand

BROOKFIELDS LAWYERS

NAVIGATING YOUR SUCCESS

Item 7.1

15 March 2021

By Email: chair@gmanz.nz

Gaming Machine Association of New Zealand
c/o Peter Dengate-Thrush
Independent Chair

ATTENTION: Peter-Dengate Thrush

GAMBLING VENUE POLICY - CONFLICT OF INTEREST

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

YOUR QUESTIONS

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

EXECUTIVE SUMMARY

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

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Attachment B

BROOKFIELDS LAWYERS

Page 2

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

ANALYSIS

3. Under section 101 of the Gambling Act 2003 (GA), territorial authorities must, using the special consultative procedure in section 83 of the LGA, adopt a policy that specifies whether class 4 venues may be established in the district, and if so, where they may be located (**the policy**). The policy may also specify any restrictions on the maximum number of gaming machines that may be operated at a class 4 venue and may include a relocation policy.

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

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

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

Financial conflicts of interest

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

¹ Section 6(1) of the Local Authorities (Members' Interests) Act 1968.

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

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

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

Non-financial conflicts of interest

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

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

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

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

12. Unlike a financial conflict of interest, a potential non-financial conflict does not automatically exclude a member from participating in a decision. It will depend on how serious the conflict is. The Auditor-General has suggested a number of factors that may be relevant to an assessment of whether a potential conflict is serious enough to exclude a member from participation in decision-making. They include:⁵

- The type or size of the person's other interest;
- The nature or significance of the particular decision or activity being carried out by the public organisation;
- The extent to which the person's other interest could specifically affect, or be affected by, the public organisation's decision or activity; and

³ **Bushell v Secretary of State for the Environment** [1981] AC 75, 95.

⁴ **Muir v Commissioner of Inland Revenue** [2007] 3 NZLR 495.

⁵ Controller and Auditor-General, **Managing conflicts of interest: A guide for the public sector**, June 2020, at 4.31.

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- The nature or extent of the person's current or intended involvement in the public organisation's decision or activity.

13. In our view, in the context of decision-making on a gambling venue policy, the mere fact that an elected member is also a lay member of an organisation or club that receives gaming grant funding is unlikely to give rise to a conflict of interest. This is because of the level of remoteness from any possible benefit or loss associated with the decision-making. In most cases, the contents of a gambling venue policy will not directly impact on funding that has or may be received by a club or organisation from gaming machine grants. The purpose of the policy is to specify whether class 4 venues may be established, and if so their location. It can also specify restrictions on the number of gaming machines that may operate at a class 4 venue. Such matters do not necessarily impact directly on whether a club or organisation may receive gaming grant funding, and if so, the amount of any such grant. Funding decisions are made by the organisations who operate the gaming machines, not the Council. The fact that a member, by virtue of membership of a club or organisation that has received gaming grants, has knowledge or experience of the beneficial impacts that gaming grants can have on the community does not give rise to a conflict of interest. To the contrary, it may contribute to a fair and balanced consideration of the issues arising when making decisions on a gambling venue policy. This would be consistent with the purpose of the of the GA, which is *inter alia* to ensure that money from gambling benefits the community and to facilitate community involvement in decisions about the provision of gambling.⁶

14. It is important to distinguish between membership of a club or organisation that receives gaming grants, and membership of a club or organisation that holds a gaming licence. In our view, while the former would not give rise to a conflict of interest in decision-making on a gambling venue policy, there is a much greater likelihood that the latter could give rise to a conflict of interest. This is particularly the case if the elected member holds an executive role in the club or organisation that operates a gaming licence. This is because, while a gambling venue policy does not specify whether or not a particular club or organisation is able to obtain a gaming licence *per se*, the policy may affect the eligibility of a club or organisation to hold a licence. As such, participation in the discussion or decision-making by a member of any such club or organisation could create an appearance of bias and therefore a conflict of interest.

15. Elected members should also always be mindful of avoiding predetermination, i.e., approaching decision-making with a closed mind. Elected members are entitled (and expected) to bring their previous knowledge and experiences to decision-making, but to approach any decision with an open mind. This means that elected members should be cautious about being vocal, other than in the course of Council debates, about particular views in a manner that may suggest that they do not and cannot have an open mind on a particular matter. This is because a conflict of interest may arise as a result of possible predetermination (i.e. actual or perceived bias).

16. In summary:

⁶ Section 3 of the GA.

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

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

17. Council initiatives will frequently fall within the second category of the definition of an "authorised purpose" for which gaming proceeds may be used, as set out in section 4 of the GA i.e., "a non-commercial purpose that is beneficial to the whole or a section of the community". Notwithstanding the eligibility for Council initiatives to receive gaming grants, Parliament conferred territorial authorities with the responsibility of formulating a gaming venue policy for their districts. We do not consider that any conflict of interest would arise in relation to decision-making on a gambling venue policy because the Council may have previously been awarded gaming grants. This is because:

- a. While individual elected members are subject to the LAMIA which prevents them from participating in decision-making where they have a financial interest, Council as an entity is not subject to the LAMIA.
- b. Caselaw recognises the inevitability of a degree of conflict within councils when exercising certain statutory functions. It is established, for example, that a council may object to its own district plan, prosecute itself, and apply to itself for a resource consent.
- c. The standard of impartiality for a Council is that it must approach its duty of inquiring into submissions with an open mind.⁷ Given the requirement to undertake a special consultative process and the diverse views of individual members, it is unlikely that the fact that certain projects

⁷ *Lower Hutt City Council v Bank* [1974] 1 NZLR 545 at 550.

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undertaken by Council have benefited from gaming grants would unduly influence Council decision-making on its gambling venue policy. For the same reasons outlined above in relation to individual members, the connection between gaming grant money and decision-making on gambling venues is too remote to constitute a conflict of interest. In any event, compliance with the statutory rules in the LGA regarding decision-making by local authorities⁸ and the general principles relating to local authorities⁹ are intended to ensure that Council decision-making is open, transparent, and has regard to the diversity of community interests, notwithstanding the many facets and activities undertaken by Council.

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

Yours faithfully
BROOKFIELDS



Linda O'Reilly
Partner

⁸ Section 76 of the LGA.

⁹ Section 14 of the LGA.

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ID: GVP233



Submission to Matamata-Piako District Council:
Proposed Class 4 Gambling Venues Policy

April 2025

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1. INTRODUCTION

We are pleased to submit The Lion Foundation's (TLF) response to the Matamata-Piako District Council's Gambling Policy Review.

The Lion Foundation is one of New Zealand's largest gaming machine societies by venue number, machine number and money returned to the community through grants.

Formed in 1985, we have distributed over \$1 billion in grants to local, regional and national community causes since our inception.

The New Zealand community funding model is one of the most efficient in the world and we support any review that allows consideration to be given to the **total impact** that gambling has on and within our communities. In New Zealand, gaming is not operated for commercial gain, but rather for community gain.

We would appreciate an opportunity to speak to our submission.

2. SUMMARY OF THE LION FOUNDATION'S POSITION – Class 4 Gambling Venues

The Lion Foundation supports the adoption of the Draft Gambling Venue Policy 2025. TLF also acknowledges the extensive community engagement prior to the release of the Draft Policy.

3. ABOUT THE LION FOUNDATION (TLF)

The Lion Foundations' purpose, simply put, is to effectively and efficiently sustain community funding. Our aim is to protect and help people build better communities in a way that is safe, ethical, transparent, and consistent with the intent of the Gambling Act.

Our focus is on compliance and the reduction of gambling harm. The Lion Foundation is not here to grow or promote gambling.

We currently operate (EGMs) at four venues in the district: -

- **Horse and Jockey Inn** - 18 EGMs
- **Nottingham Castle Hotel** -18 EGMs
- **Tahuna Tavern** - Licensed to operate 6 , operating 3 EGMs
- **Waihou Tavern** - 9 EGMs

The Venue Operators, Managers and staff are members of the local community and have the community's interest at the heart of the business.

Venue Operators receive a limited /capped payment – defined by the Gambling Act 2003 and related Regulations, more specifically the Gambling (Venue Payments) Regulations 2016 ¹. The venue payment is a fair and equitable payment designed to compensate the Venue Operators for the operational costs incurred in operating the EGMs for the Class 4 Society.

¹ <https://www.legislation.govt.nz/regulation/public/2016/0191/latest/DLM6917617.html>

4. GAMING MACHINE FUNDING

TLF aims to return at least 90% of funds back to the community of origin (where the funds were generated), with the remaining 10% of funds being returned to organisations providing a national benefit to all New Zealanders.

We are a broad based, inclusive funder - that is, we fund a wide range of organisations across all community groups. Our grants are committed to the following community sectors:

- Sport
- Community, Arts & Culture
- Health
- Education

Our ability to distribute funding to the local community is **entirely dependent** on TLF receiving completed and eligible funding applications. TLF acknowledges that a vast majority of volunteer-based community organisations do not always have the ability to navigate the process that is involved in applying for Class 4 funding. Over the past 24 – 36 months and to ensure that all community organisations have a fair opportunity to access community funding, TLF has launched a series of educational webinars. More recently interactive Q& A sessions have been hosted. The webinars provide valuable “*how to information*” and are proving to be a success. These educational initiatives supplement the ongoing work that TLF’s Grants Advisors undertake within the community.

Wherever possible, the members of TLF’s Net Proceeds Committee endeavour to distribute funding to organisations within the district. However, and as will be evident from the list of grants distributed (see attached) distributions have been made to organisations that are not domiciled within the district’s borders.

In these instances, the members of the Net Proceeds Committee have determined that the community within Matamata-Piako benefits directly from the services provided by these organisations, and accordingly it is appropriate to utilise a percentage of local funds to support these excellent organisations.

As stated previously, approximately 10% of all funds generated from all venues is allocated to national organisations, which include (not an exhaustive list):

Life Education Trust	Royal NZ Ballet	Graeme Dingle Foundation
Holocaust Centre of NZ	NZ Football	Surf Lifesaving NZ Inc
Special Olympics NZ	Netball NZ	Basketball NZ
Endometriosis N Z	Assistance Dogs NZ	Royal NZ Plunket Soc Inc
Barnardo's N Z	NZ Spinal Trust	NZ Rugby League Inc

We commenced this submission by stating that consideration needs to be given to the total impact that gambling has on and within the community. During the pre-engagement process, TLF asked grant

recipients to contact the Council directly and inform Council of their thoughts relating to the value of funding distributed by TLF and other class 4 societies. Some of the feedback that we have been made aware of:

- Te Aroha Croquet Club – *Without the assistance of grants, our club (of just 24 members) could not exist in the valuable way it currently contributes to our community.*
- Morrinsville Intermediate School - . *As an eligible community organization, our school has benefited from funds derived directly from licensed gaming machines within our community and we would obviously be impacted if the council were to introduce a more restrictive policy as it is likely to reduce the availability of community funding over time.*
- Matamata Futures Trust - *I will be providing the council with some feedback about the importance of the funding many community groups receive from your foundation and the others in town. I am involved with many groups including sports and schools and we rely heavily on extra funding so I will be stressing this to the council. Thank you for your continued support in the Matamata area. We are all truly grateful*

The Gambling Act 2003 seeks to balance the potential harm from gambling as well as the benefits of using gaming machines as a mechanism for community fundraising. The proposed Draft Policy is working and balances the potential harm from gambling whilst preserving access to community funding.

5. POLICY DISCUSSION – Retention of Capped Policy

- The Lion Foundation supports and encourages the retention of the capped policy, which includes a suitable relocation policy.
- We support the restriction on venues not being within 100 metres of a sensitive site, with the ability for non-compliant applications to still be considered by Council on a case-by-case basis.
- The current environment of high regulation and naturally reducing machine numbers as well as the fact that there is no evidence to support the finding that a reduction in venues or machines results in a reduction in problem gambling, a capped policy is appropriate.
- There is no evidence that a reduction in venues or machines results in a reduction in problem gambling². The most recent Needs Assessment Report (Malatest International) commissioned by the Ministry of Health in support of its [Draft] Strategy to Prevent and Minimise Gambling Harm 2025-2028 confirms that *that The most recent gambling harm data captured in the HLS shows no statistically significant changes in harmful gambling between 2018 and 2020 (Te Whatu Ora, 2020).*

² National Gambling Study, MOH, 2012-2015. *The National Gambling Study (NGS) was the first NZ longitudinal study into gambling, health, lifestyles, and attitudes about gambling. Evidence to date shows that there is no correlation between the number of machines and the prevalence of people seeking help for problem gambling. Funded by the Ministry of Health, the NGS started in 2012 with a randomly selected national sample and followed those respondents over 4 years. The Study showed that despite a reduction in the number of machines from 18,000 in 2012 to 16,000 in 2018, the problem gambling risk did not change significantly from 2012 to 2015. Given population growth, per capita expenditure actually decreased over this period.*

- Figures from the Ministry of Health’s Intervention Client data³ report that in Matamata-Piako District Council’s a total of 2 clients sought help in the period July 2022 – June 2023. Of this number – nil were noted as *new clients*.
- Available research has concluded that gambling is a popular form of entertainment that people find enjoyable.
 - Players mostly realise that they are paying for a leisure experience. They are not expecting to be paid, except for a small minority, who are going to earn an income as a professional gambler.⁴
 - Gambling is a recreational activity or a kind of participation sport from which the principal satisfaction derives from the activity itself and from the ebb and flow of wins and losses rather than from ultimate outcome - the net amount won or lost. For most gamblers, the purpose of gambling is not to get rich, but to "have fun," to experience "excitement," or to have "something to look forward to," and they view payment for this recreation in the same light as others look on outlays for theatre tickets, vacation trips, or a night on the town.⁵
- Furthermore, TLF believes adopting a more restrictive policy – ie a sinking lid policy is not appropriate given the significant measures that are already in place to minimise the harm from gaming machines. These existing measures have been enhanced with the introduction of new gambling harm regulations (December 2023). By way of example (not an exhaustive list):
 - There is a statutory age limit that prohibits persons under 18 years of age playing a gaming machine.
 - There are very restrictive limits on the amount of money that can be staked and the amount of prize money that can be won.
 - Gaming machines in New Zealand do not accept banknotes above \$20.00 in denomination.
 - ATMs are excluded from all gaming rooms.
 - All gaming venues have pamphlets that provide information about the characteristics of problem gambling and how to seek advice for problem gambling.
 - All gaming venues have signage that encourages players to gamble only at levels they can afford. The signage also details how to seek assistance for problem gambling.
 - All gaming venues have a harm minimisation policy.
 - All gaming venue staff are required to have undertaken comprehensive problem gambling awareness and intervention training.
 - It is not permissible for a player to play two gaming machines at once; and
 - The design of a gaming machine is highly regulated and controlled. For example, a gaming machine is not permitted to generate a result that indicates a near win (for example, if five symbols are required for a win, the machine is not permitted to intentionally generate four symbols in a row).

³<https://www.health.govt.nz/statistics-research/statistics-and-data-sets/problem-gambling/gambling-harm-services-data>, Refer Table 10

⁴ Parke, J. (2015). Gambling, leisure and pleasure: Exploring psychosocial need satisfaction in gambling. Presentation at the KPMG eGaming summit. <https://assets.kpmg/content/dam/kpmg/pdf/2016/07/im-esummit-report-2015.pdf>.

⁵ Suits, D. (1979). The Elasticity of Demand for Gambling. *The Quarterly Journal of Economics*, 93(1), 155–162. <https://doi.org/10.2307/1882605>

6. RELOCATION CLAUSE

TLF supports the continued inclusion of a relocation clause

7. HARM MINIMISATION

The Lion Foundation is committed to preventing and minimising harm from gambling, including problem gambling, whilst facilitating a responsible and legal form of recreational gambling.

We are committed to creating safe gambling environments in all our venues, and minimising the harm caused by problem gambling.

At TLF we play a considerable part in the prevention and minimisation of harm at the venues – *a fence at the top of the cliff* approach. We ensure our Venue Operators and their gaming staff are fully trained in all relevant areas of harm minimisation. We have released an online training system which has been developed by industry professionals. Input has been sought and received from all walks of life, including employees of the Salvation Army Oasis National Office. In December 2024 the Department of Internal Affairs approved TLF's Harm Minimisation Policy (we actually refer to it as TLF's Duty of Care Policy) which incorporates all aspects of the re-written Gambling (Harm Prevention and Minimisation) Regulations 2004.

In addition to our online programme, all staff involved in gaming at The Lion Foundation venues undertake frequent face to face training courses (including refresher courses) run by experienced TLF personnel. All TLF personnel have a wealth of experience in the gaming and hospitality sectors. Training focuses on the prevention and minimisation of incidences of problem gambling – how to observe and identify problem gamblers, how to support problem gamblers and how to ensure that harm is minimised. In addition to the ongoing training, our industry trained staff are constantly in contact with the venue staff and are available to assist with a variety of matters at a moment's notice – either in person or telephonically.

Our Account Managers are physically present in the venues on a weekly basis – ensuring compliance standards are met.

The Lion Foundation offers a range of harm minimisation material to the gambler in the venue – including, but not limited to, wallet cards with information for potential problem gamblers, signage in and around gaming rooms from the Health Promotion Agency, etc. Venue staff interaction and supervision and observation of patrons is also key to the minimisation of harm.

We support the introduction of new harm minimisation measures, provided they are based on good evidence that they will have a positive impact on the reduction in harm caused by gambling.

Apart from TLF's own efforts, an excellent, well-funded problem gambling treatment service exists. The problem gambling helpline is available 24 hours a day, 365 days per year. Free, confidential help is available in 40 different languages. Free face-to-face counselling is also available, and specialist counselling is available for Māori, Pasifika and Asian clients. An anonymous, free text service (8006) is available. Support via email is also available(help@pgfnz.org.nz).

8. CONCLUSION

It is our submission that the Council's Draft Policy optimises the balance between reasonable controls over the incidence of problem gambling against the generation of funds for the community from legitimate gambling.

Finally, we are not here to grow gambling; we believe though that pragmatic use of funds generated by this legalised form of entertainment make a hugely positive contribution to community life across New Zealand.

Grants per Salesforce Grant CRM (1 April 2024 - 31 December 2024)

Grant Request Number	Grant Request: Organisation Name	Grant Request: Amount Requested	Allocated Amount		Request Category
			from Matamata-Piako	ORG originating TLA	
9050170	Perry Outdoor Education Trust	120000	35000	Hamilton City Council	
9050007	Hamilton Gardens Summer Festival Foundation	43324.24	10000	Hamilton City Council	Community - Culture - Arts
9050134	Adastra Foundation	44340	15000	Hamilton City Council	Education
9046615	Te Tamawai Trust	129852.62	30000	Hamilton City Council	Education
9050132	Waikato Golf Assn Inc	65000	20000	Hamilton City Council	Sport
9049249	Order of St John Northern Region	100000	20000	Hauraki District Council	Health
9046569	Youth Arts New Zealand	75000	8750	LF National	Community - Culture - Arts
9050016	Ovarian Cancer Foundation New Zealand	21758	2500	LF National	Health
9049186	Matamata Agricultural & Pastoral Assn	14875.89	10000	Matamata-Piako District Council	Community - Culture - Arts
9047236	Matamata Citizen Band Inc	8616	3500	Matamata-Piako District Council	Community - Culture - Arts
9047722	Matamata Festival of Flowers Inc	14582	5000	Matamata-Piako District Council	Community - Culture - Arts
9048511	Matamata Futures Incorporated Trust	64975	50000	Matamata-Piako District Council	Community - Culture - Arts
9046063	Matamata-Piako District Council	600000	250000	Matamata-Piako District Council	Community - Culture - Arts
9048192	Morrinsville Art Gallery Charitable Trust	75000	10000	Matamata-Piako District Council	Community - Culture - Arts
9048041	Morrinsville Historical Soc Inc	14919	5000	Matamata-Piako District Council	Community - Culture - Arts
9048025	Te Aroha & Districts Riding for the Disabled Assn Inc	13313	8000	Matamata-Piako District Council	Community - Culture - Arts
9048644	Te Aroha A P & H Assn	5229	4500	Matamata-Piako District Council	Community - Culture - Arts
9046631	Te Aroha Contract Bridge Club Inc	1341.25	818	Matamata-Piako District Council	Community - Culture - Arts
9049198	Matamata Playcentre	9000	9000	Matamata-Piako District Council	Education
9047755	Morrinsville College	27184	10000	Matamata-Piako District Council	Education
9047854	Morrinsville Intermediate School	52000	20000	Matamata-Piako District Council	Education
9049639	Morrinsville School	46952	20000	Matamata-Piako District Council	Education
9047231	S A N Z - Waikato Scout & Guide Gang Show	9471.4	3000	Matamata-Piako District Council	Education
9049925	Tatuanui School	135000	30000	Matamata-Piako District Council	Education
9046625	Te Aroha College	10664.24	8000	Matamata-Piako District Council	Education
9045617	Hinuera Bowling Club Inc	11777.76	3000	Matamata-Piako District Council	Sport
9049775	Hinuera Rugby & Sports Inc	7489.97	6513	Matamata-Piako District Council	Sport
9049222	Kereone Rugby & Sports Club	11672.5	6758	Matamata-Piako District Council	Sport
9049629	Matamata Athletic Club	3795	3795	Matamata-Piako District Council	Sport
9049239	Matamata Equestrian Group Inc	11114.57	5000	Matamata-Piako District Council	Sport
9047794	Matamata Golf Club Inc	100000	25000	Matamata-Piako District Council	Sport
9047779	Morrinsville Bowling Club Inc	24000	10000	Matamata-Piako District Council	Sport
9048647	Morrinsville Cricket Assn Inc	76194.5	16000	Matamata-Piako District Council	Sport
9048632	Morrinsville Golf Club Inc	70000	25000	Matamata-Piako District Council	Sport
9050210	Morrinsville RSA Bowling Club Inc	12801	7500	Matamata-Piako District Council	Sport
9046441	Morrinsville Squash Rackets Club Inc	15000	10000	Matamata-Piako District Council	Sport
9047735	Tahuna Golf Club Inc	33119	10000	Matamata-Piako District Council	Sport

9049636	Tatuanui Tennis Club Inc	4000	2880 Matamata-Piako District Council	Sport
9046880	Te Aroha College Old Boys Rugby & Sports Club Inc	19658.14	8000 Matamata-Piako District Council	Sport
9047337	Te Aroha Croquet Club Inc	30000	5000 Matamata-Piako District Council	Sport
9048126	Te Aroha Hack and Hunters Club Inc	8315.48	5000 Matamata-Piako District Council	Sport
9047395	Tui Park Bowling Club Inc	17500	12000 Matamata-Piako District Council	Sport
Total			749514	

Grants Per COMs Grants System 1 January 2025 - 31 March 2025.

App Ref	Org Trading Name	Total Sum of App Requested Amount	Allocated Amount from Matamata-Piako	Org Originating TLA	App Category
GA241204-0749	Te Aroha Rugby Sub-Union Incorporated	\$40,000.00	\$30,000.00	015 - Matamata-Piako District	Sport
GA241204-0773	Waikato Institute For Leisure and Sport Studies Trust Board	\$60,000.00	\$12,500.00	016 - Hamilton City	Education
GA241209-1613	Morrinsville Community House Incorporated	\$2,969.68	\$2,777.00	015 - Matamata-Piako District	Health/Welfare
GA241210-1924	Te Aroha Indoor Basketball Association Incorporated	\$80,000.00	\$60,000.00	015 - Matamata-Piako District	Sport
GA250106-382C	United Matamata Squash Club Incorporated	\$8,784.00	\$8,784.00	015 - Matamata-Piako District	Sport
GA250113-4394	The Morrinsville Little Theatre Incorporated	\$15,000.00	\$15,000.00	015 - Matamata-Piako District	Community-Arts-Culture
GA250115-4667	Matamata Musical Theatre Incorporated	\$5,846.00	\$5,846.00	015 - Matamata-Piako District	Community-Arts-Culture
GA250124-591A	Walton Golf Club Incorporated	\$40,000.00	\$25,000.00	015 - Matamata-Piako District	Sport
GA250128-6168	Matamata Hearing Association Incorporated	\$15,000.00	\$14,776.00	015 - Matamata-Piako District	Health/Welfare
GA250129-644F	The Osteoporosis New Zealand Trust	\$35,000.00	\$5,000.00	999 - National	Health/Welfare
GA250131-684F	Matamata Association Football Club Incorporated	\$63,689.62	\$45,000.00	015 - Matamata-Piako District	Sport
GA250224-973F	Showquest Charitable Trust	\$35,000.00	\$5,000.00	999 - National	Community-Arts-Culture
GA250307-1642	Rangers Netball Club Incorporated	\$13,764.00	\$13,764.00	015 - Matamata-Piako District	Sport
		\$415,053.30	\$243,447.00		

ID: GVP235

Mapu Maia Submission

Matamata-Piako District Council

Class 4 Gambling and TAB Venues Policy Review 2025

Submitted to	Niall Baker Policy Team Leader Matamata-Piako District Council Class 4 Gambling and TAB Venues Policy Review 2025
Submitters Details	Pesio Ah-Honi Chief Executive Officer Raymond Une Health Promoter
Physical Address	Manukau, Auckland
Date of Submission	13 April 2025

Introduction:

MapuMaia is a national Pasifika service created by Pasifika with a focus on catering to different communities in Aotearoa and is dedicated to achieving healthier and more equitable health outcomes. Our goal is to build resilience against gambling harm through our integrated service model of practice, which is grounded by Vā Tagata and Pacific values. Supported by Te Whatu Ora (TWO), we deliver crucial public health services and clinical interventions. Our primary focus is to reduce gambling harm within communities by offering individual and family counselling and social support services. We provide counselling for both those directly affected by gambling and their families. In addition to our direct services, we advocate for and actively contribute to the development and implementation of public policies aimed at preventing and minimising gambling harm in Pasifika communities, as well as others. This includes partnering with Territorial Local Authorities (TLAs) to promote policies that address concerns regarding the concentration and location of gambling venues.

At MapuMaia, we work in close collaboration with Problem Gambling Foundation (PGF) and Asian Family Services (AFS) to support communities across New Zealand through joint policy submissions. Together, we strive to ensure that the voices of Pacific and marginalised communities are heard and represented in policy discussions. By combining our expertise, we develop submissions that advocate for culturally relevant and community-led solutions, addressing critical issues such as social equity, mental health, and prevention, as well as early intervention for gambling harm. Our partnership enables us to propose policies that reflect the values and priorities of the communities we serve, promoting inclusivity and improving outcomes for all New Zealanders. Thank you for the opportunity to submit feedback on the Central Hawkes Bay District City Council gambling venue and TAB policy review and proposed changes. MapuMaia proposes to:

- No TAB venues
- Keep current requirements for establishing new venues.
- Prevent venues from merging
- Adopting a sinking lid policy

No TAB venues

MapuMaia proposes that the council does not approve any applications for standalone TAB venues to operate in the district.

The local council of Matamata-Piako should prioritise the well-being of its community by refraining from establishing new TAB venues and instead focus on increasing access to in-person counselling services for those affected by gambling and gambling harm. While gambling venues may provide short-term economic benefits, they also contribute to long-term social costs, including addiction, financial hardship, and family breakdowns. Currently, the district has no access to in-person counselling services for gambling, leaving those in need of support without local resources. By directing resources towards expanding support services, such as counselling, the council can address the root causes of gambling harm and provide those affected with the tools and assistance needed for recovery. Strengthening mental health and support systems not only helps individuals regain control over their lives but also promotes a healthier, more resilient community. This proactive approach focuses on prevention and support, rather than enabling the expansion of activities that exacerbate gambling-related issues.

Keep current requirements for new venue establishment

MapuMaia proposes to keep the current requirements of new venues. New gambling venues with pokies or TAB venues must consult with parties within a 250-meter radius and get written consent before the venue can be established.

The requirement for new gambling venues with pokies or TAB venues to consult with parties within a 250-metre radius and obtain written consent before establishment is crucial for the Matamata-Piako district as it ensures that the local community has a say in the presence of such venues. This consultation process fosters transparency, allowing residents and businesses who may be directly impacted by the venue's operation—such as those located near schools, parks, or residential areas—to voice their concerns. By involving affected parties, the policy helps mitigate potential harm from increased gambling access, protects vulnerable groups from exposure to gambling-related risks, and promotes responsible urban planning. Furthermore, it ensures that venues are not placed in areas where they could negatively affect the social fabric, health, or safety of the community, ensuring the district remains a healthy and well-balanced environment for all residents.

Prevent venues from merging

MapuMaia proposes to the council to adopt a no-merging venue policy. With limited information provided on location requirements, this structure can lead to the development of a major gambling hub within specific areas, amplifying the harmful social and economic impacts on the community. Larger merged venues would likely attract more people, encouraging prolonged gambling sessions and making it easier for individuals to lose track of their spending. The closer

proximity of a larger number of pokies in one location could escalate gambling-related harm, including addiction, financial strain, and social isolation, particularly for vulnerable populations. Moreover, merging venues could also undermine the council's efforts to limit the availability of gambling in specific areas, contradicting the goal of responsible distribution and risk mitigation. By preventing venue mergers, the council would help to ensure that gambling opportunities are kept at manageable levels, maintaining a healthier balance within the district. Instead, the focus should be on supporting measures that reduce gambling harm, such as better access to counselling services and community education, rather than facilitating larger, more concentrated gambling hubs that would only increase the risks.

Adopt a Sinking Lid Policy

MapuMaia proposes that the council adopt a sinking lid policy for gambling venues and gaming machines within the district. The sinking lid policy seeks to progressively reduce the number of gambling venues and machines in each town, with the key provision that if a venue closes, it cannot be replaced.

While it is acknowledged that the immediate results of a sinking lid policy may not show a dramatic reduction in gambling harm, it is important to recognise that the full benefits of such a policy may take time to materialise. By gradually limiting the availability of gambling venues, the sinking lid policy prevents the further expansion of gambling access and mitigates the potential escalation of harm over time. Furthermore, this policy reduces the risk of gambling becoming normalised within the community, particularly in vulnerable areas where individuals may be more susceptible to harm. Although gambling revenues may remain steady initially, this does not necessarily indicate that the policy is ineffective. It may suggest that those who previously gambled at venues have simply shifted to alternative forms of gambling, which is a natural consequence of reducing the availability of physical venues.

Over the long term, the steady reduction in the number of gambling venues can help foster a cultural shift away from gambling, reducing its prevalence in the community and, ultimately, lowering the associated harm. This policy also sends a clear message that the community prioritises the well-being of its residents by actively working to limit the accessibility of gambling.

The adoption of the sinking lid policy represents a proactive and responsible approach to curbing the availability of gambling in our district, with the potential to reduce gambling harm sustainably, fostering positive social change for the community.

Final Recommendations:

Despite a decline in the number of venues and gaming machines in Matamata-Piako, gambling activity in the district has risen. The Matamata-Piako District Council has the opportunity to take the lead in implementing transformative policies that address the shortcomings of current regulations. By adopting innovative measures, we can effectively respond to this trend and promote a healthier community.

Mandatory annual training for all venue staff dealing with the community is recommended to ensure the safety of the community members who are taking part in gambling activity and consistency in approach. All pokie trusts/societies should train venue staff using specified training components, especially in high-deprivation areas of Aotearoa, in which the venues of Matamata-Piako are located.

We encourage local authorities to take full advantage of their obligations under section 101 of the Gambling Act (2003) by considering the exclusion of class 4 gambling in high-deprivation areas of their districts. This proactive step can significantly safeguard vulnerable communities and promote healthier environments for all resident's high deprivation areas.

Conclusion:

In conclusion, the introduction and implementation of a sinking lid policy, keeping current requirements of new venues, disallowing the inception of new TAB venues, and a no-merging policy are strongly encouraged. This will ensure the well-being of the people residing in the Matamata-Piako district, thereby promoting the well-being and resilience of all community members.

Thank you for considering our policy submission. We remain committed to working collaboratively towards creating a safer and healthier community for all.

ID: GVP240

09 April 2025

Matamata-Piako District Council

Re: Submission for Matamata-Piako District Council's Gambling Venue and TAB Venue Policies

Introduction

Asian Family Services (AFS) is a non-governmental organisation (NGO) committed to providing gambling harm minimisation and mental wellbeing support services to individuals of Asian background living in Aotearoa/New Zealand. Our gambling harm initiatives are funded by Te Whatu Ora. Our services offered are face-to-face by qualified counsellors, psychologists, social workers, and public health practitioners who speak various Asian languages, including Mandarin, Cantonese, Hindi, Korean, Japanese, Thai, Vietnamese, and English.

Recommendations

Thanks Matamata-Piako District Council, for the opportunity to comment the proposed modifications to the Gambling Venue and TAB Venue Policies. We would like to provide the following recommendations. Asian Family Services also endorses and supports the submission made by PGF and Mapu Maia.

- We recommend Council to introduce Sinking Lid policy.
- We advocate for the Council to explore the adoption of a more restricted sinking lid approach, complete with provisions prohibiting relocation and club mergers.

We kindly request the Council to engage in a policy review and fine-tune their decision-making process, taking into account the following points.

Rationale Behind Our Recommendations

Gambling Harm

- The Ministry of Health (2022) points out that "Gambling harm is a significant social and economic issue. About one in five people in New Zealand will experience harm in their lifetime due to their own or someone else's gambling."
- The New Zealand National Gambling Study, which comprises a sample size of 12,000 and was conducted in 2012, stands as the sole comprehensive national investigation into gambling issues in New Zealand. This study, as outlined by Abbott et al. (2014), offers the most accurate and representative data regarding the prevalence and characteristics of

gambling harm experienced by family and affected others (FAOs) within the New Zealand population. The study's findings have led to the conclusion that harmful gambling has a pronounced adverse impact on the well-being of FAOs. The most significant adverse effects, as identified, include financial impacts (21%), loss of relationships (9.5%), stress inflicted upon family members (8%), erosion of trust (7%), and the experience of emotions such as anger, frustration, or resentment (6.5%). On a global scale, extensive research and studies consistently reveal that gambling is associated with a wide range of adverse outcomes that impact not only the individuals who gamble but also extend to their families and communities. These consequences span a spectrum, encompassing, but not limited to, financial difficulties leading to bankruptcy, disruptions in relationships (Currie et al., 2009), emotional or psychological distress, cultural harm, engagement in criminal activities, and even the potential for suicidal tendencies (Langham et al., 2015). Importantly, the repercussions of gambling can endure over the long term, affecting individuals well beyond the period of active gambling (Hodgins et al. 2005.) Also, gambling may also contribute to child neglect and family violence (Ministry of Health, 2022).

Class 4 Gambling Harm

- It is evident that various forms of gambling carry differing levels of harm, a fact underscored by the distinct classifications of gambling delineated within the Gambling Act of 2003.
- The most harmful form of gambling in New Zealand is non-casino gaming machines (NCGMs) at pubs / clubs (defined in the Act as class 4 gambling). At-risk and problem gamblers accounted for over half of the total (estimated) electronic gaming machine (EGM) expenditure in 2015 (moderate-risk and problem gamblers 28 percent; low-risk gamblers 24 percent). Similarly, analysis from the 2020 Health Life Survey shows 50.3 percent of those who played EGMs in pubs or clubs at least once a month experienced some level of gambling harm (Ministry of Health, 2022).
- Class 4 EGMs is more harmful than casino EGMs is their location within our communities and the design of EGM rooms within Class 4 venue.

Vulnerable groups susceptible to the adverse effects of gambling harm

- The Ministry of Health (2022) underscores that gambling harm is also an equity issue. This is particularly pertinent because **Māori**, Pacific peoples, some Asian communities, young individuals/rangatahi, and those with **lower incomes** bear a disproportionate burden of the harmful effects of gambling.

Demographic Profile of Matamata-Piako District Council

- Based on the data from the 2018 Census, Matamata-Piako District Council is home to a population of 34,404 residents. This demographic makeup is characterised by European, comprising 84.4% of the population, Māori at 16.7%, Asians at 5.7%, and Pacific population accounting for 2.1%.
- As per Stats New Zealand (2021), New Zealand is projected to experience increased ethnic diversity by 2043, with the Māori, Asian, and Pacific ethnic populations growing across all regions and territorial authority areas. Matamata-Piako District Council is expected to align with this trend, indicating that the proportion of vulnerable communities susceptible to gambling harm is likely to rise.

Demographic Profile of Matamata-Piako District Council (Income)

- In 2018, the median income in the Matamata-Piako District was \$32,400, slightly above the national median of \$31,800.
- However, a significant proportion of the population—43.8%—reported an annual income of less than \$30,000. This raises concerns from a public health and equity perspective, as low-income communities are known to be disproportionately affected by gambling-related harm.

Efficacy of Sinking Lid

- One of the pivotal factors influencing gambling behaviour is frequently explained through the "availability hypothesis." According to this theory, problem gambling exhibits a positive correlation with exposure, meaning that as gambling opportunities expand, the incidence of pathological gambling tends to rise. Initial research, which examined the legalization of various forms of gambling at the state level in the United States during the 1980s and 1990s, provided support for this hypothesis (Volberg, 1994).
- On a global scale, evidence-based research consistently highlights the effectiveness of reducing the density of EGMs in mitigating gambling harm. A notable study by Storer et al. (2009) provides a critical insight: with each additional EGM introduced into an area, there was an average association with 0.8 new problem gamblers. This underscores the paramount importance of implementing policies aimed at restricting or reducing the concentration of EGMs, as they are likely to play a pivotal role in curbing or alleviating the harms linked to gambling. Furthermore, as noted by Robert J. Williams (2009), the most dependency-prone forms of gambling typically involve continuous gameplay with rapid game frequency. EGMs, continuous lotteries, and casino table games epitomise this feature. Therefore, taking measures to eliminate or significantly reduce the number of these games holds significant preventative value in addressing gambling-related issues.

- Within the New Zealand context, the New Zealand Work Research Institute at Auckland University of Technology conducted a comprehensive study aimed at assessing the consequences of public policy interventions on problem gambling in the country. The research findings emphasize that policies involving per capita caps and sinking lids have proven to be the most efficacious in curbing gambling expenditure. Furthermore, the study indicates that Territorial Local Authorities (TLAs) that implemented additional restrictions beyond the requirements stipulated by the Gambling Act observed a decrease in gambling-related harm compared to TLAs that did not take such additional measures.
- The research conducted by Christopher Erwin et al. in 2022 provided support for the availability hypothesis within the New Zealand context. The study's findings indicate that regions implementing sinking lid policies, which go beyond the restrictions mandated at the national level, experience a noteworthy 13% reduction in gambling expenditure compared to regions that do not adopt such additional policies.

Conclusion

- The enactment of the Gambling Act 2003 was driven by the objective of adopting a public health-oriented approach to regulate gambling and mitigate the adverse effects of gambling harm.
- Non-casino gaming machines (NCGMs), classified as class 4 gambling under the Act, are acknowledged as the most detrimental form of gambling in New Zealand. Therefore, it is imperative for the Council to ensure the implementation of the most effective policies aimed at safeguarding the community from the adverse effects of gambling harm.
- Demographic data underscores the substantial presence of Māori, Pacific peoples, Asian, and low-income residents in Matamata-Piako District Council, a population segment that is disproportionately impacted by gambling harm. In light of this, it becomes the Council's responsibility to institute a more stringent policy aimed at protecting the community from the gambling harm.
- Evidence-based research unequivocally demonstrates that reducing the availability of EGMs is an effective strategy to curtail gambling expenditure and consequently mitigate harm within the community. With the Council's existing adoption of the Sinking Lid policy, which refrains from issuing new licenses, it is worth considering an even more restrictive approach. Implementing policies that disallow both relocation and club mergers would further enhance the reduction in EGM availability, thereby bolstering community protection against the adverse effects of gambling harm.

Thank you for your time and consideration. We look forward to your response.

Ngā mihi nui,



Kelly Feng
Chief Executive

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ID: GVP242

10 April 2025

To:

Niall Baker

Policy Team Leader

Matamata-Piako District

Reference: 195.2025.318

From:

Taloto Rufo Pupualii

Senior Social Worker and Advocate for the Samoan Community in Matamata-Piako

SUBMISSION TITLES:

1. Strongly Support the Adoption of Sinking Lid Policy for Class 4 Gambling at Matamata-Piako District
2. NO more TAB Venues
3. Consultations, and Written Consents are a priority. Consult with the affected parties for better community and whanau focused.

Talofa Lava, Pacific Greetings.

I write to represent the voice of my Samoan families and community, including...

The Parents, Grandparents, Rainbow Families, Island Born Migrants, Young People and the wider Extended Families, who live and reside in Matamata-Piako Regional District. According to them, they envision this district as a safer place of hope for their future generations.

Sadly, gambling has plagued our Aiga (families) for years. Many of our whanau/ aiga migrated from Samoa, seeking better educational opportunities for their children. However, the devastating effects of gaming machines/ pokies and TAB have, shattered dreams, lost hope and negatively impacted on their younger children's lives. Their brighter future has dimmed by all harms caused by gambling.

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I strongly urge the Council to consider protection over the mental, environmental, social, cultural, educational and psychological wellbeing of whanau/ aiga from these gambling harms. My whanau/ Aiga already experienced higher gambling problems of financial debts, poverty, broken relationships, anxiety and depressions. Besides, the Pacific population at Matamata-Piako is estimated to 5.5% of the total population, which is approximately amounted to 1,914. The Samoans are in total of estimated 843, living in the area. My extended family scattered around Matamata, Morrinsville and Te Aroha, where the numbers of gaming machines are unbelievable.

So, I strongly recommend that the Matamata Piako District Council incorporates the following into the Gambling Policy Review as mentioned above;

Supporting the adoption of the Sinking Lid Policy for the next three years and opposing Per Capita Policy to help reduce gambling harm in vulnerable communities, including my extended whanau/ aiga living in the district. The Sinking Lid gradually decreases the number of gaming machines in the district and minimises accessibility by whanau/ aiga.

There are 140 current gaming machines in the district, and that the number is too much, for the 34,000 of the local population. The vulnerable communities to Maori and Pacific are targeted by these pokies. From my social worker role in the health sector, and as an affected other, gambling harm is identified as a mental health issue, with the increased numbers of anxiety, depression, suicidal thoughts and broken families. The Social Impact measures of Problem Gambling on the lives of the Samoan Community and my whanau, outweigh their positive future plannings and hopeful dreams.

Supporting a Stop on TAB venues, and not to allow any to the District Council.

TAB venues also target vulnerable communities and whanau in lower-socio-economic areas, while they are continue struggling to fulfil their family financial obligations. TAB venues normally re-direct millions of dollars out of local economies and into corporate profits, which is unfair to those players of the community. It does not benefit the community but continuing to lose their potential to apply for grants for local community use.

A meaningful consultation and consent requirements to conduct thoroughly with the

- *Whanau/ aiga affected by Gambling*
- *The Lived Experience who are in their recovery journey*
- *Local community groups*

- *Pacific and Maori Gambling Providers, for the best practical and health related solutions*

Consultation is not a tick box exercise, but it strongly requires meaningful engagement with affected whanau, aiga, and the communities. To ensure the wellbeing, views, and rights of those affected from harmful gambling are acknowledged in policy making, meaningful decisions and societal whanau focused. Policies review, and effective Council planning, must incorporate the community's perspective. As I always reflect on the Maori strong voice and quote *"E aha o te mea nui o te ao, he tangata, he tangata, he tangata. What is the most important thing in the world, it is people, it is people, it is people."* This is the greatest single step towards getting the effective answer, is to get the advice from the right people, and listening to their voices.

Soifua ma ia Manuia

With Respect

Taloto Rufo Pupualii

ID: GVP258

PGF Services Submission
Matamata-Piako District Council
Class 4 Gambling and TAB Venues Policy Review 2025

Submitted to	Matamata-Piako District Council Draft Gambling Venue (Class 4) Policy and TAB Venues Policy Review via online portal submission
Details of Submitter	Madelaine Cullen
Physical Address	Auckland
Date of Submission	13 April 2025

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EXECUTIVE SUMMARY

PGF Services appreciates the opportunity to comment on Matamata-Piako District Council's Class 4 Gambling and TAB Venues Policy review.

It is our understanding that the proposed policy option is the implementation of a region-wide cap on electronic gaming machines (201) and venues (15), with provisions for venue mergers and relocations. We are also aware that Council is proposing to implement restrictions on the location of venues, in that they must not be within 100-meter radius of a sensitive site.

While we recognise that MPDC is thinking seriously about the harm caused by gambling in the region, it is our opinion that the proposed changes do not go far enough in protecting the community from gambling harm. The proposed policy does not afford for any reduction in machines or venues. We strongly encourage Matamata-Piako District Council adopt a sinking lid policy – for Class 4 gambling and TAB venues.

Evidence shows that a sinking lid policy will gradually reduce the number of pokie machines over time, ensuring that no new licenses are issued or transferred. This approach helps to protect communities, particularly those disproportionately impacted by gambling harm, by limiting access to pokies and reducing the associated social and financial harm. By adopting this policy, the Council will take an important step toward minimising gambling-related harm and demonstrate its commitment to the well-being of its community.

A sinking lid policy is one of the best policies available to reduce gambling losses and harm from gambling. This is a step in the right direction as over half of all councils (55%) across Aotearoa New Zealand have a sinking lid policy.

Our submission is evidence-based and founded on what is known about gambling harm across Aotearoa New Zealand and beyond. PGF advocates for councils to take a closer look at the relationship between harmful gambling, social disparity, and a funding model that enables it. Funding communities based on a system that relies on our lowest income households putting money they can ill-afford into gaming machines is both unethical and inequitable. The saturation of Class 4 venues in areas of high social deprivation and the resulting harm placed on these communities is disproportionately borne by Māori.

RECOMMENDATIONS AND SUBMISSION

CLASS 4 GAMBLING AND TAB VENUES POLICY OPTIONS

1. PGF Services **encourage** Matamata-Piako District Council to adopt a sinking lid policy for both Class 4 gambling and TAB venues.

INTRODUCTION

ABOUT PGF SERVICES

2. The Problem Gambling Foundation trades as PGF Services. We operate under contract to Te Whatu Ora and are funded from the gambling levy to provide public health and clinical services that contribute to the wellbeing of whānau and communities.
3. As part of our public health work, we advocate for the development of public policy that contributes to the prevention and minimisation of gambling related harms.
4. This includes working with Territorial Local Authorities (TLAs) to encourage the adoption of policies that address community concerns regarding the density and locality of gambling venues, in this case, a sinking lid policy.

PGF SERVICES' POSITION ON GAMBLING

5. It is important to note that we are not an 'anti-gambling' organisation. We are, however, opposed to the harm caused by gambling and advocate strongly for better protections for those most at risk of experiencing gambling harm.
6. We recognise that many New Zealanders do not gamble harmfully.
7. While most New Zealanders gamble without experiencing any apparent harm, a significant minority do experience harm from their gambling, including negative impacts on their own and the lives of others. It should also be noted that nearly 50% of all gambling harm is experienced by people who participate in low-risk gambling (harms include damage to relationships, emotional distress, financial impacts and disruptions to work or study). This suggests we need to focus on reducing gambling harm at the whole-of-population level (1).
8. As at 2023/24, total expenditure (losses, or the amount remaining after deducting prizes and pay-outs from turnover) across the three main forms of gambling; Class 4 Electronic Gaming Machines (EGMs), Lotto, TAB, and Casinos, was more than \$2.79 billion. (2)

9. In 2024, over \$1,037 billion was lost to pokies across Aotearoa New Zealand (3). This was a small drop in losses from the previous year which was the highest annual loss since 2003.
10. Most money spent on gambling in New Zealand comes from the relatively limited number of people who use Class 4 EGMs, and most clients accessing gambling support services cite pub/club EGMs as a primary problem gambling mode (4).

INFORMATION FOR COUNCIL DECISION MAKING

CLASS 4 GAMBLING

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

GAMING MACHINE PROFITS (GMP) STATISTICS

14. As at December 2024, there are 11 Class 4 gambling venues in the Matamata-Piako District, hosting a total of 147 EGMs (7).
15. Between December 2023 and December 2024, \$7,214,382.76 was lost to Class 4 EGMs in the Matamata-Piako District (3).
16. From 2015 to the current quarter the GMP has shown a consistent upward trend in the long term. Between September 2023 and December 2024, the nominal GMP decreased by 1.4%. While this represents a marginal decline, it should not be interpreted as a clear indicator of reduced gambling harm, especially when the overall numbers have traditionally shown an increase over time. The long-term trend continues to show an overall upward trajectory in gambling activity, and this should be considered when assessing the effectiveness of current harm reduction strategies.

CLIENT INTERVENTION DATA

17. A total of 20 clients from the Matamata-Piako District were assisted between July 2022 to September 2023 for all intervention types, including brief interventions¹ (4). The data for 2023/2024 is not available yet.
18. However, this figure does not necessarily reflect the exact number of people impacted by gambling in the Matamata-Piako District. There are many reasons people do not present to support services for help, such as stigma and shame, so to measure the severity of gambling harm in a region based only on the number of interventions is flawed.
19. The Ministry of Health’s *Strategy to Prevent and Minimise Gambling Harm* states that “needs assessment and outcomes monitoring reports show that only 16% of potential clients for gambling support services (that is, people whose reported harm results in a moderate to high PGSI² score) actually access or present at these services”, and that this low service use is also evident for other forms of addiction such as alcohol and drugs (5).
20. The Ministry of Health’s Continuum of Gambling Behaviour and Harm (Figure 1) estimates the number of people experiencing mild, moderate or severe gambling harm is more than 250,000 – that’s more than the population of Wellington (5).

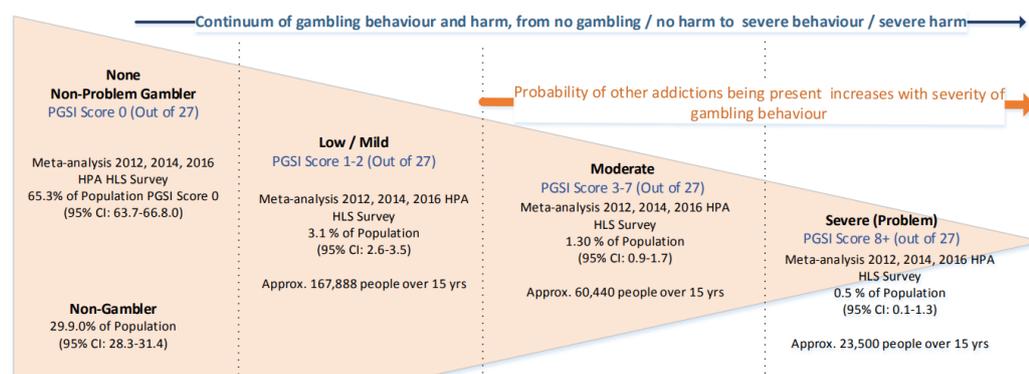


Figure 1: Continuum of Gambling Behaviour and Harm (Ministry of Health, 2019)

¹ Brief Interventions are specialised interventions that focus on engaging with people at risk of gambling harm and encouraging them to recognise the potential impacts of their own or another’s gambling on their life.
² The Problem Gambling Severity Index (PGSI) is commonly used to screen and categorise three levels of harm: severe or high risk (problem gambling), moderate risk and low risk.

21. A New Zealand gambling study estimates that 30% of EGM losses is from problem and moderate risk gamblers (7).
22. While the Ministry of Health’s client intervention data is not an accurate measure of the prevalence of gambling harm in New Zealand, it can tell us the rate of harm from different classes of gambling amongst those who have sought help.
23. Data for 2022/23 shows that of the 4,411 individuals who received full intervention support for their own or someone else’s gambling, 1,987 (45.0%) were for Class 4 EGMs (4).

Primary Mode	Full Interventions	Percentage
Non-Casino Gaming Machines (EGMs or Pokies)	1,987	45.0%
Lotteries Commission Products	490	11.1%
Overseas online gambling	478	10.8%
Casino Gaming Machines (EGMs or Pokies)	439	10.0%
TAB (NZ Racing Board)	388	8.8%
Casino Table Games (inc. Electronic)	332	7.5%
NZ Other gambling	213	4.8%
Housie	49	1.1%
Cards	35	0.8%
Total	4,411	100%

Table 1: 2022/23 client intervention data by primary gambling mode.

24. Given that almost half of the clients in 2022/23 sought help due to Class 4 EGMs, this indicates the level of harm EGMs are causing in our communities.
25. We further acknowledge that the Matamata-Piako District has limited support services for those affected by gambling harm. While we are a national gambling harm service provider, our closest office is in Hamilton.

ONLINE GAMBLING

26. Online gambling is not within the scope of Matamata-Piako District Council’s Class 4 gambling and TAB venues policy review. Online gambling is the purview of the DIA who are responsible for addressing online gambling within legislation.
27. Like many others in Aotearoa New Zealand, we are concerned that children and young people, are not receiving adequate protections to harmful online content, including exposure to and availability of gambling and gaming products.

28. The Gambling Act 2003 is now almost 20 years old and no longer reflects the online gambling and gaming environment we now have, nor does it afford the robust regulatory framework that will protect consumers online.
29. PGF also notes that an area of concern for local government is that an 'unintended consequence' of a reduction in physical gaming machines through more restrictive Class 4 gambling policy, would lead to an increase in online gambling.
30. As a comment of assurance, there is no tangible evidence that this occurs more rapidly due to a sinking lid policy. There are no New Zealand studies tracking the migration patterns of pokie players. Rather, the COVID-19 lockdowns have shown that while there was an increase in online gambling during lockdown (namely, MyLotto sales) (8, 9), people returned to Class 4 gambling after the lockdown. This was highlighted when the DIA data showed an increase in GMP by 116% in the June to September 2020 quarter, which followed the COVID-19 lockdown in 2020 (10).
31. PGF also anticipated that clients would migrate to online gambling during the 2020 lockdown, but this did not happen. Venue closures due to COVID provided a forced break from pokies that yielded many benefits. Many clients did not gamble at all; they saved money; enjoyed their families and reassessed their priorities. Online gambling at home was too visible and confronting. Part of visiting venues is that gambling is invisible to the family and private.
32. Evidence suggests that Class 4 gambling competes with other industries for household expenditure, but not so much with other forms of gambling. The New Zealand Institute of Economic Research (NZIER) found that the cost to retail sales of Class 4 gambling was estimated to be \$445 million for the 2018/19 year. Increased retail sales would generate an additional 1,127 full-time equivalent jobs for 1,724 workers worth approximately \$50 million in wages and salaries (10). This is an interesting finding given that previous cost-benefit assessments of Class 4 gambling have tended to assume that this activity creates additional employment or is neutral from an employment perspective.

DENSITY OF CLASS 4 GAMBLING VENUES

33. What makes Class 4 EGMs more harmful than casino EGMs is their location within our communities and the design of EGM rooms within Class 4 venues.

34. In the Matamata-Piako District, SA1 shows us that the 11 Class 4 gambling venues (as at December 2024) are located in a variety of high (2), medium high (6) and medium (2) deprivation areas (3).
35. Data published by the DIA shows that almost 61% (603 out of 991 as at 30 June 2024) of Class 4 gambling venues in New Zealand are located in medium-high or very-high deprivation areas (3).

Very Low Decile 1–2	Medium Low Decile 3–4	Medium Decile 5–6	Medium High Decile 7–8	Very High Decile 9–10
66	136	186	273	330

Table 2: Class 4 gambling venues as at 30 June 2024 by deprivation score.

36. A report commissioned by the Ministry of Health notes that EGMs in the most deprived areas provide over half of the total Class 4 EGM expenditure (12).

IMPACT OF GAMBLING HARM TO VULNERABLE POPULATION GROUPS

37. It is unethical that the majority of Class 4 EGM expenditure is coming from our lowest income households who can least afford it.
38. This is particularly concerning given that this disproportionately impacts Māori who generally live in the areas where many Class 4 venues are located. We note that approximately 16% of the Matamata-Piako District population identified as Māori (13).
39. The 2020 Health and Lifestyles Survey estimates indicated that Māori were 3.13 times more likely to be moderate-risk or problem gamblers than non-Māori and non-Pacific peoples (14).
40. Research indicates that Māori experience harmful gambling differently, and that this disparity has not diminished over the years. This is a systemic issue that is inequitable.

EFFICACY OF A SINKING LID

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

43. Sections 92 and 93 of the Gambling Act mandate the maximum number of pokie machines a Class 4 venue can host (18 if the venue licence was held on or before 17 October 2001, nine if the licence was granted after that date). This is the minimum regulation a TLA must implement in its Class 4 gambling policy.
44. The Auckland University of Technology's New Zealand Work Research Institute recently published a research paper, *Capping problem gambling in New Zealand: the effectiveness of local government policy intervention*, which aimed to understand the impact of public policy interventions on problem gambling in New Zealand (15).
45. This research focussed on Class 4 gambling to assess the impact of local government interventions (absolute and per capita caps on the number of machines and/or venues and sinking lid policies) on the number of machines/venues and the level of machine spending over the period 2010-2018.
46. Key findings from this research include:
 - a. All three forms of policy intervention are effective in reducing Class 4 venues and EGMs, relative to those TLAs with no restrictions beyond those mandated by the Gambling Act.
 - b. Sinking lids and per capita caps are equally the most effective at reducing machine spending.
 - c. Those TLAs who adopted restrictions above and beyond those mandated by the Gambling Act experienced less gambling harm than those TLAs who have not.

THE FUNDING SYSTEM

47. Following the removal of tobacco funding, EGMs were introduced with the primary purpose of funding communities.
48. Trusts and Societies are required to return 40% of GMP to the community by grants or applied funding. This has inextricably linked gambling harm with the survival of community groups, sports and services.
49. Unlike trusts and societies, clubs are allowed to keep their profits for their own use. Clubs use their GMP to support their own operations, and in some cases, allocate grants to community

projects and sports clubs. There is no requirement, however, to return 40% of GMP to the community.

50. In 2024 the overall gaming machine profit (GMP) for the Matamata-Piako District from DIA data was \$7,214,382.76. However, according to the Grants website, Class 4 trusts and societies in the area only returned \$1,656,460.00 of the GMP to the community (15). This represents just 23% of the total funds generated. This disparity highlights a significant gap between the amount lost through Class 4 gambling in the community and the proportion granted to local community initiatives.
51. What we do know is that the unethical nature of the funding model cannot be ignored. The *Gambling Harm Reduction Needs Assessment* (2018), prepared for the Ministry of Health, raises fundamental questions about the parity of this funding system (15).
52. Further research commissioned by the DIA revealed that there is a very strong redistributive effect from more deprived communities to less deprived communities when examining the origin of GMP and the destination of Class 4 grants (16).
53. Overall, less deprived communities (decile 1-5) provided 26% of the GMP but receive 88% of the grants. Conversely, more deprived communities (decile 6-10) provide 74% of the GMP but receive only 12% of the grants (16).

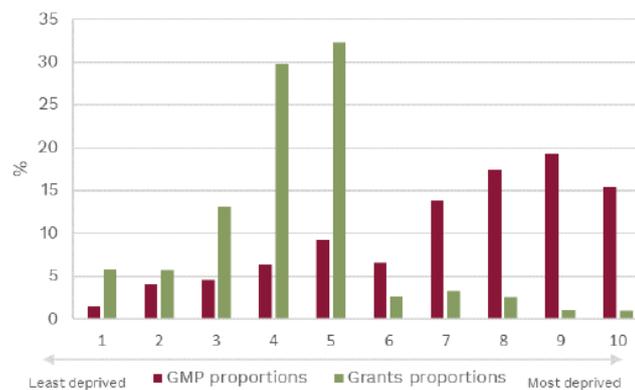


Figure 2: The origin of GMP and the destination of Class 4 grants by socio-economic decile (BERL, 2020)

PRIORITISING THE PREVENTION OF HARM

54. While a sinking lid is at present the best public health approach available to TLAs to prevent and minimise gambling harm in their communities, we contend that such a policy does not go far enough – or work fast enough – to do this.
55. Several councils have already expressed their frustration at the limited opportunities available to them in their attempts to reduce the harm from Class 4 gambling in their communities.
56. We continue to encourage Council to advocate to central government for the following:
 - a. Adoption of a more sustainable, ethical, and transparent community funding system.
 - b. More powers for councils to remove EGMs from their communities.
 - c. The urgent removal of Class 4 EGMs from high deprivation areas 7-10 in New Zealand.

CONCLUSION

57. The Gambling Act 2003 was enacted to provide a public health approach to the regulation of gambling and to reduce gambling harm.
58. We commend Matamata-Piako District Council for their attempt to strengthen gambling harm policy in the region. We ask Council to seriously consider the known harm prevention merits of a sinking lid policy with no relocations or venue merger provisions as the preferred option. This is the best public health approach available to councils to prevent and minimise gambling harm in their communities.
59. PGF appreciates the opportunity to make a written submission on Matamata-Piako District Council's Gambling Venues Policy.

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ID: GVP263

10 April 2025

Matamata-Piako District Council

Po Box 266,

Te Aroha 3342

Tēnā koutou [katoa](#)

**Matamata-Piako District Council,
Kaupapa mō ngā Wāhi Petipeti 2025 / Gambling Venue Policy 2025 &
Kaupapahere mō ngā Wāhi TAB 2025 / TAB Venue Policy 2025**

Health New Zealand –Te Whatu Ora National Public Health Service (Health NZ) in the Te Manawa Taki region is providing technical advice on the Kaupapa mō ngā Wāhi Petipeti 2025 / Gambling Venue Policy 2025 & Kaupapahere mō ngā Wāhi TAB 2025 / TAB Venue Policy 2025.

National Public Health Service Te Manawa Taki services the Taranaki, Waikato, Bay of Plenty, Lakes and Tairāwhiti areas. Our National Public Health Service purpose is to:

Manaakitia ngā whānau mō pae ora |

Enable whānau and communities to lead lives of wellness.

Technical advice - recommendations

Health NZ recommends that the Gambling Venue Policy includes a sinking lid for the total number of pokie machines and venues. However, if Council decides not to include a sinking lid, then Health NZ recommends a new **cap** on the total number of pokie machines and venues be set as follows:

- a) the cap on the maximum number of machines be set at 140, the current number in the district, to prevent further growth in numbers. Currently there is approval for up to 201 pokie machines in the district; and,
- b) the cap on the maximum number of venues with pokies be set at **10**, the current total number in the district. Currently there is approval for a maximum of 15 venues in the district at any one time.

Health NZ commends the consideration of where gambling venues can be located, including restricting new venues from being within 100m of a sensitive site or adjoining an existing class 4 venue.

Health NZ recommends that the relocation or merging of Class 4 gambling venues is not permitted.

- However, if mergers are allowed, Health NZ recommends that Council limits the number of permitted machines to the existing total for one venue and not the sum of both venues.
- Should relocations or new venues be permitted, then we recommend that assessment criteria has a harm minimisation focus, considering the social deprivation in the proposed location, along with limiting exposure to gambling to young people/rangatahi⁴.

Full technical advice is offered below.

Health NZ is open to meeting with you to discuss our technical advice.

The primary contact point for this technical advice is:

Dr Richard Wall, Public Health Medicine Specialist/ Medical Officer of Health

Nāku iti nei, nā



Dr Richard Wall
Public Health Medicine Specialist/ Medical Officer of Health
National Public Health Service – Te Manawa Taki
Health New Zealand – Te Whatu Ora

Ko wai mātou?

In offering this technical advice, Health NZ recognises its responsibilities to improve, promote and protect the health and wellbeing of people and communities of Aotearoa New Zealand under the Pae Ora (Healthy Futures) Act 2022 and the Health Act 1956. To achieve healthy communities and health equity across population groups Health NZ will work together with other sectors to address the determinants of health.¹

This technical advice aligns to Health NZ's position to realise healthier and more resilient communities. Incorporating public health commitments will support efforts to reduce inequities and promote the good health and wellbeing of communities along with the environment and places where we grow, live, learn, work and play.

Ko te pae tawhiti whāia kia tata, Ko te pae tata whakamaua kia tīna!

Seek to bring distant horizons closer and sustain/maintain those that have been arrived at.

¹ *Determinants of health*. (2017, February 3). World Health Organisation. <https://www.who.int/news-room/questions-and-answers/item/determinants-of-health>

Health NZ – Te Manawa Taki region welcomes opportunities to share public health perspectives in planning and decision-making with Matamata-Piako District Council.

Health NZ commends Matamata-Piako District Council for its timely review of both the Kaupapa mō ngā Wāhi Petipeti 2025 / Gambling Venue Policy 2025 & Kaupapahere mō ngā Wāhi TAB 2025 / TAB Venue Policy 2025.

Technical advice evidence

A public health approach considers the burden of harm across the continuum and not just on the individual gambler, for example, harm at the individual, family/whānau, community, and society levels. Harm from gambling includes emotional and psychological stress, financial harm such as increased credit card debt, reduced performance at work or education, relationship conflict, disruption and breakdown, and criminal activity⁸. Of particular concern, are the multiple forms of harm experienced by children under the care of those experiencing problems with gambling. Harm can include neglect; staying up late; losing sleep; missing school; being hungry; eating more take away or convenience foods, and potential vulnerability to abuse through lack of supervision¹⁵.

In New Zealand, harmful gambling behaviour is strongly correlated with family, whānau or partner violence, with half of problem gamblers reporting having experienced family or whānau violence⁵. There is also evidence that children and young adults are exposed to gambling messaging, for example, through advertising which can normalise harmful gambling behaviours¹⁴.

The population groups more likely to experience disproportionate levels of gambling harm are those living in areas of high deprivation, Māori, Pacific peoples, some Asian communities and rangatahi (young people)¹⁰.

Māori and Pacific peoples are also more likely to have other risk factors for gambling harm, such as low incomes and subsequently living in low socioeconomic neighbourhoods, where some forms of gambling are more accessible³. The 2020 Health and Lifestyles Survey found that Māori were 3.4 times more likely to report either gambling-related arguments or money problems related to gambling compared to non-Māori and non-Pacific peoples. Pacific peoples were 2.67 times more likely to report these harms than non-Pacific peoples and non-Māori¹¹.

Population data from the 2023 Census indicates the across the Matamata-Piako District 18.6% are Māori and 2.6% Pacific peoples². The social impact assessment further points out that seven of the ten class 4 venues are in areas with a social deprivation score of 7 or higher².

Matamata-Piako people lost \$7.3 million through Class 4 gambling (non-casino gambling machines, or pokies) in 2023, an additional \$301,669 increase on the previous year. This community loss averages to roughly \$20,000 every day, which could have been spent in local homes and businesses where there is medium-high socioeconomic deprivation.¹

The New Zealand Institute of Economic Research found that New Zealand's retail sector could have gained an estimated \$445 million in 2018/19 if household expenditure on Class 4 gambling was diverted to other uses¹².

Council's social impact assessment reports that approximately \$1.6 million (around 22%) of gambling debt was returned to the community in 2023 via community grants². Research has found that 74% of the money spent on pokies comes from areas of high deprivation, but these communities on average receive just 12% of the grants in return¹. The level of harm from Class 4 gambling is not offset by the proceeds that go back into communities.

There are no consistent screening practices for problem gambling in Aotearoa New Zealand, thus it is impossible to identify the true extent of problem gambling in Matamata-Piako. It is estimated that, nationally, only 16% of moderate-risk and problem gamblers access services⁸. Without accurate data on the prevalence of problem gambling, it is challenging to identify the extent to which Matamata-Piako communities experience negative consequences of problem gambling.

At a national level, it is estimated that one in five people in Aotearoa/New Zealand will experience harm from either their own or someone else's gambling⁴. Research indicates that approximately 5% of the population gambles at a level where they will experience some amount of harm; this figure has remained relatively steady since 2012¹⁶.

A lack of accurate local data prevents healthcare services from developing targeted interventions, allocating resources effectively, and treating co-existing problems that often accompany problem gambling.^{6-8,11,13} In Matamata-Piako, these problems are compounded since there is no in-person gambling specific support service, the closest is Hamilton. The lack of local support services creates a barrier to accessing support and assistance for whānau affected by gambling harm. This is one of the reasons public health recommends strategies to prevent gambling harm from occurring.

Most gambling-related harm originates from using electronic gaming machines (pokies), which results in high-risk, high-turnover gambling,^{6,7,8}. Reducing access to gambling opportunities and reducing the normalisation of gambling behaviour can help minimise gambling related harm⁴.

National studies suggest that most gambling-related harm originates from the use of gambling machines at pubs or clubs, resulting in high-risk, high-turnover gambling⁶⁻⁸. The 2016 Health and Lifestyles Survey found that 50.3% of people who played pokies in pubs or clubs at least once a month experienced some level of gambling harm⁷.

Gambling policy objectives should emphasise harm reduction/minimisation. Problem gambling behaviour is associated with living near gambling venues⁴ and research indicates that, where Territorial Authorities have gambling venue policies in place, a reduction in access to electronic gambling machines (EGMs) is associated with a reduction in gambling expenditure on EGMs⁵. Further research indicates that sinking lid and per capita policies are equally the most effective at reducing machine spending⁵.

Gambling policies, which restrict non-casino gaming machines or pokie operations, could lead to reduced gambling opportunities and mitigate subsequent harm over time^{6,9}.

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ID: GVP264

Te Manawhenua Forum mō Matamata-Piako (Forum)

14 April 2025

Matamata-Piako District Council
PO Box 266
Te Aroha 3342

Tēnā koutou,

Submission to the Matamata-Piako Policy and Bylaw consultations

This submission reflects discussions held at Forum workshops and meetings in 2024 and 2025. We acknowledge the incorporation of some of this feedback into the draft documents.

Gambling Policy 2025

At the 3 December 2024 hui the Forum formally recommended Council adopt a 'sinking lid' policy in light of the disproportionate social, financial, and spiritual harm that gambling harm has on Māori and wider whānau. The Forum supports a sinking lid approach for gaming machines and venues within the district.

Bylaw Consultation 2025

During early engagement, the Forum recommended that Council staff work directly with local marae and social services to ensure community concerns were captured. It was recommended to arrange a webinar to improve accessibility, particularly for those unable to attend daytime events. We are pleased to see some of these initiatives progressed.

The Forum emphasises the importance of aligning Council's policies and bylaws with Te Tiriti o Waitangi and recommends further governance-level kōrero to explore how this can be achieved.

Following adoption of the bylaws, the Forum recommends that Council prioritise public education on the rules to ensure communities are informed and to promote safer, healthier environments.

Attendance at the Council hearing

The Forum does not wish to present its submission in person at the Council hearing.

Thank you for considering the Forum's submission.

Nāku iti noa, nā,
Te Manawhenua Forum mō Matamata-Piako



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Gambling Venue Policy Review - Submission

Introduction

Grassroots Trust is supportive of positive legislation changes within the industry and all efforts to further minimise harm that is caused from gambling. Our systems, and harm prevention & harm minimisation training are considered industry leading, and we pride ourselves on ensuring we use the latest technology available to the industry.

This submission is in response to the Matamata-Piako District Council's review of their Class 4 Gambling Venue Policy. Grassroots Trust wishes to speak to Council in support of this submission and responds as follows:

1. Grassroots Trust **SUPPORTS** Council's proposed option to introduce an Absolute Cap, allowing 15 gambling venues and 201 gaming machines to operate within the district-wide cap.
2. Grassroots Trust **DOES NOT SUPPORT** Options 2, 3, 4 or 5.

Location Rules and Sensitive Sites

1. Grassroots Trust **SUPPORTS** Council's proposed option, that new gambling venues must be 100 metres away from *sensitive sites*.
2. Grassroots Trust **DOES NOT SUPPORT** Options 2 and 3. Option 3 is in our view is very anticompetitive. Asking Class 4 Societies to obtain support from a competitor (other Class 4 Societies and Venues) for the establishment of new business within close proximity to them, needs to be removed from the policy. Council should be reviewing applications based on their own merit and information provided against policy provisions. We can speak to this when meeting the Council but had first-hand experience relating to this in 2024 when seeking to secure a Class 4 licence in Matamata. Naturally, all competitors of the venue provided submissions calling for our application to be declined.

About Grassroots Trust

Grassroots Trust currently operates 36 gaming machines at two venues located in the Matamata-Piako District – the Palace Hotel (Te Aroha), 18 gaming machines, and The Top Pub & Eatery (Morrinsville), 18 gaming machines.

- **Te Aroha College Old Boys Rugby & Sports Club Incorporated**
Grassroots Trust contributed **\$60,000.00** towards the costs associated with salary for the Junior Rugby Development Officer, physiotherapy services and purchasing first aid/medical supplies.
- **Te Aroha Group New Zealand Riding for the Disabled Association Inc**
Grassroots Trust contributed **\$11,448.00** towards the salary costs of the Assistant Coach.
- **Matamata-Piako District Council**
Grassroots Trust contributed **\$50,000.00** towards the costs associated with building a two-court indoor sports stadium, to service Matamata schools, the community and the district.
- **Stanley Avenue School**
Grassroots Trust contributed **\$10,000.00** towards the costs associated with replacing the astroturf.
- **Campbell Park Charitable Trust**
Grassroots Trust contributed **\$22,000.00** towards the costs associated with architectural services, for the redevelopment of Campbell Park.
- **David Street School**
Grassroots Trust contributed **\$8,186.96** towards the costs associated with purchasing shade sails.
- **Te Aroha BMX Club Incorporated**
Grassroots Trust contributed **\$4,050.80** towards the costs associated with purchasing and installing LED flood lights.



Class 4 Gaming Societies are the only gambling operators that focus on supporting grassroots community organisations, making a positive difference to many community organisations, which would struggle to survive without this funding. No other gambling provider provides this level of support for community organisations and there is no easy substitute for this funding which is critical to their ongoing sustainability.

The Lottery Grants Board makes a small number of large grants to large organisations. The New Zealand Racing Board predominately uses the funds from race and sports betting to support the racing industry. The profits from the six commercial casinos are paid out to their commercial shareholders (save for a token amount in community grants). No grant money is paid by offshore-based online gambling providers – something which needs to be considered as the Government moves to auction 15 online licenses from April 2026.

Sinking Lid Policies, Machine Numbers and Gambling Harm

Ineffectiveness of Sinking Lid Policies:

- Sinking Lid Policies are ineffective. There is no evidence that reducing gaming machines reduces gambling expenditure. There is also no proof that sinking lid policies reduce problem gambling.
- There is no link between gaming machine numbers and harm caused. Reducing machine numbers has been tried as a tool to address gambling-related harm but it has not worked.



- Reducing gaming machine numbers, reduces community funding and accelerates the migration to online gambling with zero return to the community.

Problem Gambling Statistics:

- The problem gambling rate in New Zealand continues to plateau and remains low at 0.2% of the New Zealand adult population. The problem gambling rate is for all forms of gambling, not just gaming machine gambling.
- Ministry of Health figures have shown that 75% of adult New Zealanders gamble for entertainment, including Lotto, gaming machines, horse and dog racing, sports betting, and casinos. Around 33% of those enjoy playing licensed gaming machines.
- Gaming machines have the highest payout rate (91%) among legal gambling forms in New Zealand.
- The total registered number of Excluded Problem Gamblers in the Matamata-Piako Districts was only 2 in 2022/2023 (no new excluded problem gamblers during the same period) – a number considered very low.

Harm Prevention & Minimisation

Commitment to Responsible Gambling:

- Grassroots Trust prioritises harm prevention & minimisation within all its operations and harm prevention & minimisation continues to be our number one strategy. We are committed to excellent host responsibility, operating within a comprehensive Policy for identifying Problem Gamblers.
- Grassroots Trust aims to provide an environment that supports responsible gambling, understanding that although for some people gambling is a form of entertainment, for others there are some harmful effects.
- Class 4 Operators are heavily regulated by the Department of Internal Affairs. Regulations require that venue personnel are trained to monitor, identify and support problem gamblers. Grassroots Trust recognises that face-to-face interaction with gamblers is the most effective way of helping a very small proportion of people who have a problem, to manage that problem, whilst leaving the greatest proportion of people to fulfil their legitimate desire to gamble responsibly.

Gambling (Harm Prevention and Minimisation) Regulations:

- Venue personnel must be trained to recognise and intervene problem gamblers. We provide significant on-going training on how to identify the signs of gambling harm, information on the problem gambling services available, and the exclusion order process. Our dedicated and experienced field team are available at any time to provide training and support to venue personnel.
- New regulatory requirements now require venues to conduct gambling area sweeps 3 times per hour, track cash withdrawals for gambling purposes, maintain detailed record keeping for all gambler interactions & conversations, and conduct weekly venue manager reviews.



- Under current legislation, it is not illegal to participate in gambling on an overseas-based website or mobile phone application. Online gambling currently lacks regulation, offers no community funding, and increases risks such as fraud and money laundering.
- Westpac NZ have introduced an account block to support customers struggling with online gambling². For the period 26 June to 25 September 2023 Westpac customers were reported to spend \$136.8 million with online gambling merchants, compared to \$3.2 million at physical locations during the same period. Of that spend, nearly half was with TAB and Lotto, with the remainder distributed among various online gambling business. Annually they also suggest that New Zealanders are spending in excess of \$2.7 billion on online gambling providers, which is only expected to increase.

Offshore Gambling Risks:

- Highly accessible 24 hours a day from the comfort & privacy of your home, unregulated, can involve larger bet sizes, and there are no harm minimisation strategies in place.
- Increased risk for vulnerable individuals and minors – venue personnel are unable to observe and assist individuals showing gambling harm.
- Provides no guaranteed return to players & zero community benefit, minimal tax revenue is generated for the New Zealand Government, and no contributions are made via the Problem Gambling Levy.
- Reduced protectors to prevent fraud, money laundering or unfair gambling practices.

Conclusion

Grassroots Trust supports the Matamata-Piako District Council's proposed option to change to an absolute cap rather than population-based rations. Grassroots Trust looks forward to continuing its support of the Matamata-Piako District communities, ensuring that sport, education, and community organisations in the region continue to receive the valuable support that they all require.

Kind regards

On behalf of the Grassroots Trust Group



Martin Bradley

Executive Chairman of Grassroots Trust Limited and Director of Grassroots Trust Central Limited

² <https://www.westpac.co.nz/about-us/media/westpac-nz-introduces-gambling-account-block-to-support-customers/>



Grassroots Trust Limited
Approved Grants - Matamata-Piako District
Reporting Period: 1 April 2024 to 31 March 2025



Between the period 1 April 2024 to 31 March 2025, Grassroots Trust Limited contributed \$479,504.31 to sport, education and community groups within Matamata-Piako District. Below is a breakdown of these very worthwhile causes:

Approval Date	App No.	Organisation Name	Category	Approved Specific Purpose	Approved Amount
24/04/2024	GA240224-771C	Morrinsville Rugby Sports & Recreation Club Incorporated	Sport	Funding towards the salary costs of the Director of Sport from 1 May to 30 June 2024	\$10,000.00
24/04/2024	GA240301-9005	Morrinsville Badminton Club Incorporated	Sport	Funding towards the costs associated with venue hire from 29 April to 14 October 2024	\$1,911.00
24/04/2024	GA240320-0502	Waikato Rugby Union Incorporated	Sport	Funding towards the fixed costs associated with salaries and operational expenses for May 2024	\$4,045.81
24/04/2024	GA240323-0816	Te Aroha College Old Boys Rugby & Sports Club Incorporated	Sport	Funding towards the costs associated with physiotherapy services from 1 May to 31 August 2024 and purchasing first aid supplies for two rugby teams	\$20,000.00
24/04/2024	GA240327-1248	Netball Waikato Bay of Plenty Zone Incorporated	Sport	Funding towards the salary costs of the L3 Umpire Coach, Participation Lead and Participation Activator from 1 May to 30 June 2024 and the costs associated with various operational expenses from 1 May to 30 June 2024 and SHNL team costs (accommodation, venue hire, flights for physiotherapist)	\$448.51
24/04/2024	GA240328-147A	True Colours Children's Health Trust	Health/Welfare	Funding towards the salary costs of the Children's Counsellor, Nurse/Counsellor, Family Therapist/Social Worker, CEO/Nurse Specialist and Psychotherapist from 24 April to 21 July 2024	\$3,902.80
24/04/2024	GA240328-1654	Piako Gymnastics Club Incorporated	Sport	Funding towards the costs associated with rent expenses from 1 July 2024 to 28 February 2025	\$5,000.00
27/05/2024	GA240422-3656	Te Aroha College Old Boys Rugby & Sports Club Incorporated	Sport	Funding towards the salary costs of the Junior Rugby Development Officer from 24 June to 2 September 2024	\$10,000.00
27/05/2024	GA240423-381D	Te Aroha and District Museum Society Incorporated	Arts And Culture	Funding towards the salary costs of the Administrator from 9 August to 1 November 2024	\$5,916.00
27/05/2024	GA240425-406D	Te Aroha Hack and Hunters Club Incorporated	Sport	Funding towards the costs associated with replacing fencing around the club	\$5,000.00
27/05/2024	GA240426-4200	Waikato Rugby Union Incorporated	Sport	Funding towards the fixed costs associated with salaries and operational expenses for June 2024	\$3,298.56
24/06/2024	GA240515-616B	Te Aroha Group New Zealand Riding For the Disabled Association Incorporated	Community	Funding towards the salary costs of the Assistant Coach from 1 July to 20 September 2024	\$5,508.00
24/06/2024	GA240523-7102	Waikato Rugby Union Incorporated	Sport	Funding towards the fixed costs associated with salaries and operational expenses for July 2024	\$3,591.75
24/06/2024	GA240526-7299	Te Aroha College Old Boys Rugby & Sports Club Incorporated	Sport	Funding towards the costs associated with physiotherapy services from 1 July to 31 August 2024 and purchasing medical supplies	\$5,000.00
24/06/2024	GA240528-7698	Te Aroha Primary School	Research And Education	Funding towards the costs associated with camp expenses (accommodation and activities) for 5 & 6 students at Pirongia Forest Park Lodge from 30 - 31 October 2024	\$3,850.43
24/06/2024	GA240529-804D	Stanley Avenue School	Research And Education	Funding towards the costs associated with replacing the astroturf	\$10,000.00
24/06/2024	GA240531-846A	Netball Waikato Bay of Plenty Zone Incorporated	Sport	Funding towards the salary costs of the L3 Umpire Coach, Participation Lead, Participation Activator from 1 July to 31 August 2024 and the costs associated with operational expenses (office outgoing, rent, MYOB licence fee & fuel, management fees, storage and vehicle leases) from 1 July to 31 August 2024 and three Independent Player Pathways Spotters at the NWBOP Zone Tournament on 11 August 2024 and accommodation expenses to attend the NNZ U18 Nationals to be held in Dunedin from 15 - 19 July 2024 and for four NWBOP Zone umpire coaches to attend the North Island Junior Champs to be held in New Plymouth from 6 - 9 July 2024 and purchasing a laptop, webcam and keyboard	\$606.77

29/07/2024	GA240614-9788	Te Aroha College Old Boys Rugby & Sports Club Incorporated	Sport	Funding towards the salary costs of the Junior Rugby Development Officer from 2 September to 6 October 2024	\$5,000.00
29/07/2024	GA240620-0408	Waikato Rugby Union Incorporated	Sport	Funding towards the fixed costs associated with salaries and operational expenses for August 2024	\$3,680.13
29/07/2024	GA240625-0877	Northern Districts Cricket Association Incorporated	Sport	Funding towards the salary costs of four Development Officers, two Pathway & Talent Coaches (Counties & Waikato), Development Manager (Counties Manukau) and Pathway & Talent Manager from 1 August to 31 October 2024 and vehicle lease expenses from 1 August 2024 to 31 October 2024	\$3,085.20
29/07/2024	GA240627-1202	Campbell Park Charitable Trust	Community	Funding towards the costs associated with architectural services for the redevelopment of Campbell Park	\$22,000.00
26/08/2024	GA240717-3071	Waikato Rugby Union Incorporated	Sport	Funding towards the fixed costs associated with salaries and operational expenses for September 2024	\$4,526.67
26/08/2024	GA240722-3428	Te Aroha Golf Club Incorporated	Sport	Funding towards the costs associated with purchasing a tractor	\$20,000.00
26/08/2024	GA240724-381E	David Street School	Research And Education	Funding towards the costs associated with purchasing shade sails	\$8,186.96
26/08/2024	GA240729-4522	Netball Waikato Bay of Plenty Zone Incorporated	Sport	Funding towards the salary costs of the Umpire Coach, Participation Activator and Participation Lead from 1 September to 31 October 2024 and operational expenses (MYOB licence, fuel, storage lease, office overheads, management fee) from 1 September to 31 October 2024 and three Pathway Specialist Coaches for 19 October 2024 and accommodation expenses from 1 - 6 September 2024 venue hire for 19 October 2024 and Physiotherapy expenses	\$554.27
26/08/2024	GA240731-5273	Morrinsville Intermediate	Research And Education	Funding towards the costs associated with purchasing a band saw for the Hard Materials Technology Room	\$1,530.00
26/08/2024	GA240731-5480	Morrinsville Cricket Association Incorporated	Sport	Funding towards the costs associated with vehicle lease from 15 October 2024 to 15 March 2025 and purchasing equipment, pitch chemicals and a roller battery	\$13,271.05
30/09/2024	GA240815-6812	Te Aroha College	Research And Education	Funding towards the costs associated with accommodation and activity expenses for the Year 9 camp to be held at Motutapu Island from 14 - 18 October 2024	\$10,000.00
30/09/2024	GA240821-7170	Kereone Rugby & Sports Club Incorporated	Sport	Funding towards the costs associated with purchasing a live scrum machine including astro turf installation	\$10,000.00
30/09/2024	GA240821-7287	Waikato Rugby Union Incorporated	Sport	Funding towards the fixed costs associated with salaries and operational expenses for October 2024	\$3,633.43
30/09/2024	GA240826-7678	Tatuanui School	Research And Education	Funding towards the costs associated with accommodation & activities for Year 5 & 6 students for the end of year school camp to be held from 13 - 15 November 2024	\$5,000.00
30/09/2024	GA240830-902F	Te Aroha Indoor Basketball Association Incorporated	Sport	Funding towards the costs associated with venue hire from 15 October 2024 to 24 January 2025	\$6,631.30
30/09/2024	GA240830-9227	Springdale School	Research And Education	Funding towards the costs associated with supplying and installing turf to the court surface	\$10,000.00
30/09/2024	GA240831-9395	Morrinsville Cricket Association Incorporated	Sport	Funding towards the costs associated with the installation of artificial turf and purchasing soil and cricket balls	\$20,000.00
29/10/2024	GA240909-9877	The Order of St John Central Region Trust Board	Health/Welfare	Funding towards the costs associated with purchasing an industrial generator for the Te Aroha Ambulance Station	\$20,000.00
29/10/2024	GA240918-069C	Northern Districts Cricket Association Incorporated	Sport	Funding towards the salary costs of four Development Officers, two Pathway & Talent Coaches (Counties & Waikato), Development Manager (Counties Manukau) and Pathway & Talent Manager and the Competitions & Tournaments Administrator from 1 November 2024 to 31 January 2025 and vehicle lease expenses from 1 November 2024 to 31 January 2025	\$3,210.79
29/10/2024	GA240918-073D	Netball Waikato Bay of Plenty Zone Incorporated	Sport	Funding towards the fixed costs associated with salary for December 2024 and operational, vehicle and physiotherapy expenses from 1 November to 31 December 2024	\$269.32
29/10/2024	GA240919-084F	Te Aroha Croquet Club Incorporated	Sport	Funding towards the costs associated with exterior building repairs	\$5,000.00
29/10/2024	GA240924-1348	Te Aroha Golf Club Incorporated	Sport	Funding towards the costs associated with operational expenses (chemicals, seed, fertiliser)	\$6,764.93
29/10/2024	GA240927-2118	Waikato Rugby Union Incorporated	Sport	Funding towards the fixed costs associated with salaries and operational expenses for November 2024 and purchasing balls	\$3,773.47

29/10/2024	GA240929-2323	Morrinsville Rugby Sports & Recreation Club Incorporated	Sport	Funding towards the salary costs of the Director of Sport from 1 November to 31 December 2024	\$10,000.00
26/11/2024	GA241015-3896	Waikato Rugby Union Incorporated	Sport	Funding towards the fixed costs associated with salaries and operational expenses for December 2024 and purchasing an A3 laminating machine	\$4,675.87
26/11/2024	GA241021-4457	Te Aroha Group New Zealand Riding For the Disabled Association Incorporated	Community	Funding towards the salary costs of the Assistant Coach from 2 December 2024 to 20 April 2025	\$5,940.00
26/11/2024	GA241023-464A	Waikato Rugby Referees Association Incorporated	Sport	Funding towards the salary costs of the Referee Administrator from 1 December 2024 to 28 February 2025	\$399.00
26/11/2024	GA241026-503E	Morrinsville Golf Club Incorporated	Sport	Funding towards the costs associated with purchasing a snake mower	\$15,000.00
26/11/2024	GA241028-5181	Morrinsville Agricultural and Pastoral Society Incorporated	Community	Funding towards the costs associated with event expenses (portaloos and sound system hire) for the Morrinsville A&P Show to be held from 1 - 2 March 2025	\$4,200.00
26/11/2024	GA241031-619F	Waikato Valley Cricket Association Incorporated	Sport	Funding towards the salary costs of the Senior Men Representative Coach from 1 December 2024 to 31 March 2025 and the costs associated with competition fees and purchasing cricket balls	\$1,000.00
26/11/2024	GA241031-627A	Matamata-Piako District Council	Sport	Funding towards the costs associated with build a two-court indoor sports stadium to service Matamata schools, the community and the district	\$50,000.00
16/12/2024	GA241101-642F	Kereone Rugby & Sports Club Incorporated	Sport	Funding towards the costs associated with purchasing netball dresses and netball square sets	\$3,305.50
16/12/2024	GA241114-788C	Waikato Rugby Union Incorporated	Sport	Funding towards the fixed costs associated with salaries and operational expenses for January 2025 and purchasing mouthguards	\$2,887.75
31/01/2025	GA241125-9072	Te Aroha Bmx Club Incorporated	Sport	Funding towards the costs associated with purchasing and installing LED flood lights	\$4,050.80
31/01/2025	GA241212-0570	Northern Districts Cricket Association Incorporated	Sport	Funding towards the salary costs of three Development Officers (South Waikato, Counties Manukau), Pathway & Talent Coaches (Counties Manukau), Development Manager (Counties Manukau) and the Pathway & Talent Manager from 1 February to 30 April 2025 and the costs associated with vehicle lease expenses from 1 February to 30 April 2025 and Development Grant - Northland expenses	\$3,003.38
31/01/2025	GA241218-131D	Waikato Rugby Union Incorporated	Sport	Funding towards the fixed costs associated with salaries and operational expenses for February 2025	\$3,316.31
31/01/2025	GA241219-1378	Netball Waikato Bay of Plenty Zone Incorporated	Sport	Funding towards the fixed costs associated with salaries from 1 February to 31 March 2025, operational and vehicle expenses from 1 February to 31 March 2025 and the costs associated with venue hire, accommodation, photography for community events and purchasing equipment	\$835.12
25/02/2025	GA250121-325D	Te Aroha College Old Boys Rugby & Sports Club Incorporated	Sport	Funding towards the salary costs of the Rugby Development Officer from 10 March to 29 August 2025	\$20,000.00
25/02/2025	GA250130-439E	Waikato Rugby Union Incorporated	Sport	Funding towards the fixed costs associated with salaries and operational expenses for March 2025	\$2,870.42
31/03/2025	GA250203-526E	Rangers Netball Club Incorporated	Sport	Funding towards the costs associated with court hire for the 2025 season and purchasing match and training netballs	\$6,548.23
31/03/2025	GA250211-5753	Te Aroha Croquet Club Incorporated	Sport	Funding towards the costs associated with draining and seeding the turf	\$5,865.00
31/03/2025	GA250220-668B	Grand Tavern Hunting & Fishing Club	Community	Funding towards the costs associated with event expenses (portaloos, venue and marquee hire) for the Annual Hunting & Fishing Competition to be held from 8 - 10 May 2025	\$5,000.00
31/03/2025	GA250221-6865	Tatuanui School	Research And Education	Funding towards the costs with purchasing and installing a playground	\$25,000.00
31/03/2025	GA250224-7065	Waikato Rugby Union Incorporated	Sport	Funding towards the fixed costs associated with salaries and operational expenses for April 2025 and bus hire for three away games, purchasing uniforms, playing equipment (cones, ball bag, bibs, GPS tracking vests, medical supplies) and annual audit expenses	\$5,584.70

31/03/2025	GA250225-7226	Kereone Rugby & Sports Club Incorporated	Sport	Funding towards the costs associated with purchasing rugby equipment	\$3,612.61
31/03/2025	GA250226-774A	Netball Waikato Bay of Plenty Zone Incorporated	Sport	Funding towards the fixed costs associated with salaries from 1 April to 31 May 2025, operational and vehicle expenses from 1 April to 31 May 2025 and the costs associated with microsoft 365 licence, venue hire, flights on 10 May for a physiotherapist and entry fees	\$1,154.52
31/03/2025	GA250228-8415	Waikato Rugby Referees Association Incorporated	Sport	Funding towards the salary costs of the Referee Administrator from 1 April to 31 August 2025 and purchasing uniforms	\$1,057.95
31/03/2025	GA250228-8563	Morrinsville Art Gallery Charitable Trust	Arts And Culture	Funding towards the salary costs of the Director from 1 May to 31 July 2025	\$10,000.00
					\$479,504.31



Matamata-Piako District Council

Ture ā-Rohe mō te Haumarutanga o te Hapori 2025 | Community Safety Bylaw 2025

For Council Adoption

Department	Policy, Partnerships and Governance
Document Type	External
Resolution Date	To be confirmed
Document Effective From	1 July 2025
Review Frequency	Not less than once every five to ten years as required by the Local Government Act 2002.
Review Date	June 2035 (TBC)
Engagement Required	Special Consultative Procedure (Local Government Act 2002)
Document Supersedes	Public Safety Bylaw 2014 (Amended 2019)



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Part 1 Kupu Whakataki | Introduction

1. Purpose

The purpose of this *Bylaw* is to ensure that acceptable standards of convenience, safety, visual amenity, and civic values are maintained for the safety and enjoyment of citizens, visitors and businesses within the *District*.

2. Title and commencement

2.1 This *Bylaw* shall be known as the 'Matamata-Piako District Council Community Safety Bylaw 2025'.

2.2 This *Bylaw* comes into force on 1 July 2025.

3. Review

3.1 This *Bylaw* is a full statutory review of the previous Public Safety Bylaw 2014 (Amended 2019).

4. Application

4.1 This *Bylaw* applies to all of the Matamata-Piako District.

5. Enabling enactments

5.1 This *Bylaw* is made pursuant and subject to the Local Government Act 2002, the Land Transport Act 1998, the Health Act 1956, the Litter Act 1979, and the Reserves Act 1977.

5.2 Nothing in this *Bylaw* detracts from any provision of, or the necessity for, compliance with all applicable Acts, regulations, *Bylaws*, and the **operative** Matamata-Piako *District Plan*.

6. Delegation

6.1 Any of the powers and functions of the *Council* as detailed and set out in this *Bylaw*, may be delegated by it, to its *Chief Executive* and sub-delegated by the *Chief Executive* to any such other *Authorised Officer*.

7. List of schedules

7.1 The following schedules are **hereby** adopted and form part of this *Bylaw*:

Schedule 1 Restricted areas for skating devices

Schedule 2 Trading in a public place

Schedule 3 Determination of restricted areas for animals in public places

Schedule 4 Determination of numbers of animals allowed to be kept

Schedule 5 Alcohol ban areas (excluding maps – for ease of reference only)

Schedule 6 Conditions applicable to sandwich board signs

8. Explanatory Notes

- 8.1 Sections headed 'Explanatory notes' in this *Bylaw* are for information purposes only, and:
- they do not form part of this *Bylaw*; and
 - cannot be considered in the interpretation or application of a provision of this *Bylaw*; and
 - may be inserted, amended or removed without any formality.

9. Definitions

- 9.1 For the purposes of this *Bylaw* the following definitions shall apply:

Term	Definition
<i>Agent</i>	means a <i>Person</i> or business authorised to act on another's behalf.
<i>Alcohol</i>	means the same as in section 5(1) of the Sale and Supply of Alcohol Act 2012.
<i>Alcohol ban area</i>	means a place specified in this <i>Bylaw</i> in respect of which the prohibitions and controls in this <i>Bylaw</i> will apply at any specified time, day or <i>Event</i> . It does not include any part of a <i>Public place</i> for which an <i>Alcohol Licence</i> has been issued under the Sale and Supply of Alcohol Act 2012.
<i>Animal</i>	means any mammal, bird, finfish, shellfish, reptile, amphibian, insect, or invertebrate and includes the carcass of constituent parts but does not include dogs and human beings.
<i>Approved or Approval</i>	means <i>Approved</i> in writing by resolution of the <i>Council</i> or by any <i>Authorised Officer</i> so authorised on behalf of the <i>Council</i> , pursuant to this <i>Bylaw</i> or any <i>Enactment</i> .
<i>Authorised Officer</i>	means: <ol style="list-style-type: none"> any <i>Person</i> appointed or authorised by the <i>Council</i> to carry out duties and exercise powers under this <i>Bylaw</i>; and any <i>Person</i> appointed by the <i>Council</i> to enforce the provisions of any <i>Council Bylaw</i> and who holds a warrant under section 177 of the Local Government Act 2002 or an appropriate section of any other Act.
<i>Barbed Wire</i>	means any wire that contains barbs, spikes, jagged edges or pointed projections along its length and used to make fences and barriers.
<i>Brothel</i>	means the same as in section 4(1) of the Prostitution Reform Act 2003.
<i>Bylaw or Bylaws</i>	means the Matamata-Piako District Council Community Safety Bylaw 2025 or in the context of more general terms refers to a <i>Bylaw</i> adopted by the <i>Council</i> , made under the provisions of any <i>Enactment</i> or authority enabling the <i>Council</i> to make <i>Bylaws</i> .
<i>Chief Executive</i>	means the <i>Chief Executive</i> appointed pursuant to section 42 of the Local Government Act 2002.

Term	Definition
<i>Commercial Sexual Services</i>	means the same as in section 4(1) of the Prostitution Reform Act 2003.
<i>Council</i>	means the governing body of the Matamata-Piako District Council or any <i>Person</i> delegated to act on its behalf.
<i>Council facility</i>	includes any public library, swimming pool, aquatic centre, recreational, cultural or community centre, museum, or hall under the ownership or control of Council.
<i>District</i>	means the <i>District</i> within the jurisdiction and under the control of the Matamata-Piako District Council.
<i>District Plan</i>	means the Matamata-Piako District Council <i>District Plan</i> .
<i>Dwelling or Dwelling House</i>	includes any house, tent, <i>Vehicle</i> or other structure, whether permanent or temporary, and whether attached to the soil or not, used in whole or in part for human habitation, and includes the land appurtenant to a <i>Dwelling</i> .
<i>Emergency Vehicle</i>	means the same as in section 1.6 of the Land Transport (Road User Rule) 2004.
<i>Enactment</i>	means the same as in section 13 of the Legislation Act 2019.
<i>Event</i>	means the same as in section 5(1) of the Sale and Supply of Alcohol Act 2012.
<i>Footpath</i>	means the same as in section 1.6 of the Land Transport (Road User Rule) 2004.
<i>Licence or Licensed</i>	means a <i>Licence</i> , permit, consent or <i>Approval</i> under any <i>Bylaw</i> or <i>Enactment</i> .
<i>Licensed premises</i>	means a <i>Premises</i> holding a current <i>Alcohol Licence</i> , including a special <i>Licence</i> , pursuant to the Sale and Supply of Alcohol Act 2012.
<i>Litter</i>	means the same as in section 2(1) of the Litter Act 1979.
<i>Mobile shop</i>	means a <i>Vehicle</i> , stand or stall, whether self-propelled or not, located in a <i>Public place</i> , from which goods, wares, or merchandise are offered or exposed for sale or from which goods, wares, or merchandise may be ordered or from which food is sold. <i>Mobile shops</i> are distinct from other stall types in that there is no requirement to identify a specific site for the activity.
<i>Nuisance</i>	has the meaning as in the Health Act 1956, and includes anything offensive or likely to be injurious to health.
<i>Occupier or Occupied</i>	means the inhabitant <i>Occupier</i> of any property, and in any case where any building, house, tenement, or <i>Premises</i> is or are unoccupied, shall be deemed to include the <i>Owner</i> as defined.
<i>Offence</i>	includes any act or omission in relation to any <i>Bylaw</i> or any part for which any <i>Person</i> can be punished either on indictment or by summary process.
<i>Owner</i>	of any property, or as applied to any land, building, or <i>Premises</i> , means any <i>Person</i> for the time being entitled to receive the rent of such property, or who would be so entitled if the same were let to a tenant at a rack rent, and where any such <i>Person</i> is absent from New Zealand, shall include their attorney or <i>Agent</i> .

Term	Definition
<i>Parking</i>	has the same meaning as in section 2(1) of the Land Transport Act 1998.
<i>Person</i>	includes a corporation sole and a body of <i>Persons</i> , whether corporate or unincorporated.
<i>Portico</i>	includes every awning, porch, veranda, shed, shade, or covering upon, across, or over any public footway or part of a <i>Road</i> , street, private street, or accessway for the purpose of shade or shelter, together with any supports, other than the building against which it shall be.
<i>Poultry</i>	means any live domesticated or farmed bird including but not limited to fowl, duck, goose, turkey, guinea fowl, pheasant, budgerigar, parrot, ostrich, emu and pigeon.
<i>Premises</i>	means either: <ul style="list-style-type: none"> a) property or allotment which is held under a separate Certificate of Title or for which a separate Certificate of Title may be issued and in respect to which a building consent has been or may be issued; or b) a building that has been identified as an individual unit by a cross-lease, or unit title or company lease and for which a Certificate of Title is available; or c) land held in public ownership (e.g. <i>Reserve</i>) for a particular purpose; or d) individual units in buildings, which are separately leased or separately <i>Occupied</i>; or e) buildings and <i>Dwelling Houses</i> to which a separate supply of water is provided.
<i>Public notice</i>	means the same as in section 5(1) of the Local Government Act 2002
<i>Public performance</i>	includes public speaking, busking, miming, singing, dancing, acting or the playing of musical instruments, regardless of whether such performance is: <ul style="list-style-type: none"> a) pre-recorded or live; or b) requires public participation; or c) requires payment, donations or is performed gratis.
<i>Public place</i>	means the same as in section 147 of the Local Government Act 2002.
<i>Reserve</i>	means the same as in section 2(1) of the Reserves Act 1977.
<i>Residential</i>	means land identified for <i>Residential</i> use or development in the <i>District Plan</i> as amended from time to time.
<i>Road</i>	means the same as in section 2(1) of the Land Transport Act 1998.
<i>Sandwich Board</i>	has the same meaning as <i>Sign</i> .
<i>Sign or Signage</i>	means: <ul style="list-style-type: none"> a) a visual message or notice conveyed to the public and visible from a <i>Public place</i> displayed to advertise, identify a product, business, or service, inform, or warn the public, and any frame, supporting device and associated ancillary equipment; and

Term	Definition
	<p>b) includes but is not limited to any mural, message or notice painted on, affixed to or otherwise incorporated with a building, structure, or site, banner, flag, poster, billboard, <i>Sandwich Board</i>, wind sock, blimp or projection of light to create an advertising image; and</p> <p>c) a bunting that has symbols or messages on it.</p>
<i>Skating device</i>	means recreational devices, including but not limited to: roller skates, roller blades, inline skates, skateboards, and scooters, but does not include mobility devices including motorised scooters, wheelchairs and the like.
<i>Trading in a Public place</i>	<p>means the sale of goods or services in a <i>Public place</i> or the offering of a commercial service for payment, reward or otherwise, including but not limited to:</p> <p>a) markets and stalls;</p> <p>b) mobile trading (<i>mobile shop</i>);</p> <p>c) outdoor dining;</p> <p>d) offering commercial services in a <i>Public place</i>; and</p> <p>e) outdoor display of goods.</p>
<i>Urban Area</i>	<p>includes all land identified for <i>Residential</i>, business or industrial use in the <i>District Plan</i> as amended from time to time, as well as the settlements of Waitoa, Waihou, Waharoa, Tahuna, Hinuera, Te Poi, Mangateparu, Motumaoho, Rukumoana, and Te Aroha West; and any area where five or more <i>Dwellings</i> are constructed within a 250 metre radius.</p> <p>Note: If the naming or classification of these zones changes in the <i>District Plan</i>, this definition will apply to the equivalent new zones.</p>
<i>Vehicle</i>	means the same as in section 2(1) of the Land Transport Act 1998.
<i>Watercourse</i>	means the same as in section 2 of the Land Drainage Act 1908.



Part 2 Haumarutanga | ngā Wāhi | Safety in Public Places

Explanatory notes:

The purpose of Part 2 of this *Bylaw* is to promote public safety and the enjoyment of *Public places* by inhabitants and visitors by managing and regulating the use of *Public places*.

10. Conduct in a public place

10.1 No *Person* shall in any *Public place*:

- a) act in a manner that interferes with the safety, use or enjoyment to any users, causes a *Nuisance*, or interferes with any *Person's* right to use the *Public place*; or
- b) place or leave *Litter* or any materials or object or substance, which are likely to be hazardous or injurious to any *Person*, or likely to create a *Nuisance*. *Litter* shall be deposited in public *Litter* receptacles where these are provided. Where public *Litter* receptacles are not provided, *Litter* shall be removed and disposed of in an appropriate manner; or
- c) deposit in or around a public *Litter* receptacle any household or trade refuse **except where permitted under the Freedom Camping Act 2011**; or
- d) interfere with any refuse, which is awaiting collection by an authorised collector; or
- e) drive any *Vehicle* except on a formed *Road*, or drive in a manner that is dangerous or inconsiderate to pedestrians or other *Vehicles*; or
- f) leave any work, hole or excavation in a *Public place* in a manner that could be a danger to anyone entering or using that *Public place*; or
- g) take off or land any aircraft, hot air balloon, hang glider, parachute, remotely piloted aircraft system (also known as unmanned aerial vehicles or drones) or similar aircraft except in an emergency or in a location *Approved* by an *Authorised Officer*; or
- h) play any game or use any object including skateboards, roller blades, roller skates, bicycles, mobility scooters or motorised scooters, recklessly or in a manner which may intimidate, be dangerous or injurious or cause a *Nuisance* to any *Person* in the *Public place*, or damage the *Public place*; or
- i) loiter or remain in or on a *Public place* after being directed to move on by an *Authorised Officer*.

Explanatory notes:

The Freedom Camping Act 2011 allows for the disposal of waste, in appropriate waste receptacles including those provided by Council. This provision is intended to accommodate responsible waste disposal by freedom campers. However, this does not extend to the regular disposal of large volumes of household or trade waste, which should be managed through collection or disposal facilities.

Explanatory notes:

Anyone wishing to fly a drone or an unmanned aerial vehicle (UAV) over *Council* managed land must obtain prior *Approval* from the *Council*. For flights over private land, it is the responsibility of the operator to seek permission from the landowner or *Person* in charge of that area.

- 10.2 Except with the prior *Approval* of the *Council*, No *Person* shall in any *Public place*:
- a) ~~solicit~~ **seek** any subscription, collection or donation or provide a *Public performance* in a way that does or is likely to create a *Nuisance*; or
 - b) distribute any printed or written material advertising any product, service or public entertainment in a way that does or is likely to create a *Nuisance*. Any *Person* distributing printed or written advertising material in a *Public place* shall be responsible for the removal of any *Litter* attributable to the distribution of the advertising material; or
 - c) set off fireworks or explosive material in or on a *Public place*, or so near ~~there~~ **to a Public place** in a way that does or is likely to create a *Nuisance*; or
 - d) erect or place any structure on, over or under a *Public place* except in compliance with any other part of this *Bylaw*.

Explanatory notes:

The above rules focus on actions that directly affect community health and safety. Illegal activities such as drug use and sale are outside the scope of this *Bylaw* and ~~are~~ **the relevant legislation is** enforced by the New Zealand Police.

11. Restrictions on vehicles in parks and reserves

- 11.1 No *Person* shall in any park or *Reserve* under the ownership or control of ~~the~~ **Council**:
- a) drive or park any *Vehicle* carelessly, negligently or dangerously or without due consideration for *Persons* using the park or *Reserve*; or
 - b) fail to comply with any direction for the regulation of *Vehicles* given by an *Authorised Officer*, a member of the New Zealand Police or a traffic *Sign*; or
 - c) fail, after the *Vehicle* has been involved in an accident within any park or *Reserve* to give their name and address and the name and address of the owner of the *Vehicle* to any *Person* having reasonable grounds for requiring them; or
 - d) fail ~~forthwith~~ **without delay** to report to an *Authorised Officer* any accident in which the *Vehicle* has been involved within any park or *Reserve*.
- 11.2 Except with the prior permission of the *Council*, no *Person* shall bring any *Vehicle* into any park or *Reserve* where this is prohibited by a notice exhibited at the entrance or in some other conspicuous position.
- 11.3 *Vehicles* may only be driven in a park or *Reserve* on access ways which are open to vehicular traffic and park only in designated *Parking* areas.
- 11.4 No *Vehicle* shall be driven at a greater speed than indicated on any *Road* in a park or *Reserve*, and in any other direction other than indicated by traffic

notices. In the absence of speed limit *Signs*, no *Vehicle* may be driven at a speed greater than 30 kilometres an hour in any park or *Reserve*.

- 11.5 Clause 11.4 will not apply to a *Vehicle* used at the time to save or protect life or health, or prevent injury or serious damage to property.

Explanatory notes:

The *Council* has a Freedom Camping *Bylaw* which identifies areas where people can't freedom camp (prohibited areas) and areas where people may freedom camp (restricted areas), with a maximum number of self-contained *Vehicles* that can stay in each location. Please see *Council's* website to check if you are allowed to camp in a *Public place* in the Matamata-Piako District.

12. Obstructions in Public Places

- 12.1 Except with the prior *Approval* of the *Council*, No *Person* shall in any *Public place*:
- a) obstruct any entrance to or exit from a *Public place*; or
 - b) place or leave any material or object in a *Public Place* that could obstruct the public right of passage or interfere with the free flow of movement on the *Public Place*; or
 - c) allow any gate or door on property abutting a *Public place* to swing over or across the *Public place* or any part thereof of it; or
 - d) erect, construct or place any building or other structure or erection whatsoever or any part thereof of it under, upon, over or across any *Public place*; or
 - e) carry out any work on any *Vehicle* in a *Public place*, except in the case of any accident or emergency when repairs are necessary to allow the *Vehicle* to be removed.
- 12.2 Except with the prior *Approval* of the *Council*, no *Person* shall allow a *Portico*, projecting window, balcony, wall, lamp, door step, cellar door, lamp post, signboard, window shutter, gate post, vegetation or other obstruction or projection of any kind whatsoever in, on, over or under a *Public place* or in such a position as to interfere with or obstruct in any way the free passage of pedestrians or traffic upon any *Public place*.
- 12.3 Clause 12.2 shall not apply to a structure erected pursuant to a requirement of the *District Plan*.
- 12.4 If any such projection or obstruction as aforesaid previously described has been placed against or in front of any building before the coming into operation of this *Bylaw* and which is contrary to any *Bylaw* in force, the *Council* may upon application *Approve* the continued existence of such projection or obstruction.

13. Assembly in a Public Place

- 13.1 Except with the prior *Approval* of the *Council*, No *Person* shall in any *Public place*:

- a) organise, hold or conduct any meeting, gathering, demonstration, parade, procession or competition in a *Public place* so as impede traffic or cause an obstruction to, or impede, annoy or inconvenience any *Person*; or
- b) participate in any assembly or associate with other *Persons* in such a way as to impede pedestrian or vehicular traffic or to prevent or hinder ready access to *Premises* from the *Public place*.

Explanatory notes:

The management of large assemblies in *Public places*, including directing individuals or groups to move on, is primarily a matter for the New Zealand Police. If issues arise that require enforcement beyond the scope of this *Bylaw*, contacting the New Zealand Police is recommended.

14. Damage to a Public Place

- 14.1 Except with the prior *Approval* of the *Council*, No *Person* shall in any *Public place* cause or permit to be done any act whatsoever by which damage is caused to any *Public place* including but not limited to:
- a) interfere with, destroy, deface or disfigure, damage, pollute, apply graffiti, posters or advertising devices to any:
 - i. natural feature, *Animal* or plant including grass plot, flower bed, tree, shrub or plant or any inscription or label relating to it;
 - ii. ornament, statue, building, structure or **facilities facility**;
 - iii. name of any street, or the number of any building, or paint, affix, or set up any name of any street, or any number to any building; or
 - b) remove any sand, soil or other naturally occurring material found in a *Public place*; or
 - c) open any drain or sewer on, or disturb or remove the surface of, any *Public place*.
- 14.2 No *Person* shall place or leave or cause or permit to be placed or left any material or object, including *Signage* or items for sale or hire, on any *Public place* unless:
- a) such a *Person* has obtained the prior *Approval* from the *Council*; or
 - b) such action is taken for the purpose of regular refuse or other collections authorised by the *Council* or is otherwise authorised by law; or
 - c) such action is allowed pursuant to any *Bylaw*, the *District Plan*, or has been *Approved* under the provisions of a Reserve Management Plan.
- 14.3 Any *Person* carrying out authorised works on a *Public place* shall provide reinstatement of the works to a standard *Approved* by the *Council*.
- 14.4 Every *Person* must, on the request of an *Authorised Officer*, immediately cease any behaviour, activity or remove any material or thing on or in any *Public Place* which, in the *Authorised Officer's* opinion:
- a) is dangerous; or
 - b) is likely to damage the *Public place* or anything in it; or
 - c) is causing a *Nuisance*.

Explanatory notes:

Under section 175 of the Local Government Act 2002, anyone who intentionally or carelessly damages, or interferes with *Council* property is liable to pay for repairs, removal costs, or any related expenses.

15. Awnings and blinds

15.1 Except with the prior *Approval* of the *Council*, no *Person* shall erect or maintain, or cause to be erected or maintained, an awning over any *Public place*, or hang an awning, blind or screen from a *Premises* or a structure on any *Public place*.

16. Fires in a Public Place

16.1 Except with the prior *Approval* of the *Council*, no *Person* shall in any *Public place* light a fire, except at fireplaces specifically provided or in an appliance designed for outdoor cooking, and in accordance with any restriction imposed on the lighting of fires.

17. Electrical or barbed wire fencing

17.1 Except with the prior *Approval* of the *Council*, no *Person* shall erect any electrified or *Barbed Wire* fencing along the boundary or within 1 metre of any *Public place*, provided that this sub-clause shall not prohibit:

- a) the placing of such *Barbed Wire* at a height of not less than 2 metres or electrified fencing not less than 3 metres from the level of the ground of such *Public place*; or
- b) the placing of such *Barbed Wire* or electrified fencing on the side of the boundary line that abuts the land or building and shielded in a manner to prevent access ~~thereto~~ to it from a *Public place*.

17.2 Clause 17.1 shall not apply within an area zoned 'Rural' under the *District Plan*, except when the fence abuts or adjoins a *Footpath*.

17.3 The *Council* may from time to time specify by resolution conditions that will apply to temporary electric fences.

18. Skating devices

18.1 No *Person* shall ride a *Skating device* in any area or at any time in breach of any prohibition or restriction specified in Schedule 1.

18.2 It shall be an *Offence* to ride a *Skating device* on any *Footpath* in a manner that endangers any *Person* or property.

Explanatory notes:

Mobility devices, e.g. mobility scooters are not included in the definition of *Skating device* however users must comply with relevant Land Transport Rules which detail how to use mobility devices safely. This includes:

- riding carefully and to be considerate of others; and
- to not ride at speeds that put other *Footpath* users at risk.

All users of mobility devices are encouraged to travel at walking speed within our town centres and to be considerate of other *Footpath* users, ensuring a safe and accessible environment for all.

19. Road and building identification

- 19.1 Notwithstanding ~~any other means of identification, that a building or property is identified by other means,~~ the *Owner* or *Occupier* of every building, or group of buildings forming part of a complex, or of a property, shall mark such building complex or property with numbers, being in no case less than 50 millimetres in height for *Residential* buildings and not less than 150 millimetres in height for all other buildings. Numbers shall be as allocated or *Approved* by the *Council* and displayed in a position on the building, complex or property so as to be readily visible from the *Road* to which it has frontage.
- 19.2 Numbers required by clause 19.1 shall be maintained by the *Owner* or *Occupier* in such a manner so as to readily identify the property at all times.
- 19.3 The *Council* may alter the number of a building, complex or property when it is necessary or advisable to do so.

20. Water

- 20.1 No *Person* shall in any *Public place*:
- a) place any obstruction or allow any such obstruction to remain in or upon any *Watercourse*, stream, dam, pond or fountain on any *Public place* which does or is likely to obstruct the free flow of water ~~therein-within~~; or
 - b) place, throw or leave any material or thing or substance which is likely to be offensive or create a *Nuisance* in any *Watercourse*, stream, dam, pond or fountain on any *Public place*; or
 - c) pollute or otherwise render unfit for human or *Animal* consumption any water supply on any *Public place*; or
 - d) permit or cause the wastage of water on any *Public place* or permit any water tap to flow for longer periods than may be reasonably required for the filling of utensils for drinking, cooking or washing purposes.

Explanatory notes:

Some activities, as indicated by the wording "except with the prior *Approval* of the *Council*," may be permitted in certain situations, such as approved public events or emergencies where action is needed to ensure safety or address urgent needs. Any *Approval* granted may be subject to conditions to prevent or minimise *Nuisance*.

Part 3 Hokohoko I ngā Wāhi | Trading in Public Places

Explanatory notes:

The purpose of Part 3 of this *Bylaw* is to outline the requirements for obtaining a license to sell goods or conduct *Trading in a Public place*.

21. Mobile Shop licence required

- 21.1 No business, organisation, group or individual shall operate a *Mobile shop* from a *Public place* without first obtaining a *Mobile shop Licence* issued by an *Authorised Officer*.
- 21.2 *Mobile shops* shall trade in accordance with Schedule 2, Annexure C of this *Bylaw*.

22. Approval required to occupy a public place

- 22.1 No business, organisation, group or individual shall trade in a *Public place* without having obtained prior *Approval* from the *Council*. The following activity types apply to this clause:
- fundraising and appeals for charitable purposes in a *Public place* (short term); and
 - commercial and promotional activities in a *Public place* (short term); and
 - performing in a *Public place* (short term); and
 - commercial and promotional activities (excluding dining) in a *Public place* (long term); and
 - placing of tables, chairs or related items for dining in a *Public place* (long term).
- 22.2 The activities listed in clause 22.1 shall trade in accordance with Schedule 2, Annexures A and B of this *Bylaw* (as applicable).

23. Decision on granting a licence or approval to occupy a public place

- 23.1 In assessing an application made under clauses 21.1 and 22.1 of this *Bylaw*, the *Authorised Officer* will consider:
- the time and place of the activity;
 - any potential adverse effects on the amenity value of the area;
 - any previous non-compliance;
 - potential adverse visual effects;
 - the effects on any business, organisation, group or individual that an *Authorised Officer* deems to be affected;
 - the duration of the activity;
 - the types of goods to be sold or displayed;
 - pedestrian and *Vehicle* safety and access;
 - effects of any proposed *Signage*;
 - the noise likely to result from undertaking the activity;
 - the potential generation of *Litter* and any reduction in the cleanliness of the area.

- 23.2 The *Council* may grant, modify, or decline any application received under clauses 21.1 and 22.1 of this *Bylaw* at its discretion.
- 24. Conditions of licence or approval to occupy a public place**
- 24.1 In granting any *Licence* or *Approval* under clauses 21.1 and 22.1 of this *Bylaw*, the *Authorised Officer* may impose conditions.
- 24.2 Conditions imposed on any *Licence* or *Approval* granted under clauses 21.1 and 22.1 of this *Bylaw*, may be in relation but not limited to, the following matters:
- a) the time and place that the activity is allowed to occur;
 - b) the duration of *Licence* or *Approval*;
 - c) the types of goods that can be sold or displayed;
 - d) safety and hygiene requirements;
 - e) use of *Signage*;
 - f) use of audible devices for attracting customers;
 - g) *Litter* and cleanliness.

Explanatory notes:

The *Council* recommends that the *Mobile shop Licence* holder and/or the *Occupier* of a *Public place* obtains public liability insurance. If they are unsure if public liability insurance is required, professional advice should be sought from a lawyer.

If damage is caused to *Persons*, private property or *Council* property (whether that be intentional or accidental) the *Mobile shop Licence* holder and/or the *Occupier* of a *Public place* will not be covered by *Council's* insurance. This means that they could be liable to repay the cost of any damage or loss to *Council*, *Council's* insurers, or a third party that has suffered a loss as a result of the incident. Even if *Council's* insurance does cover an incident or damage, the *Council* insurers may still pursue the *Mobile shop Licence* holder and/or the *Occupier* of a *Public place* for the cost of any damage or loss and any third party (or their insurers) may choose to do the same as well.

Public liability insurance helps to reduce the risk to the *Mobile shop Licence* holder and/or the *Occupier* of a *Public place* by providing cover for these types of situations.

Part 4 Ngā Kararehe I ngā Wāhi Tūmatanui | Animals in Public Places

Explanatory notes:

The purpose of Part 4 of this *Bylaw* is to regulate the presence and behaviour of *Animals* in *Public places* to ensure public safety, cleanliness, and the protection of public property. This promotes a safe and enjoyable environment for all users of *Public places*.

25. General instructions for animals in public places

- 25.1 No *Person* shall take or allow any *Animal* under that *Person's* care or control onto any *Public place* if the *Council* has by resolution in Schedule 3 of this *Bylaw* prohibited entry of that type of *Animal* to that *Public place*.
- 25.2 A *Person* in control of an *Animal* on any *Public place* shall ensure that the *Animal* is kept under proper control, with consideration for other *Persons* using the *Public place*.
- 25.3 A *Person* in control of an *Animal* on any *Public place* shall ensure that the *Animal* is kept under proper control to ensure that no damage is caused to the *Public place*, any part ~~thereof or to any object thereon~~ of it, or to any object within it.
- 25.4 A *Person* in control of an *Animal* on any *Public place* shall immediately remove any faeces deposited by that *Animal* and dispose ~~thereof~~ of accordingly in a sanitary manner.
- 25.5 No *Person* shall in any *Public place*:
- break in, train, clean, shoe, bleed, dress or expose for show, hire or sale any *Animal* on any *Public place* without the prior *Approval* of the *Council*; or
 - allow any vicious biting *Animal* to stand or be on any *Public place*, unless properly and securely muzzled.
- 25.6 No *Person* shall in any *Public place*, without the prior *Approval* of the *Council* tether or otherwise put or place any *Animal* for the purpose of grazing.
- 25.7 If any *Animal* is found on any *Public place*, or on any land not separated from any *Public place* by a fence considered by the *Council* to be sufficient to prevent that *Animal* from accessing or damaging such a *Public place*, without any *Person* having charge ~~thereof~~ of the *Animal*, the *Owner* shall be guilty of an *Offence* against this *Bylaw*, and the *Animal* may be impounded.

Explanatory notes:

The provisions in this *Bylaw* do not cover dogs. For information about the rules on dogs in our *District*, please see the *Council's* Dog Control Bylaw and Policy on Dogs.

Part 5 Te Whakahaere I ngā Tohu Pānui | Control of Signage

Explanatory notes:

The purpose of Part 5 of this *Bylaw* is to maintain the visual amenity and civic values of *Public places* for the benefit of the public.

26. Prohibition of signage

26.1 No *Sign* shall be placed, erected or displayed that is not provided for under this *Bylaw*.

27. General restriction on the placing of signs

27.1 No *Person* shall place, erect or display:

- a) a *Sign* that does not meet the prescribed minimum standards applicable to *Signs* in that category as prescribed in Schedule 6 of this *Bylaw*; or
- b) a poster on any building or structure without the permission of the *Owner* or the *Occupier* of that building or structure unless it is a designated poster board; or
- c) a *Sign* which explicitly or implicitly:
 - i. is discriminatory or advocates discrimination based on one or more of the prohibited grounds of discrimination set out in the Human Rights Act 1993; or
 - ii. is objectionable within the meaning of the Films, Videos and Publications Classification Act 1993; or
 - iii. is offensive, threatening or insulting; or
 - iv. incites or counsels any *Person* to commit any *Offence*.

27.2 *Signs* for *Brothels* or *Commercial Sexual Services* must only display the business name, be modest in size (1 metre x 0.3 metres), free of offensive content, avoid flashing/neon lights, and be well-maintained.

28. Signs affecting traffic safety

28.1 No *Sign* shall be placed, erected or displayed in a *Public place* where it adversely affects the safety of members of the public or of traffic by:

- a) obstructing the view of any corner, bend, intersection, pedestrian crossing, *Vehicle* crossing, traffic *Sign* or traffic signal; or
- b) distracting unduly or be likely to distract unduly the attention of *Road* users; or
- c) resembling or is likely to be confused with any traffic *Sign* or signal; or
- d) giving rise to excessive levels of glare, using flashing or revolving lights or reflective materials that may interfere with a *Road* users vision; or
- e) inviting drivers of *Vehicles* to turn so close to a turning point that there is no time to Signal and turn safely; or
- f) constituting or being likely to constitute in any way a danger to *Road* users.

29. Signs on or over Roads, Footpaths and Public Places

29.1 No *Sign* shall be placed, erected or displayed where it restricts access to any right of way or to any *Public place* to which *Vehicles* or pedestrians have a right of access.

30. Minimum standards for signs

30.1 The *Council* may from time to time determine and amend by resolution categories of *Signs* and may determine the minimum standards that apply to *Signs* in these categories.

30.2 The categories of *Signs* and the minimum standards that apply to *Signs* shall be prescribed in Schedule 6 of this *Bylaw*.

31. Powers to remove non-complying signs

31.1 *Signs* erected in breach of this *Bylaw* may be removed.

31.2 Subject to evidence to the contrary, it may be presumed that a *Sign* erected in breach of this *Bylaw* has been erected by or on behalf of the *Person* deriving the benefit ~~thereof~~ from it.

32. Exemption to this bylaw

32.1 This *Bylaw* does not apply to:

- a) traffic, direction, information and naming *Signs* erected by or with the *Approval* of the *Council*; or
- b) *signs* indicating hazardous substances used at hazardous facilities; or
- c) *signs* erected pursuant to any statute or regulation; or
- d) *signs* authorised by a resource consent; and
- e) *signs* placed during an emergency as part of an effort to save or protect life or health, or prevent injury, or to prevent serious damage to property.

Explanatory notes:

Nothing in this *Bylaw* authorises any matters/activities which will result in a non-compliance with the *District Plan*. The *District Plan* contains general controls relating to *Signs* including amenity and size restrictions.

Part 6 Ngā Whenua Rāhui me ngā Taiwhanga o te Kaunihera | Reserves and Council Facilities

Explanatory notes:

The purpose of Part 6 of this *Bylaw* is to specify rules for access to *Reserves*, ensuring their protection and proper maintenance. It also promotes the safe use of *Reserves* and *Council* facilities, allowing everyone to enjoy these spaces responsibly.

33. Access and use of reserves

- 33.1 The *Council* may fix charges for the entry to a *Reserve* in accordance with the Reserves Act 1977 and it shall be an *Offence* against this *Bylaw* to enter a *Reserve* without having paid the proper charge for entry, if a charge is payable.
- 33.2 The *Council* may close or restrict entry to, or any portion of, a *Reserve* at such times as are considered necessary to prevent damage to, or allow maintenance of the *Reserve*. Such closure shall be advertised by *Signs* at the entrances to the *Reserve*. It shall be an *Offence* against this *Bylaw* to access a *Reserve* at any time when it is closed to public entry.
- 33.3 A *Person* committing a breach of the provisions of clause 33.1 shall, upon request by an *Authorised Officer*, immediately leave the *Reserve* and shall be prohibited from appearing on the *Reserve* for such period as the *Authorised Officer* deems fit.
- 33.4 A *Person* ordered to leave a *Reserve* as provided for in clause 33.3 shall still be liable to be prosecuted for the breach of this *Bylaw*.

Explanatory notes:

The *Council* has developed Reserve Management Plans to guide the management and protection of parks and *Reserves* in the Matamata-Piako District. These plans are available on the *Council's* website.

34. Access and use of Council facilities

- 34.1 The use of all *Council facilities* shall be in accordance with acceptable behaviour standards as deemed by the *Council*. The *Council* reserves the right to ask any *Person* to leave the *Premises* if their behaviour is deemed inappropriate or disruptive or is causing a *Nuisance* to other *Council facility* users.
- 34.2 The *Council* reserves the right to require any *Person* to leave any *Council facility* if it is determined by an *Authorised Officer* that the behaviour poses a risk to the safety and enjoyment of others.
- 34.3 The *Council* may exclude any *Person* from using any *Council facility* until notice is given for that *Person* to return if it is determined by an *Authorised Officer* that their continued behaviour poses a risk to the safety and enjoyment of others.

Part 7 Whakararuraru i runga ngā Rawa Tūmataiti | Nuisance on Private Property

Explanatory notes:

The purpose of Part 7 of this *Bylaw* is to facilitate the enjoyment of living in and visiting the Matamata-Piako District by managing and regulating certain activities on private property.

35. Prohibited Conduct

35.1 No *Person* shall:

- a) burn, or cause or permit to be burnt, any matter or thing in such a manner as to create a *Nuisance*; or
- b) being the *Owner* or *Occupier* of *Premises*, use, or permit to be used or to remain on *Premises* a lavatory other than a flush toilet, unless it be so maintained as to prevent the creation of a *Nuisance*; or
- c) so deposit in or discharge, or so cause or permit the deposit or discharge into a stream, *Watercourse*, pond, lagoon, open drain, gutter or channel, any *Litter*, *Animal* or other offensive matter or thing as to create or be likely to create a *Nuisance*; or
- d) being the *Owner* or *Occupier* of *Premises* so cause or permit offensive liquid or matter to remain in or on, or flow from those *Premises* so as to create or be likely to create a *Nuisance*; or
- e) being the *Owner* or *Occupier* of *Premises*, cause or permit any fixture which is intended to be used for sanitation on those *Premises* to be in such a state or defective condition as to create or be likely so to create a *Nuisance*; or
- f) being the *Owner* or *Occupier* of *Premises* to cause or permit conditions on those *Premises* likely to contribute to the outbreak or spread of disease by the agency of flies, mosquitoes, or other insects, or of rats, mice, or other vermin.

36. Fires in the open air

36.1 No *Person* shall light any fire in open air where the location, wind, or other conditions cause or are likely to cause the fire to become:

- a) a smoke or ash *Nuisance* to any *Person*, and/or
- b) an odour or fumes *Nuisance* to any *Person*.

36.2 Where a fire has been lit or allowed to burn in contravention of clause 36.1 of this *Bylaw*, an *Authorised Officer* or *Agent* of the *Council* (including Fire and Emergency New Zealand) may extinguish any such fire or direct the *Occupier* of *Premises* on which the fire is located, or the *Person* who lit the fire, to extinguish such fire.

36.3 *Persons* responsible for causing a *Nuisance* under clause 36.1 may be prosecuted under the provisions of either the Health Act 1956 or the *Bylaw*.

36.4 Where an *Authorised Officer* or *Agent* of the *Council* has extinguished a fire pursuant to clause 36.2 of this *Bylaw*, the *Council* may recover any costs

incurred in extinguishing the fire from the *Occupier of Premises* on which the fire was located, or the *Person* who lit the fire.

- 36.5 To avoid any doubt, nothing in this part of this *Bylaw* applies to a fire safety risk to which the Fire and Emergency New Zealand Act 2017, or regulations made under that Act, applies.

Explanatory notes:

Check before you light a fire. The Fire and Emergency New Zealand [website](#) has information on fire seasons and whether a fire ban is in place.

Avoid burning anything that creates excessive smoke or **could** harm **people's** to health. Be considerate of your neighbours—smoke and strong odours can quickly become a *Nuisance*. *Council* may take action if smoke causes a public health risk, disturbance or *Nuisance*.

Explanatory notes:

The *Council's* responsibilities relate to smoke *Nuisance* in *Residential* areas.

Waikato Regional Council (WRC) investigate environmental incidents in the Waikato Region affecting the air, water and land under the Resource Management Act (RMA). WRC can respond to:

- Objectionable odours;
- Unlawful outdoor burning;
- Unlawful agrichemical application;
- Other unlawful discharges to air.

Part 8 Te Tiaki Kararehe (Hāunga ngā Kuri) | Keeping of Animals (Excluding Dogs)

Explanatory notes:

The purpose of Part 8 of this *Bylaw* is to protect promote and maintain public health by:

- a) regulating the keeping of pigs, *Poultry* and bees; and
- b) limiting the *Nuisance* created by the keeping of other *Animals*.

37. Determination of numbers of animals allowed to be kept

37.1 The *Council* may from time to time determine by resolution as prescribed in Schedule 4 of this *Bylaw* the maximum number of *Animals* of particular species permitted to be kept on any property in the *District*.

38. Keeping of pigs

38.1 No *Person* shall keep any pigs on any property in the *Urban area* without the prior written permission of the *Council*.

38.2 No *Person* shall keep more than the number of pigs prescribed in Schedule 4 on any property outside the *Urban area* without the prior written permission of the *Council*.

38.3 No *Person* shall keep any pigs in a manner that:

- a) is a *Nuisance*; or
- b) creates conditions injurious to health; or
- c) is offensive; or
- d) pollutes any water as defined in the Resource Management Act 1991, or other relevant legislation.

38.4 Except with the prior *Approval* of the *Council*, no *Person* shall construct or allow any pigsty to remain or any pigs to be at large or to range at less distance than 50 metres from any *Dwelling*, dairy, or any wholly or partly *Occupied* building, or any *Road* or *Public place* or any place used for the preparation, storage, or sale of food for human consumption, or from any boundary of any adjoining property.

39. Keeping of poultry

39.1 ~~No *Poultry* caged or otherwise shall be kept in the *Urban area* except in a properly constructed *Poultry* house covered in with a rainproof roof and provided with a floor of concrete or other *Approved* material with a surrounding nib wall, to which a *Poultry* run may be attached. All *Poultry* kept in the *Urban Area* must be provided with a *Poultry* house, which shall be maintained in good repair, in a clean condition, free from any offensive smell or overflow, accumulations of manure, food and vermin.~~

39.2 No *Poultry* house or *Poultry* run shall be erected or maintained so that any part of it is within 10 metres of any *Dwelling*, factory, or any other building, whether wholly or partially *Occupied*, or within 2 metres of the boundary of adjoining *Premises*.

- 39.3 Except with the prior *Approval* of the *Council* no *Person* shall keep:
- a) more than the number of head of *Poultry* prescribed in Schedule 4 in any *Poultry* house or *Poultry* run on any property in the *Urban area*; or
 - b) more than the head of *Poultry* prescribed in Schedule 4 on any property outside the *Urban area*.
- 39.4 Every *Poultry* run of whatever size shall be enclosed to confine the *Poultry* within the *Poultry* run.
- 39.5 Notwithstanding any ~~thing hereinbefore contained prior-provision within this *Bylaw*~~, no *Person* shall keep *Poultry* on any property so as to cause or be likely to cause a *Nuisance* or any condition injurious to health or offensive because of the overcrowding of the property with such *Poultry* or because of the state of repair of the *Poultry* house or *Poultry* run.
- 39.6 If a *Nuisance* is created as a result of any *Poultry* house or *Poultry* run or the keeping of *Poultry*, the *Council* may serve a notice on the *Owner* or the keeper of the *Poultry* house, *Poultry* run or *Poultry*, requiring that *Person* to abate the *Nuisance* and the *Nuisance* shall be abated in accordance with the notice.
- 40. Keeping of bees**
- 40.1 Except with the prior *Approval* of the *Council*, no *Person* shall keep bees or cause or permit bees to be kept at or on any property in the *Urban area*.
- 40.2 Every *Person* keeping bees or causing or permitting bees to be kept on private property must ensure that:
- a) the bees do not create nor are likely to create a *Nuisance* or cause distress to any *Person*; and
 - b) the bees are not kept in such conditions that create or are likely to create a *Nuisance* or cause distress to any *Person*.
- 41. General nuisance created by animals**
- 41.1 Every *Person* who owns or keeps any *Animal* on private property must ensure that the *Animal*:
- a) does not create a *Nuisance* to any *Person*; and
 - b) does not cause a threat to public health or safety.
- 41.2 If, in the opinion of an *Authorised Officer*, the keeping of *Animals* on a *Premises* is or is likely to cause or become a *Nuisance*, the *Authorised Officer* may take such actions as may be considered by the *Council* to reduce the *Nuisance* effects.

42. Shelter for animals

- 42.1 No suffering shall be caused to an *Animal* by the manner of its shelter or keeping.

Explanatory notes:

The *Council* encourages responsible pet ownership to promote the health and wellbeing of *Animals* and to minimise potential impacts on the community and local wildlife.

The *Council* recommends desexing of domestic cats to prevent unwanted litters and reduce behaviours such as roaming, aggression, and spraying. Microchipping is also recommended, as it provides a reliable method of identification, helping lost or injured cats to be reunited with their owners.

Part 9 Waipiro I ngā Wāhi Tūmatanui | Alcohol in Public Places

Explanatory notes:

The purpose of Part 9 of this *Bylaw* is to enhance the feeling of safety in *Public places* and the confidence of the public in being able to visit *Public places* at any time, by enabling the *Council* to apply *Alcohol ban areas*.

43. Alcohol ban areas

43.1 A *Person* must not at all times in any *Public place*:

- a) bring *Alcohol* into an *Alcohol ban area* specified in Schedule 5 of this *Bylaw* and illustrated in the maps within; or
- b) consume *Alcohol* in an *Alcohol ban area* specified in Schedule 5 of this *Bylaw* and illustrated in the maps within or in a *Vehicle* within an *Alcohol ban area*; or
- c) have *Alcohol* in their possession in an *Alcohol ban area* or in a *Vehicle* that is in an *Alcohol ban area* specified in Schedule 5 of this *Bylaw* and illustrated in the maps within.

~~43.2 — *Alcohol ban areas* are made pursuant to the specific empowering provisions in the Local Government Act 2002 and as such these provisions should be read in conjunction with this *Bylaw*.~~

44. Empowering provisions

44.1 Part 9 of this *Bylaw* is introduced pursuant to the specific empowering provisions of the Local Government Act 2002 that provide for *Bylaws* for alcohol control purposes. This *Bylaw* does not repeat or paraphrase those statutory provisions, and accordingly, those provisions should be read in conjunction with this *Bylaw*. In particular, the following provisions are noted:

- a) section 147 empowers the *Council* to make this *Bylaw*.
- b) section 169 provides the Police with the powers of arrest, search and seizure in relation to alcohol bans.
- c) section 170 sets out certain conditions relating to the Police powers of search under section 169 such as informing the *Person* in possession of alcohol they have the opportunity to remove it from the *Public Place* and providing the person with a reasonable opportunity to remove it from the *Public Place*.
- d) In addition to their general powers under sections 169 and 170 of the Local Government Act 2002, the Police may exercise the power under section 170(2) of that Act (to search a container or vehicle immediately and without further notice) on specified dates or in relation to specified events notified in accordance with section 170(3) of that Act.

- 44.2 This Bylaw has no effect on any other Police powers of search, seizure and arrest or any other statutory offences.

Explanatory notes:

The New Zealand Police are responsible for the enforcement of *Alcohol ban areas* contained in this *Bylaw*. Powers of arrest, search and seizure in relation to *Alcohol ban areas* are outlined in sections 169 and 170 of the Local Government Act 2002.

45. Temporary alcohol bans

- 45.1 In addition to clause 43.1, the *Council* may from time to time, resolve under the Local Government Act 2002 to include additional area(s) as an *Alcohol ban area* for a particular time period relating to a specified *Event* or a particular time of the year. The same prohibitions in clause 43.1 apply for the period of the temporary ban.

- 45.2 Where a temporary *Alcohol ban area(s)* applies, a minimum of seven days of *Public notice* of the temporary *Alcohol ban area(s)* shall be given prior to the *Event* or particular time of the year, specifying the additional *Alcohol ban area(s)* and the time period when the provisions of this *Bylaw* shall apply. *Public notices* shall be affixed in or adjacent to these *Alcohol ban area(s)* at such times that the provisions of this *Bylaw* apply.

46. Special licences

- 46.1 This *Bylaw* does not limit any *Person* from obtaining a *Special Licence* pursuant to the Sale and Supply of Alcohol Act 2012, in which case sections 43 and 45 shall not apply.

47. Dispensations

- 47.1 The *Council* may, on application by any *Person*, grant a waiver, dispensation or *Licence* to do or refrain from doing anything which would otherwise be in breach of Part 9 of this *Bylaw* for the purpose of enabling possession and/or consumption of *Alcohol* in a *Public place* at the time of any special *Event*.

48. Exemptions

- 48.1 As provided for in section 147(4) of the Local Government Act 2002, Part 9 of this *Bylaw* does not prohibit, in the case of *Alcohol* in an unopened bottle or container:
- a) the transport of the *Alcohol* from *Licensed Premises* next to a *Public place*, if—
 - i. it was lawfully bought on those *Premises* for consumption off those *Premises*; and
 - ii. It is promptly removed from the *Public place*; or
 - b) the transport of the *Alcohol* from outside a *Public place* for delivery to *Licensed Premises* next to the *Public place*; or
 - c) the transport of the *Alcohol* from outside a *Public place* to *Premises* next to a *Public place* by, or for delivery to, a resident of the *Premises* or their bona fide visitors; or

- d) the transport of the *Alcohol* from *Premises* next to a *Public place* to a place outside the *Public place* if—
 - i. the transport is undertaken by a resident of those *Premises*; and
 - ii. the *Alcohol* is promptly removed from the *Public place*.
- 48.2 Part 9 of this *Bylaw* does not apply to any areas or activities where the sale or consumption of *Alcohol* is authorised by any *Licence* issued under the Sale and Supply of Alcohol Act 2012, including:
- a) any *Public place* which is part of a *Licensed Premises'* outdoor area, where permission to occupy the area has been granted by the *Council*;
 - b) any *Public place* that is subject to a special *Licence* issued by the *Council* for the term of that *Licence*;
 - c) any *Vehicle* in a *Public place* to which a *Licence* under the Sale and Supply of Alcohol Act 2012 applies;
 - d) any *Event* held in a *Public place* at which *Alcohol* is served pursuant to a caterer's *Licence* endorsed in accordance with section 38 of the Sale and Supply of Alcohol Act 2012.
- 49. Signage**
- 49.1 Where it is practicable and reasonable to do so, the *Council* will erect *Signage* within *Public places* covered by this *Bylaw* to provide information to the public about the restrictions imposed under the *Bylaw*. The size, location and terms of the *Signage* will be at the *Council's* discretion.
- 49.2 To avoid any doubt, the absence of *Signage* in any *Public place* does not authorise a breach of this *Bylaw* and is not a defence against breach of this *Bylaw*.

Part 10 Te Whakahaere I te Ture ā-Rohe | Administration of Bylaw

Explanatory notes:

The *Council* has the authority to take action to protect the safety, enjoyment, and maintenance of *Public places*. The purpose of Part 10 is to detail the *Offences* and penalties available to the *Council* in the administration of this *Bylaw*.

50. Fees and charges

50.1 The *Council* may from time to time determine and recover fees in accordance with sections 150 and 151 of the Local Government Act 2002.

51. Enforcement

51.1 Where there is a breach of this *Bylaw*, the *Council* may take any of the enforcement action provided for in the Local Government Act 2002 and any other *Enactment* under which the *Council* has powers in the event this *Bylaw* is breached.

Explanatory notes:

Bylaws can be enforced by *Council* staff or external agencies such as the New Zealand Police.

We investigate *Bylaw* breaches that we see or that are reported to us. Where appropriate, we use a range of compliance methods to respond to *Bylaw* breaches in accordance with our **Enforcement Policy**. These include:

- Advice and education;
- Verbal and written warnings;
- Seizure of property and remedial action;
- Infringement notices (where this is provided for in legislation);
- Prosecution.

52. Offences

52.1 Any *Person* who breaches this *Bylaw* commits an *Offence*.

52.2 Any *Person* who breaches this *Bylaw* must immediately, upon the request of an *Authorised Officer*:

- a) cease an activity;
- b) leave the *Public place* concerned; and
- c) remove any *Sign*, structure, stall, equipment, tables and chairs, object or other work from any *Public place*.

52.3 Every *Person* who obstructs or hinders any *Authorised Officer* in the exercise of their powers under this *Bylaw* shall be liable to prosecution for an *Offence* against this *Bylaw*.

Explanatory notes:

The community may report a breach of this *Bylaw* to the *Council* for review and action.

53. Penalties

53.1 Every *Person* who fails to comply with this *Bylaw* commits an *Offence* and shall be subject to the penalty provisions outlined in the *Offences*, penalties, infringement and legal proceedings provisions of the Local Government Act 2002, the Health Act 1956, the Reserves Act 1977, and any other enabling *Enactments* and shall be subject to the penalty set out in section 242 of the Local Government Act 2002 and the enabling *Enactment*.

Explanatory notes:

The *Council* has the authority to enforce this *Bylaw* under applicable legislation. Breaching this *Bylaw* constitutes an *Offence* and may result in a summary conviction with a fine not exceeding \$20,000 as specified in the Local Government Act 2002.

54. Exemptions

- 54.1 The prohibitions and restrictions contained in this *Bylaw* do not apply to:
- a) any *Authorised Officer* when engaged in the performance of their regular duties;
 - b) any *Emergency Vehicle* at the time of being engaged in urgent official emergency business;
 - c) any *Vehicle* being used for an *Event* or activity with an *Approved* traffic management plan where operation of the *Vehicle* is compliant with that traffic management plan;
 - d) any *Vehicle* carrying out, or involved in the delivery of a public work where:
 - i. no other practicable alternatives to the activity are available;
 - ii. the *Vehicle* is being used with due consideration to the other *Road* users;
 - iii. the activity is one that the *Council*, at its discretion, considers is reasonably necessary for the purposes of the public work.

This *Bylaw* was made pursuant to a resolution passed by Matamata-Piako District Council on X, resolution number X.

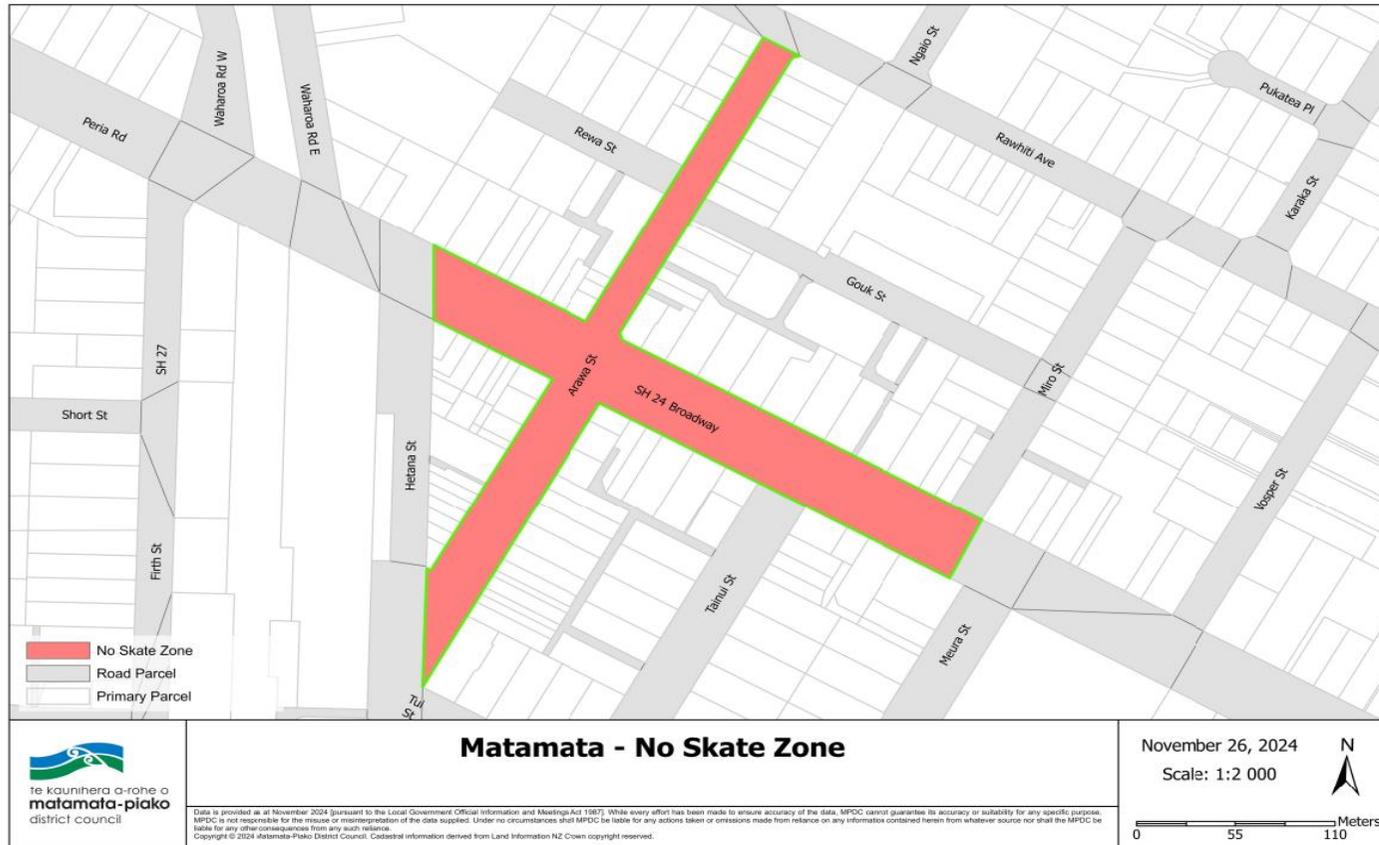
55. Record of bylaw review and amendments

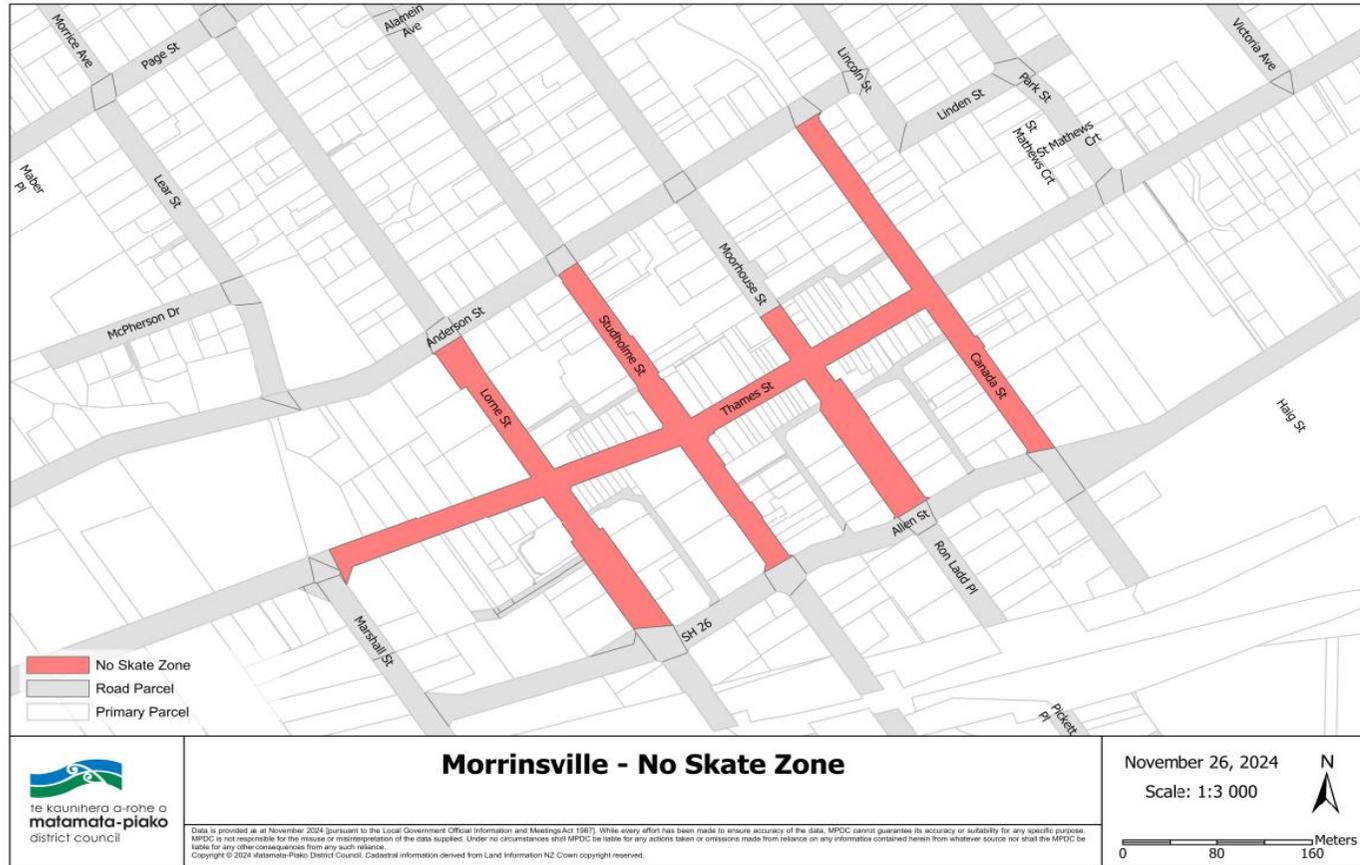
Activity	Date
Public Safety Bylaw renamed to Community Safety Bylaw – reviewed and <i>Approved</i> by <i>Council</i>	June 2025 (TBC)
Next review required by:	June 2035 (TBC)

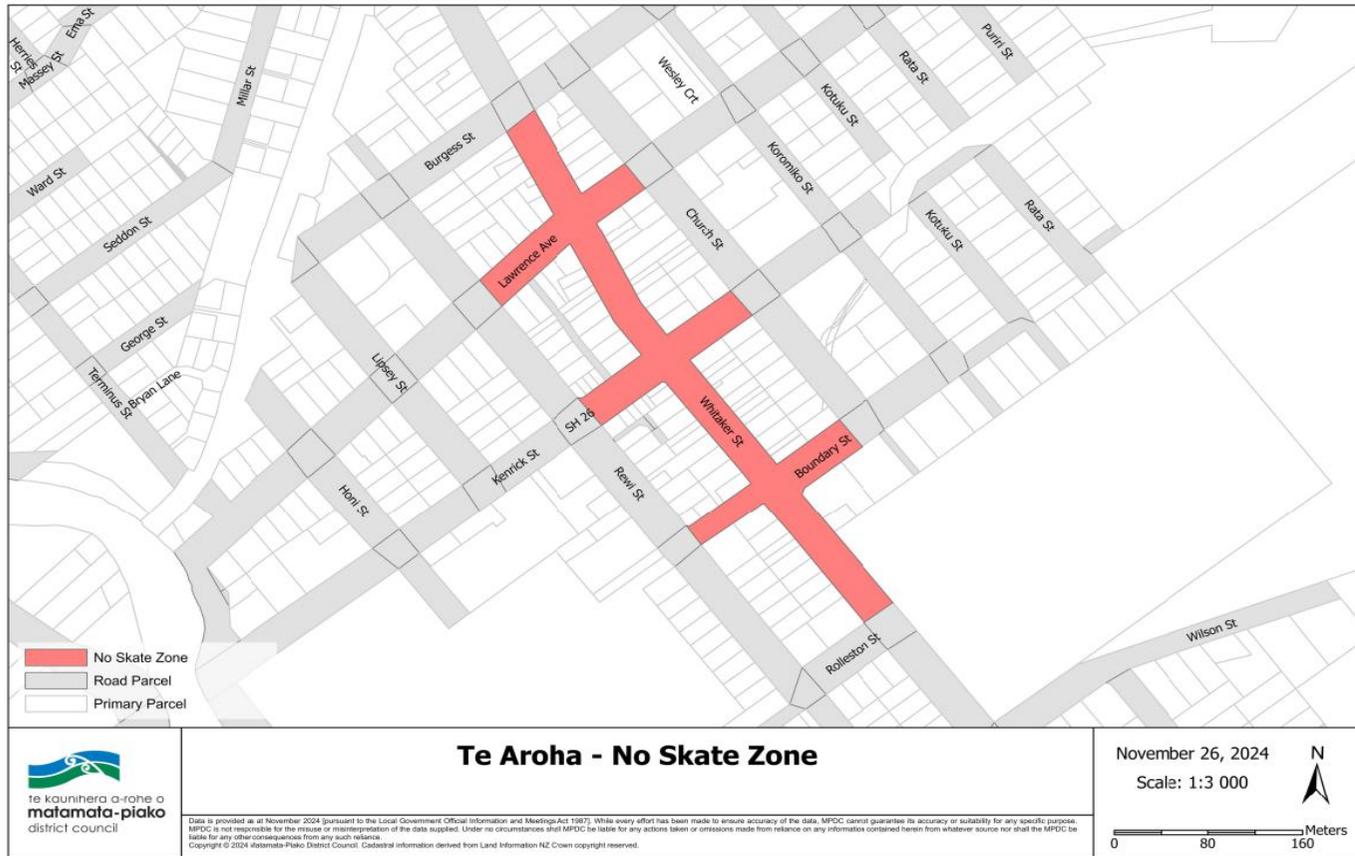
Part 11 Whakaritenga | Schedules

Schedule 1 – Restricted Areas for Skating Devices

The *Council* specifies the following *Public places* where the riding of any *Skating device* is at all times prohibited. The prohibited areas are as described and indicated on the maps in accordance with the legend.







Schedule 2 – Trading in a Public Place

Annexure A: Occupation of a Public place for fundraising, promotional, commercial or dining activities

The following conditions apply to fundraising, promotional, commercial and dining activities undertaken within a *Public place*. It is the responsibility of the *Occupier* undertaking the activity to ensure these conditions are complied with.

Clearway

A continuous clearway shall be maintained over the width of any *Occupied Footpath* or pedestrian access way at all times and in accordance with the following table:

Width of <i>Footpath</i>	Width of Clearway
Less than 3.5 metres	1.5 metres
Over 3.5 metres	2 metres

In locations where there is Veranda cover, ensuring a covered pedestrian clearway is maintained should be given priority over providing a covered area of occupation.

In addition to the above clearway requirements, the *Occupier* must ensure that a 0.8 metre wide strip adjacent and parallel to the kerb is kept clear of patrons and objects at all times to allow for *Vehicle* overhang.

Clearways between adjacent properties with pavement occupation shall be continuous. There shall be no fixed street furniture, e.g. refuse bins, *Signs*, etc. within the width of the clearway.

Access from *Vehicles* parked beside the kerb must not be obstructed.

Affected Persons

Permission for the activity to proceed should be obtained from the *Occupier* of any property immediately adjacent to the *Public place* where the activity is to occur.

Objects associated with the activity

Any objects to be used or displayed shall not create a risk of injury to pedestrians (e.g. sharp, pointed or likely to trip someone) and shall be maintained in good condition and to a high standard of cleanliness at all times. The requirements for health and safety shall be observed at all times.

Tables, chairs, umbrellas, etc., shall be well secured during adverse weather conditions. Umbrellas, shades and other like furniture are to have no less than a 2.2 metre clearance above the *Footpath* surface. Barriers may be required to separate the *Occupied* area from the clearways.

All objects shall be removed from the *Occupied* area at the close of business each day unless otherwise authorised.

The surface of the *Occupied* area (*Footpath*, *Road*, *verge*, etc.) shall not be broken, marked or disfigured by the occupation. Any damage to *Council's* assets must be repaired by the *Occupier* to the satisfaction of an *Authorised Officer*. If the required remedial work is not completed to a satisfactory standard or is not undertaken at all, *Council* reserves the right to undertake any repairs an *Authorised Officer* has deemed to be necessary. The

costs incurred by *Council* in undertaking any remedial work will be recovered from the *Occupier*.

High standard of cleanliness

The *Occupier* shall maintain the *Occupied* area and clearway to a high standard of cleanliness that is free of *Litter*, stains and spillage. The spread of *Litter* from the *Occupied* area to the adjacent street, properties and *Footpath* must be prevented. The decision on whether an appropriate level of cleanliness is being maintained will be at the sole discretion of an *Authorised Officer*.

Access to Premises

A clear access of not less than 1.5 metres shall be maintained through the *Occupied* area into any *Premises* at all times. In addition, access must comply with any statutory requirements for access to the *Premises*, as if the *Occupied* area was part of the *Premises*.

If vehicular access is required, it must be no less than 3 metres wide and provide safe clearances to *Occupied* areas.

Licensed Premises

Where *Premises* are *Licensed* under the Sale and Supply of Alcohol Act 2012 (or its amendments), the area of *Occupied Public place* shall only be deemed to be part of the *Licensed premises* if it is included in the *Approved* 'defined area' of the current *Alcohol Licence*.

If this does not apply then use of the *Public place* will require redefinition of the *Premises* to include this area. Redefinition is subject to the *Approval* of the New Zealand Police and District Licensing Committee and is not granted as of right.

Signage

The *Signage* provisions of the *District Plan* and the Matamata-Piako District Council Community Safety Bylaw 2025 shall be complied with at all times.

Permission term and lapse

Any permission granted will expire on the date stated in the permission document. Upon expiry of the permission the activity must cease until a new permission has been obtained. Permissions are not transferrable and any new *Occupier* will need to make a fresh application if they require occupation of a *Public place*.

Occupation permitted at Council's discretion

If the *Council* determines there has been a breach of the conditions in this schedule or that the activity has created a safety, access or loss of amenity issue, an *Authorised Officer* may require the activity to cease immediately until any outstanding matters have been resolved to the satisfaction of the *Authorised Officer*.

If an activity continues after the *Occupier* has received a request by an *Authorised Officer* to cease operating, the *Council* may have the *Occupied* area cleared at the *Occupier's* expense.

Powers of entry

Authorised Officers, its contractors and any authorised network utility operator (e.g. power, telephone and gas) may enter upon the *Occupied* area of *Footpath* for the purpose of monitoring compliance with these conditions or carrying out authorised work at any time and may require the *Occupier* to remove objects on the *Footpath* to provide adequate access and safe working conditions. If the *Occupier* is unavailable, the *Authorised Officers* or workmen may remove the objects to a secure locality and will not be held responsible to the *Occupier* for any damage or loss incurred by the *Occupier*.

Production of permission

Any permission holder must produce the permission document when requested to do so by an *Authorised Officer*. The permission holder or their representative on site must remain contactable by phone for the duration of the activity.

Fees

All fees prescribed in the *Council Fees and Charges* document for any activity described in clause 22.1 of this *Bylaw* must be paid to the *Council* prior to commencement of the activity.

Annexure B: Performing in a Public place

The following conditions apply to all performances undertaken in a *Public place*. It is the responsibility of the performer to ensure the conditions are complied with.

Access

Performers must not cause a *Nuisance* or obstruction to any *Person* using or in the vicinity of a *Public place*.

Affected Persons

Permission for the performance to proceed should be obtained from the *Occupier* of any property immediately adjacent to the *Public place* where the activity is to occur.

Noise

The use of amplifiers is not permitted unless prior *Approval* of their use has been granted by an *Authorised Officer*.

Noise levels from any performance must generally be such that when assessed from a distance of 20 metres, the noise levels are no greater than the surrounding ambient noise.

Occupation permitted at Council's discretion

If in the opinion of an *Authorised Officer*, any group or individual undertaking a performance is causing or has caused a *Nuisance* to any *Person* using a *Public place* or to any shop proprietor in the vicinity, the *Authorised Officer* may require the *Person* performing to cease the activity or to move to another location of the *Authorised Officer's* choosing.

Permission term and lapse

The permission to *Occupy a Public place* to undertake a performance will expire on the date stated on the permission. Upon expiry of the permission the performance must cease until a new permission has been granted. Permissions are not transferrable and any new performer will need to make a fresh application.

Production of permission

The permission holder must produce the permission document when requested by an *Authorised Officer*. The permission holder or their representative on site must remain contactable by phone for the duration of the activity.

Fees

All fees prescribed in the *Council Fees and Charges* document for any activity described in clause 22.1 of this *Bylaw* must be paid to the *Council* prior to commencement of the activity.

Annexure C: Mobile Shops

The following conditions apply to all *Mobile shop Licences*. It is the responsibility of the *Licence* holder to ensure the conditions are complied with.

Number of Licences required

Mobile shop Licences are issued to allow trading from one site only at any one time. *Licence* holders wishing to operate multiple shops simultaneously will require a *Licence* for each *Mobile shop*.

Licence jurisdiction

Mobile shop Licences issued under clause 21.1 of this *Bylaw* only allow the *Licence* holder to trade from *Roads* under the jurisdiction of the *Council*. *Roads* under the jurisdiction of the *Council* exclude sections of state highway where the posted speed limit is over 50 kilometres per hour (km/hr). Additional permission will therefore need to be obtained from the New Zealand Transport Agency to trade from sections of state highway where the posted speed limit exceeds 50 km/hr.

Restrictions on trading locations

Mobile shops are not permitted to trade within 100 metres of retail shops selling similar types of product.

Licence holders are not permitted to trade within 500 metres of another *Mobile shop*.

Mobile shops and all associated objects are excluded from areas set out in the series of maps attached to Schedule 2, annexure C of this *Bylaw*.

The right to *Occupy* a location will be determined on a 'first come' basis. In the event of dispute, an *Authorised Officer* will have the sole discretion to decide.

Mobile shops and all associated objects must be located so as to maintain clear sight lines of:

- a) 80 metres around a curve or to and from an intersection for *Roads* with a posted speed limit of 70 km/hr or less; or
- b) 300 metres around a curve or to and from an intersection for *Roads* with a posted speed limit of over 70 km/hr.

Mobile shops and all associated objects must be located and operated so as to ensure there is no additional impediment to existing traffic flows.

Objects

Any objects to be used or displayed shall not create a risk of injury or an impediment to pedestrians and shall be maintained in good condition and to a high standard of cleanliness at all times. The requirements for Occupational Safety and Health shall be observed at all times.

Tables, chairs, umbrellas, etc., shall be well secured during adverse weather conditions. All objects shall be removed from the *Occupied* area at the close of business each day unless otherwise authorised and detailed in the special conditions applying to this *Licence*.

Noise

The use of chimes, bells, horns, or other noise producing devices is not permitted.

High standards of cleanliness

The *Licence* holder must ensure the *Mobile shop* trading area is kept free of *Litter* and that the spread of *Litter* from the trading area is prevented. The decision on whether an appropriate level of cleanliness is being maintained will be at the sole discretion of an *Authorised Officer*.

Signage

Signage will be restricted to two *Signs*, each with a maximum area of 1.2m² and a maximum width of 1 metre. *Signage* must be located within 10 metres of the *Vehicle* or structure from which goods are being sold. Lettering heights must comply with the provisions of the *District Plan*.

Trading Hours

Selling from the roadside is only permitted during the official hours of daylight (between 30 minutes before sunrise and 30 minutes after sunset).

Suspension or revocation of Licence

Mobile shop Licences are issued at the discretion of the *Council*. If there has been a breach of the *Licence* conditions or the activity has created a safety or access issue, the *Council* may immediately revoke or suspend the *Licence* until any outstanding matters have been resolved to the satisfaction of an *Authorised Officer*.

Licence period and lapse of Approval

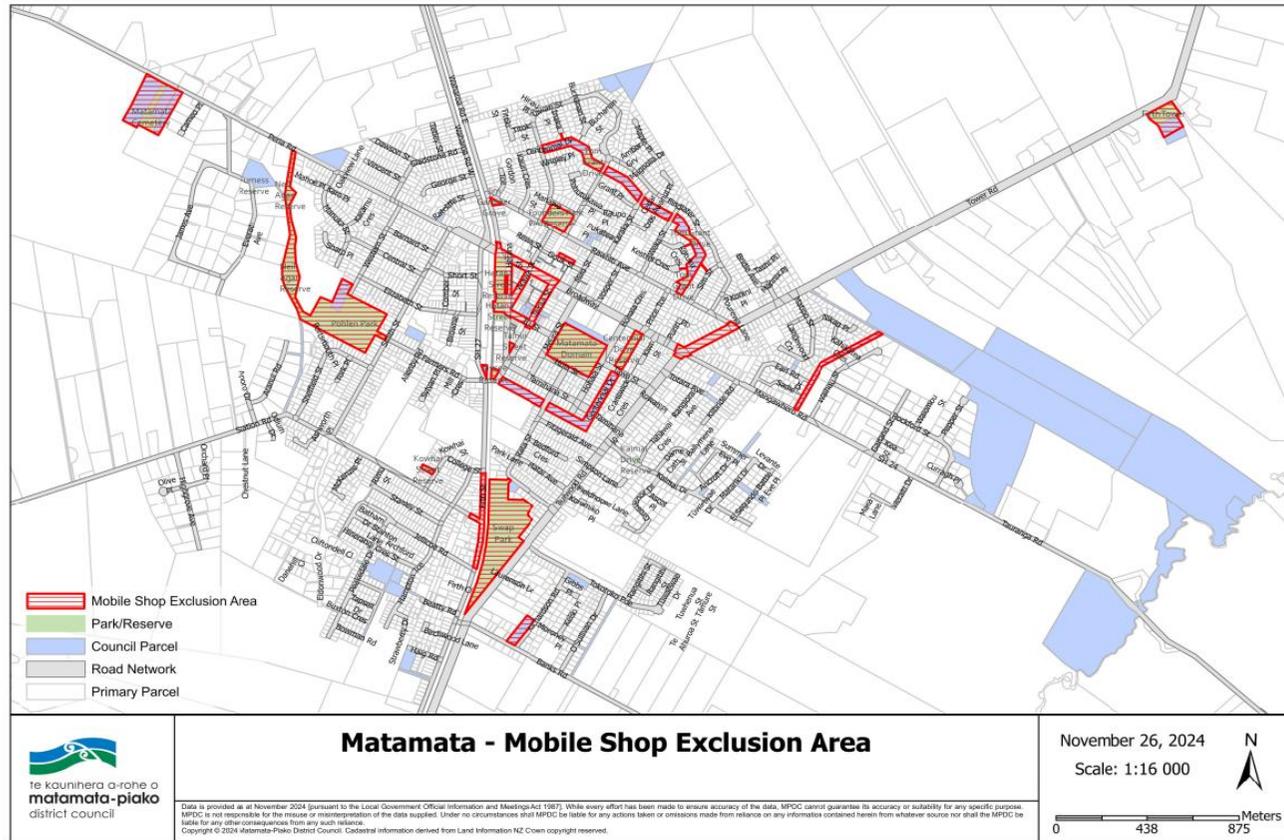
The *Mobile shop Licence* will expire on the date stated on this *Licence*. Upon expiry of the *Licence*, trading must cease until a new *Licence* has been granted. *Licences* are not transferrable and any new trader will need to make a fresh application.

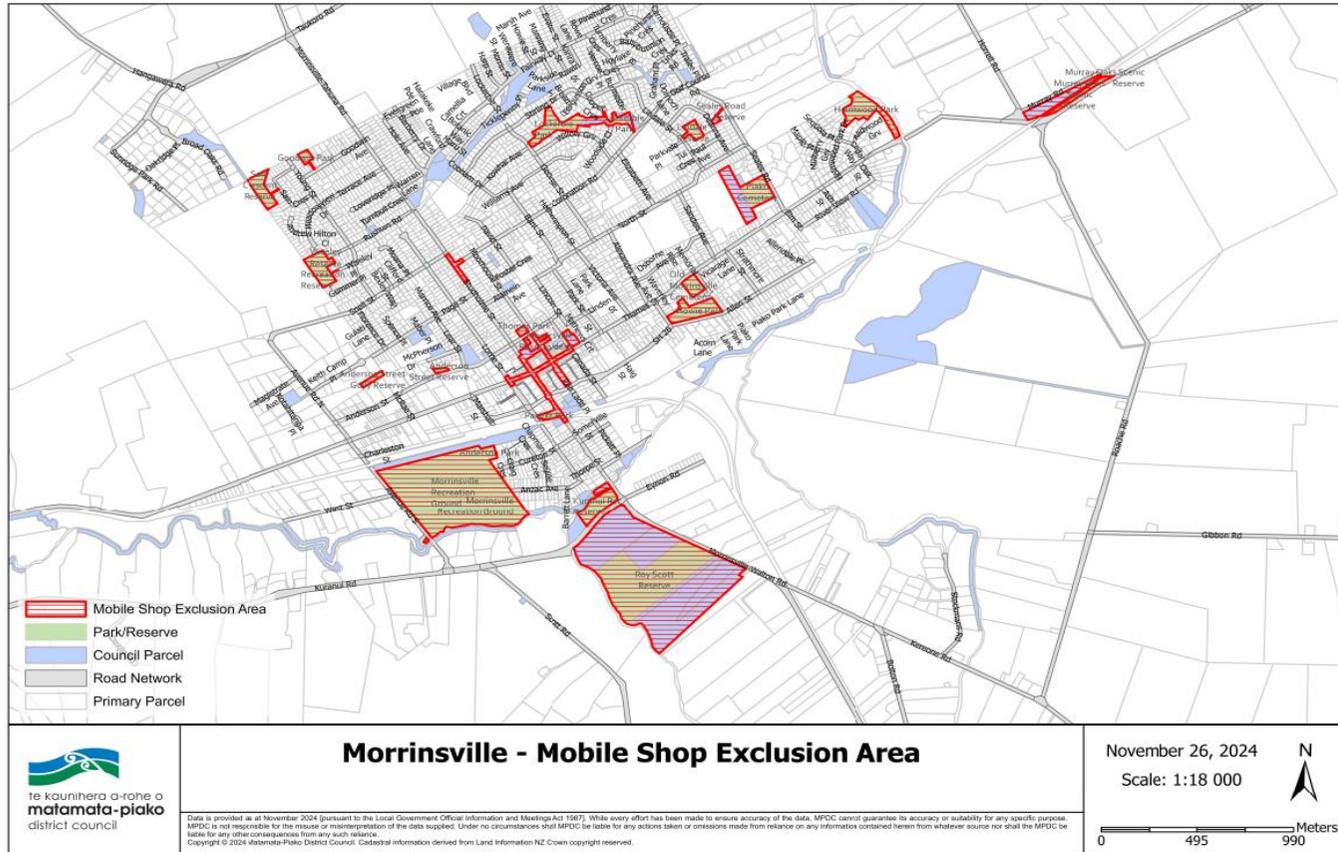
Production of Licence

The *Licence* holder must produce their *Mobile shop Licence* when requested to do so by an *Authorised Officer*. The *Licence* holder or their representative on site must remain contactable by phone during the *Licensed* hours.

Fees

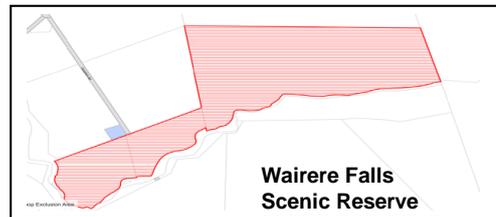
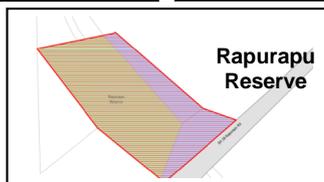
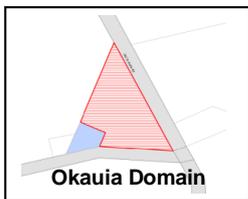
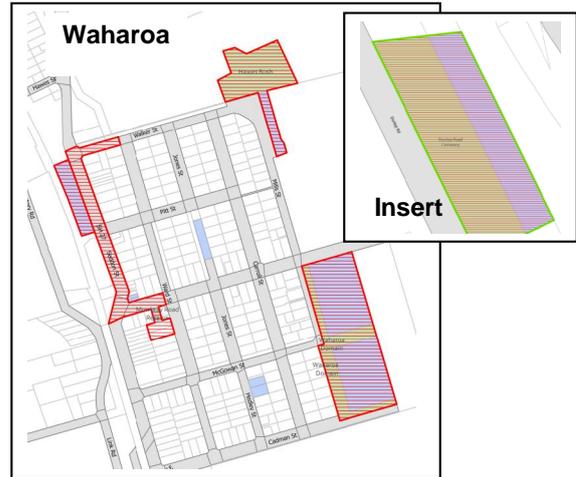
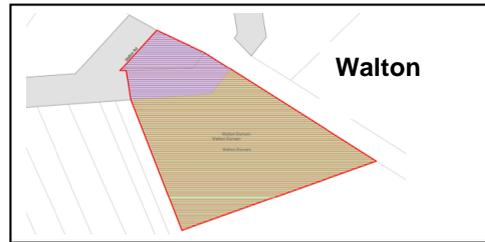
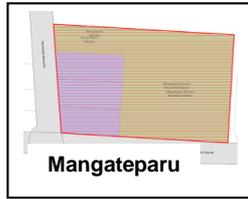
All fees prescribed in the *Council Fees and Charges* document for any activity described in clause 21.1 of this *Bylaw* must be paid to the *Council* prior to commencement of the activity.







Further areas excluded from Mobile Shop Trading



Legend

-  Mobile Shop Exclusion Area
-  Park/Reserve
-  Council Parcel
-  Road Network
-  Primary Parcel



Schedule 3 – Determination of restricted areas for animals in public places

The *Council* has prohibited entry of the following type(s) of *Animal* to the following *Public place(s)*:

No determination by *Bylaw*.



Schedule 4 – Determination of numbers of animals allowed to be kept

The *Council* specifies the following maximum number of *Animals* of the indicated species to be kept on any property within the indicated zone as determined by the *District Plan*:

- a) A maximum of 10 heads of *Poultry* within the *Urban area*.
- b) No roosters shall be kept within the *Urban area*.

Schedule 5 – Alcohol ban areas

The areas identified in this schedule are those areas which have been classified as *Alcohol ban areas* in which Part 9 of this *Bylaw* applies.

Matamata Alcohol Ban Area

All *Public places* including *Roads* and *Reserves* at all times within areas of the Matamata township listed below:

- Within the 50 kilometre (or below) speed limit areas of Matamata township;
- Within the 70 kilometre speed limit of Waharoa Road West;
- Within the 70 kilometre speed limit of Mangawhero Road;
- Within the 70 kilometre speed limit of Firth Street, beginning at Haig Road;
- Within the 70 kilometre speed limit of Burwood Road; and
- Within the 70 kilometre speed limit of Banks Road.

Morrinsville Alcohol Ban Area

All *Public places* including *Roads* and *Reserves* at all times within areas of the Morrinsville township listed below:

- Within the 50 kilometre (or below) speed limit areas of Morrinsville township;
- Within the 70 kilometre speed limit of Thames Street;
- Within the 70 kilometre speed limit of West Street;
- Within the 80 kilometre speed limit of Avenue Road South, beginning at the Waitakaruru Stream;
- Within the 70 kilometre speed limit of Avenue Road North; and
- Within the 70 kilometre speed limit of Snell Street.

Te Aroha Alcohol Ban Area

All *Public places* including *Roads* and *Reserves* at all times within areas of the Te Aroha township listed below:

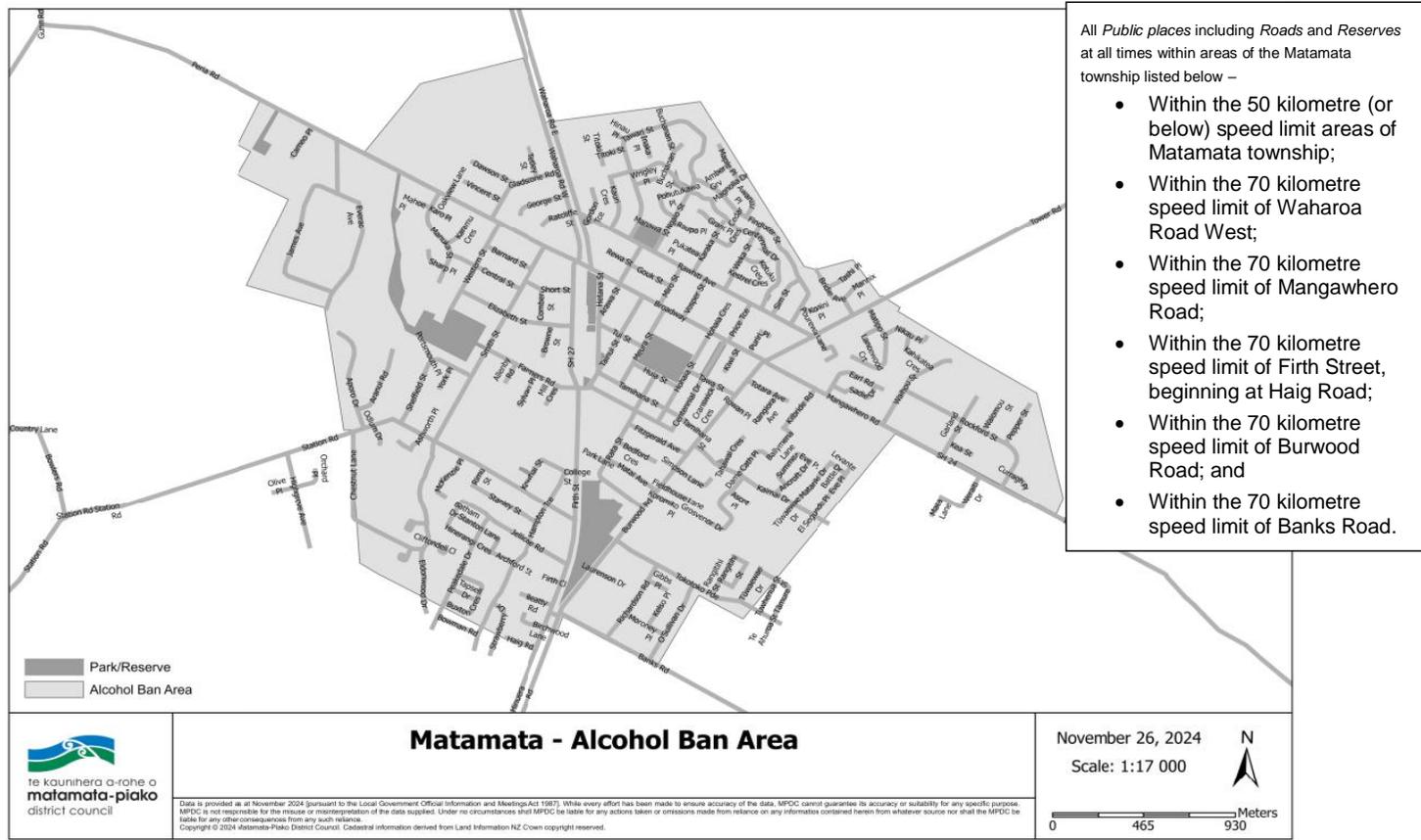
- Within the 50 kilometre (or below) speed limit areas of Te Aroha township;
- Within the 70 kilometre speed limit of Grattan Road;
- Within the 70 kilometre speed limit of Bosson Road, beginning at the Aroha View Avenue Intersection.

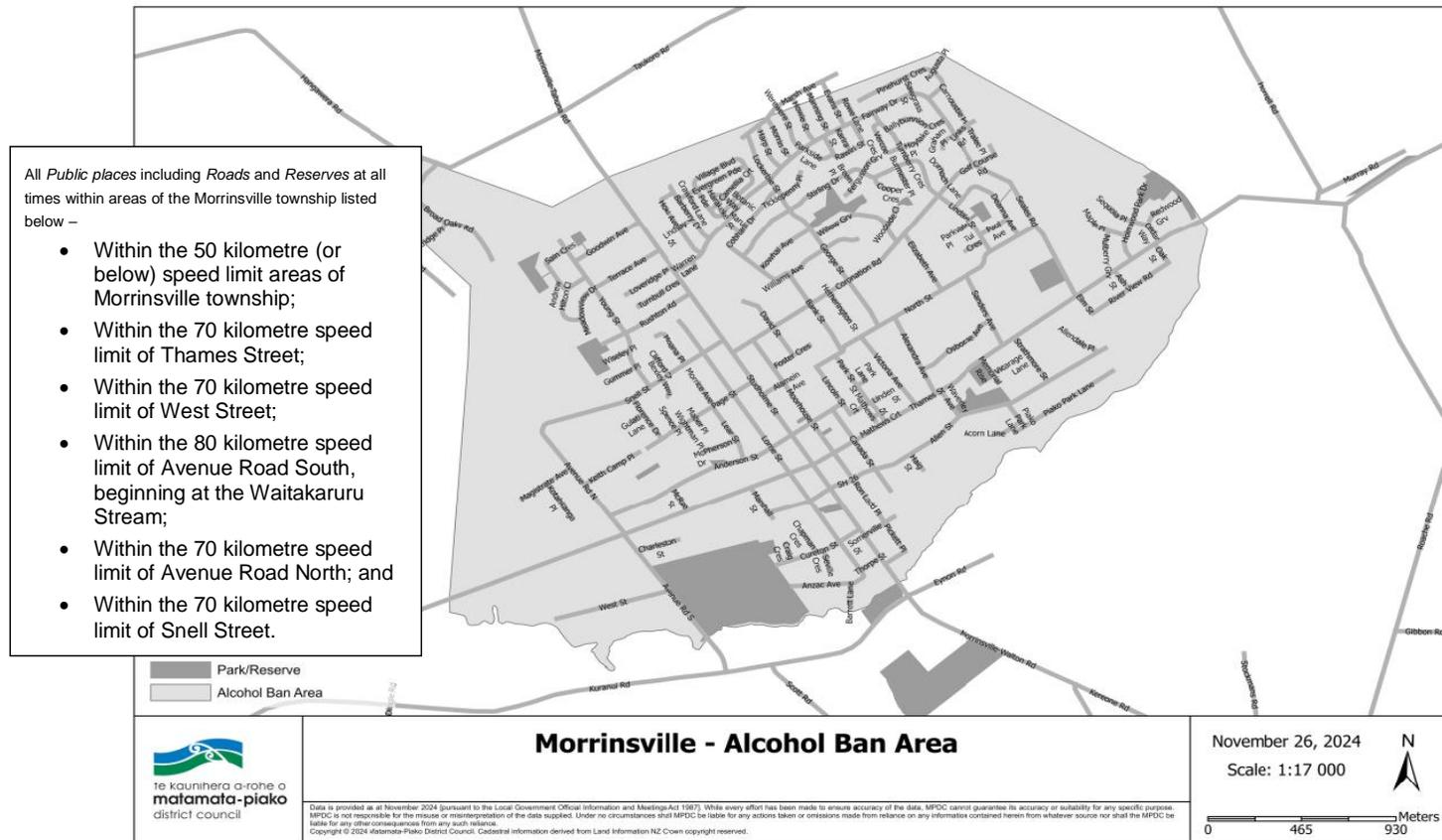
Waharoa Alcohol Ban Area

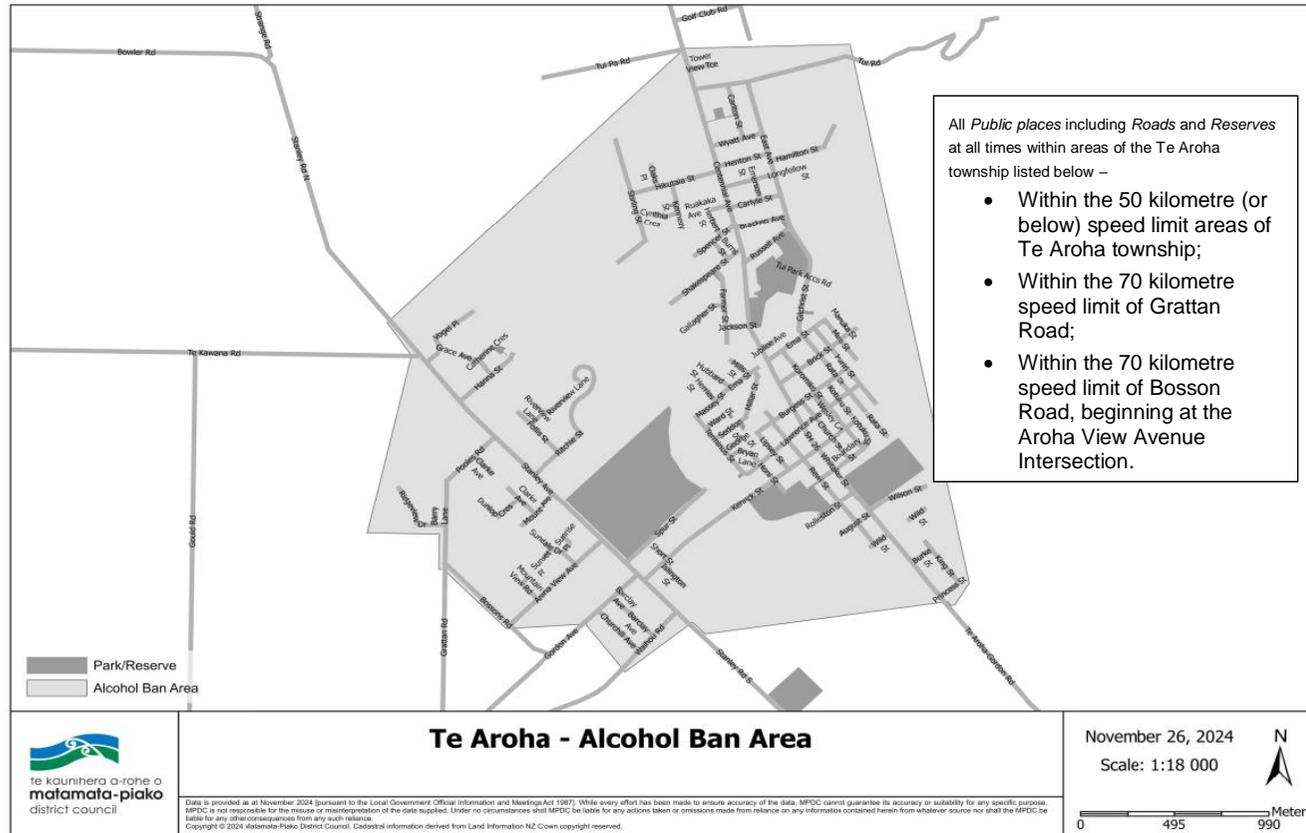
All *public Places* including *Roads* and *Reserves* at all times within areas of the Waharoa township listed below –

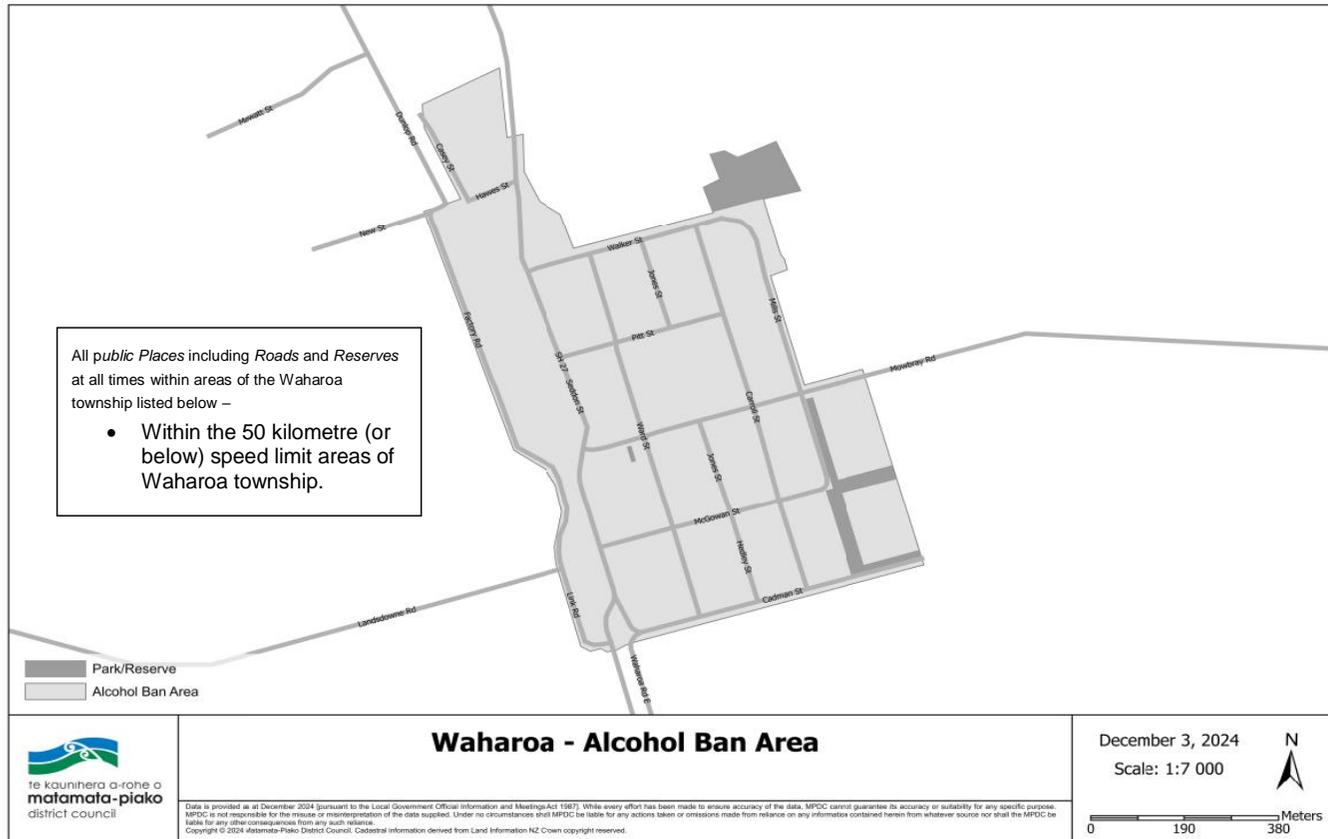
- Within the 50 kilometre (or below) speed limit areas of Waharoa township.

The attached maps show the *alcohol ban areas* as described in Schedule 5 for ease of reference only. The maps are not part of this *Bylaw* and if there is any conflict or inconsistency between the maps and the areas listed, the areas listed in Schedule 5 will prevail. The maps may be amended or removed without any formality.









Schedule 6 – Conditions applicable to sandwich board signs

Unless otherwise permitted, *Sandwich Board Signs* must:

- a) be placed so as to cause the least interference to *Footpath* traffic movement and provide a minimum of a 1.5 metre (*Footpaths* less than 3.5 metres wide) or 2 metre (*Footpaths* greater than 3.5 metres wide) unobstructed corridor on the *Footpath*; and
- b) take into account *Vehicle Parking* and overhang by maintaining an additional 0.8 metres wide clearway, parallel to the kerb, in locations where a *Sandwich Board* is not to be positioned adjacent to potential *Vehicle* or pedestrian, safety and access; and
- c) be placed in a location that does not compromise *Vehicle* or pedestrian, safety and access; and
- d) have a maximum area per side of 1.2m² and a maximum width of one metre; and
- e) only advertise services or products available from the business to which they relate; and
- f) be located within either the Business or Industrial Zones; and
- g) be placed on the *Footpath* or verge immediately in front of the business to which they relate; and
- h) be limited to one *Sign* per business; and
- i) be located on the *Footpath* or verge of *Roads* that have a posted speed limit of 50km/hr or less; and
- j) maintained by the *Owner* to a standard determined by an *Authorised Officer*.

An application may be made in writing to the *Council* to allow for an exemption to the number and location of *Sandwich Boards*. An exemption may be granted at the discretion of an *Authorised Officer*.



Matamata-Piako District Council

Ture ā-Rohe mō ngā Urupā 2025 | Cemeteries Bylaw 2025

For Council Adoption

Department	Policy, Partnerships and Governance
Document Type	External
Resolution Date	To be confirmed
Document Effective From	1 July 2025
Review Frequency	Not less than once every five to ten years as required by the Local Government Act 2002.
Review Date	June 2035 (TBC)
Engagement Required	Special Consultative Procedure (Local Government Act 2002)
Document Supersedes	Public Amenities Bylaw 2014



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Part 1 Kupu Whakataki Introduction

1. Purpose

- 1.1 The purpose of this *Bylaw* is to:
- enable the *Council* to facilitate the safe, orderly, and efficient management of *Cemeteries* under the ownership or control of the *Council*, and;
 - minimise the potential for offensive behaviour in *Cemeteries* under the ownership or control of the *Council*.

2. Title and commencement

- 2.1 This *Bylaw* shall be known as the 'Matamata-Piako District Council Cemeteries Bylaw 2025'.
- 2.2 This *Bylaw* comes into force on 1 July 2025.

3. Review

- 3.1 This *Bylaw* is a full statutory review of the previous Public Amenities Bylaw 2014. The Public Amenities Bylaw 2014 was largely focussed on *Cemeteries* therefore, it has been renamed Cemeteries Bylaw 2025. The majority of clauses in the Public Amenities Bylaw 2014 that related to amenities other than *Cemeteries* were already covered in other *Bylaws*.

4. Application

- 4.1 This *Bylaw* applies to all *Cemeteries* within Matamata-Piako District Council's ownership or control.
- 4.2 This *Bylaw* does not apply to urupā (in line with the Burial and Cremation Act 1964) or any other *Cemetery*, crematorium or *Burial* ground that is not owned or controlled by the *Council*.

5. Enabling enactments

- 5.1 This *Bylaw* is made ~~in~~ pursuant and subject to the Local Government Act 2002, the Burial and Cremation Act 1964, and the Reserves Act 1977.
- 5.2 Nothing in this *Bylaw* detracts from any provision of, or the necessity for, compliance with all applicable Acts, regulations, *Bylaws*, and the Matamata-Piako District Plan, including but not limited to:
- Local Government Act 2002; and
 - Burial and Cremation Act 1964; and
 - Burial and Cremation (Removal of Monuments and Tablets) Regulations 1967; and
 - Health (Burial) Regulations 1946; and
 - Cremation Regulations 1973.

6. Delegation

- 6.1 Any of the powers and functions of the *Council* as detailed and set out in this *Bylaw*, may be delegated by it, to its *Chief Executive* and sub-delegated by the *Chief Executive* to any such other *Authorised Officer*.

7. Explanatory notes

- 7.1 Sections headed 'Explanatory notes' in this *Bylaw* are for information purposes only, and
- they do not form part of this *Bylaw*; and
 - cannot be considered in the interpretation or application of a provision of this *Bylaw*, and
 - may be inserted, amended or removed without any formality.

8. Definitions

- 8.1 For the purposes of this *Bylaw* the following definitions shall apply:

Term	Definition
<i>Agent</i>	means a <i>Person</i> or business authorised to act on another's behalf.
<i>Animal</i>	means any mammal, bird, finfish, shellfish, reptile, amphibian, insect, or invertebrate and includes the carcass of constituent parts but does not include dogs and human beings.
<i>Approved or Approval</i>	means <i>Approved</i> in writing by resolution of the <i>Council</i> or by any <i>Authorised Officer</i> so authorised on behalf of the <i>Council</i> , pursuant to this <i>Bylaw</i> or any <i>Enactment</i> .
<i>Ashes</i>	means the cremated remains of a deceased <i>Person</i> .
<i>Authorised Officer</i>	means: <ol style="list-style-type: none"> any <i>Person</i> appointed or authorised by the <i>Council</i> to carry out duties and exercise powers under this <i>Bylaw</i>; and any <i>Person</i> appointed by the <i>Council</i> to enforce the provisions of any <i>Council Bylaw</i> and who holds a warrant under section 177 of the Local Government Act 2002 or an appropriate section of any other Act.
<i>Berm</i>	means a concrete strip that marks <i>Plot</i> row and number and in which a <i>Monument</i> is placed.
<i>Burial</i>	means <i>Interment</i> of a deceased human body, or cremated human remains.
<i>Bylaw or Bylaws</i>	means the Matamata-Piako District Council Cemeteries Bylaw 2025 or in the context of more general terms refers to a <i>Bylaw</i> adopted by the Council, made under the provisions of any <i>Enactment</i> or authority enabling the <i>Council</i> to make <i>Bylaws</i> .
<i>Cemetery or Cemeteries</i>	means all <i>Cemeteries</i> of which the Matamata-Piako District Council has the control or management of under the Burial and Cremation Act 1964.

Term	Definition
<i>Chief Executive</i>	means the <i>Chief Executive</i> appointed pursuant to section 42 of the Local Government Act 2002.
<i>Council</i>	means the governing body of the Matamata-Piako District Council or any <i>Person</i> delegated to act on its behalf.
<i>Disinterment</i>	means the removal of a deceased human body or the removal of cremated human remains.
<i>District</i>	means the <i>District</i> within the jurisdiction and under the control of the Matamata-Piako District Council.
<i>District Plan</i>	means the Matamata-Piako District Council <i>District Plan</i> .
<i>Enactment</i>	means the same as in section 13 of the Legislation Act 2019.
<i>Emergency Vehicle</i>	means the same as in section 1.6 of the Land Transport (Road User Rule) 2004.
<i>Exclusive Right of Burial</i>	means purchase of a <i>Burial Plot</i> for the right to the owner to <i>Inter</i> human remains in a <i>Burial</i> space but does not constitute ownership of the land.
<i>Footpath</i>	means the same as in section 1.6 of the Land Transport (Road User Rule) 2004.
<i>Grave</i>	means the area where the body of a deceased <i>Person</i> is, or their <i>Ashes</i> are <i>Interred</i> .
<i>Inter, Interred or Interment</i>	means the <i>Burial</i> of a deceased human body in a <i>Grave Plot</i> or the <i>Burial</i> of cremated human remains in a cremation or <i>Grave Plot</i> .
<i>Monument</i>	includes any tombstone, headstone, memorial, <i>Tablet</i> , plaque, kerbing, or other memorial to a deceased <i>Person</i> .
<i>Nuisance</i>	has the meaning as in the Health Act 1956, and includes anything offensive or likely to be injurious to health.
<i>Offence</i>	includes any act or omission in relation to any <i>Bylaw</i> or any part for which any <i>Person</i> can be punished either on indictment or by summary process.
<i>Ornament</i>	means any object which is not structurally part of a <i>Monument</i> or concrete <i>Berm</i> provided. This includes, but is not limited to: a flower, wreath, pottery, vase, figurine, decoration, art, memorabilia, tribute and adornment.
<i>Parking</i>	has the same meaning as in section 2(1) of the Land Transport Act 1998.
<i>Person</i>	includes a corporation sole and a body of <i>Persons</i> , whether corporate or unincorporated.
<i>Plot</i>	means a numbered lot in a <i>Cemetery</i> including an <i>Ashes</i> wall, where a <i>Burial</i> or <i>Interment</i> can occur.
<i>Public Place</i>	means the same as in section 147 of the Local Government Act 2002.
<i>Tablet</i>	includes a plaque.
<i>Vehicle</i>	means the same as in section 2(1) of the Land Transport Act 1998.
<i>Working day</i>	means the same as in section 5(1) of the Local Government Act 2002.
<i>Working hours</i>	means the hours specified by the <i>Council</i> during any <i>working day</i> when its offices shall be open to the public.

Part 2 Ngā Ture mō te Urupā | Cemetery Rules

9. Burials

- 9.1 Before a *Burial* may take place, an application for *Interment* must be lodged with the *Council*.

Explanatory notes:

An application for *Interment* may be made to the *Council* using the specified form.

- 9.2 No *Burial* shall be made in any *Cemetery* without a *Burial* warrant for that purpose, obtained by the Funeral Director or *Person* having the management or control of the *Burial* from the *Council* and presented to an *Authorised Officer* as authority for *Burial*.
- 9.3 The application for a *Burial* warrant shall be received by the *Council* at least nine *Working hours* prior to the *Burial*. Where a funeral is to be held on a weekend or public holiday, an application for a *Burial* warrant shall be delivered to the *Council* no later than 12 *Working hours* preceding the date of the intended *Burial*. Any exceptions to this must be *Approved* by the *Authorised Officer*.
- 9.4 *Burials* shall take place in such *Plots* as the *Council* shall determine.
- 9.5 *Burial* times will be subject to the *Council's Approval*.
- 9.6 Funeral services must be held more than two hours apart unless *Approved* by an *Authorised Officer*.

Explanatory notes:

The *Council* acknowledges Māori cultural values, as well as accommodating diverse cultural practices and traditions wherever feasible and appropriate.

10. Purchase of exclusive right of burials

- 10.1 *Burial Plots* sold by the *Council* are subject to terms and conditions set by the *Council*. The *Exclusive Right of Burial* is granted for a period determined by the *Council*, with a minimum term of 60 years, as required by the Burial and Cremation Act 1964.
- 10.2 When reserving a *Plot* in advance, the *Exclusive Right of Burial* shall be granted to the purchaser of a *Plot* once the *Council* has received payment of the prescribed fees.
- 10.3 Where *Council* requirements for the granting of the *Exclusive Right of Burial* have been met, it shall issue a *Plot* Reservation Certificate to the applicant.

Explanatory notes:

Burial Plots can be purchased either in advance or at the time of *Burial*. Pre-purchasing a *Plot* provides an *Exclusive Right of Burial* in a specific location. A person may only purchase up to two plots at a time, subject to space and availability.

11. Plots and graves

- 11.1 No *Person* other than an *Authorised Officer* or their assistants or any other *Person* duly authorised by the *Council* shall dig any *Grave* in, or open the ground for *Burial* in, any part of any *Cemetery*.
- 11.2 No *Person*, other than an *Authorised Officer* or their assistants or any other *Person* duly *Authorised* by the *Authorised Officer* shall fill in any *Grave*.
- 11.3 The minimum depth of cover for any *Burial* shall not be less than 1 metre.
- 11.4 *Disinterment* of a body must be conducted pursuant to sections 51 and 55 of the Burial and Cremation Act 1964.

Explanatory notes:

The *Council* will collaborate with Funeral Directors to honour families' wishes, including providing natural *Burial* options where feasible and appropriate.

12. Ashes

- 12.1 Upon application and payment of the prescribed fees, the receptacle or urn containing the *Ashes* of any deceased *Person* may be buried in the appropriate portion of the *Cemetery* set aside for that purpose or in any *Plot* subject to an *Exclusive Right of Burial* having been first had and or purchased.
- 12.2 The minimum depth of cover for any receptacle or urn containing the *Ashes* of any deceased *Person* shall not be less than 400 millimetres.
- 12.3 The scattering of *Ashes* shall only be allowed in designated areas as determined by the *Council*.

Explanatory notes:

Currently, the scattering of *Ashes* is not permitted in our *Cemeteries*. As *Cemeteries* are designated as reserves under the Reserves Act 1977, the General Policies Reserve Management Plan applies, which includes guidelines on the scattering of *Ashes* and the *Burial* of remains such as placenta.

Explanatory notes:

The *Council* may also provide spaces for memorials. This allows families to create a place to remember loved ones when there may be no *Ashes* or remains to *Inter*.

13. Services

- 13.1 The hours of operation for all *Cemeteries* within the *District* are set out in *Council's* Code of Practice for *Cemeteries*.

~~13.2 —Burial times will be subject to the Council's Approval.~~

- 13.2 Funeral Directors are to stay on site for the duration of a funeral.

14. Poor persons Publicly Funded Interments

- 14.1 Where an application is made to the *Council* for the *Interment* of a deceased ~~poor~~ *Person* whose burial is unable to be privately funded due to a lack of means, the applicant shall provide an order signed by a Justice of the Peace, certifying that:
- a) such deceased *Person* has not left sufficient means to pay the prescribed fee; and
 - b) the cost of *Burial* is not covered by an Accident Compensation or Government entitlement or subsidy; and
 - c) the deceased *Person's* relatives and friends are unable or unwilling to pay the same.

Explanatory notes:

The term "poor person" is used in section 49 of the Burial and Cremation Act 1964. In this *Bylaw*, we've used more modern and respectful wording to describe the same situation.

15. Installation and maintenance of monuments

- 15.1 No *Monument* shall be erected in any *Cemetery* unless the *Exclusive Right of Burial* has been granted and all the prescribed fees relating to the *Burial* have been paid in full.
- 15.2 No *Monument* shall be erected in any *Cemetery* unless prior *Approval* from the *Council* of an application for installation has been received.
- 15.3 Any *Monument* shall comply with the requirements of the *Council*.
- 15.4 The installation or repairs of any *Monument* or concrete base shall be carried out by an *Approved* monumental mason and to the satisfaction of the *Council*.
- 15.5 All *Monuments* shall be installed to the New Zealand Standard for Headstones and Cemetery Monuments NZS 4242:2018 and kept in good order or repair by the purchaser of the *Plot* or their *Agent*.
- 15.6 The *Council* may carry out regular audits of *Monuments* to ensure their safety.
- 15.7 Any *Tablet* in any lawn *Cemetery* must consist of permanent material, be of an *Approved* size, and set in an appropriate position with all the inscriptions in relation to the *Persons* buried in each *Plot* to be on the one *Tablet*.
- 15.8 Subject to the provisions of the Burial and Cremation (Removal of Monuments and Tablets) Regulations 1967, the *Council* may remove any installation of any kind that shall fall into a state of disrepair. A photographic record shall be taken prior to removal and retained in *Cemetery* records.
- 15.9 No *Person* shall, without the prior *Approval* of the *Council*, remove any *Monument* from any *Cemetery* or *Grave*.

16. Maintenance of war graves

- 16.1 Official war graves maintained by Manatū Taonga New Zealand Ministry for Culture and Heritage must not be included in volunteer maintenance activities, such as working

bees. These graves are under the care of the Ministry and require specialist maintenance to prevent damage.

- 16.2 Only Returned Service Association approved poppies may be placed on official war graves. Ceramic poppies, or any items affixed using adhesives, are not permitted due to the risk of damage and staining to the headstones.

Explanatory notes:

Official war *Graves* are cared for by Manatū Taonga Ministry for Culture and Heritage and maintained to a specialist standard. While community efforts to care for *Cemeteries* are valued, experience has shown that well-meaning volunteer maintenance can sometimes result in damage to these *Graves*. Similarly, ceramic poppies or items fixed with adhesives can stain or deteriorate headstones. These clauses are intended to ensure war *Graves* are protected and preserved with the dignity and care they deserve.

17. Memorials, adornments and ornaments

- 17.1 ~~No adornments or Ornaments shall be constructed, erected or placed on any Grave or in any part of any Cemetery by any Person unless prior Approval from the Council is obtained.~~ Memorials, adornments and ornaments may be placed on the concrete berm, provided they are respectful, safe, and do not prevent maintenance of the cemetery.
- 17.2 Breakable jars, vases or receptacles shall not be used as flower containers.
- 17.3 ~~All vases and containers for flowers in Cemeteries shall be placed in such a manner as Approved by an Authorised Officer.~~
- 17.3 ~~No adornments or Ornaments shall be constructed, erected, or placed, on any Grave or in any part of any Cemetery by any Person without the consent of the Council being first obtained.~~ Council reserves the right to approve or decline the construction or installation of any large or permanent adornments, structures or features on graves or elsewhere in any part of any *Cemetery*.
- 17.4 ~~An Authorised Officer may remove unapproved receptacles, Ornaments or memorabilia from Graves at any time to facilitate the maintenance of the Cemetery or other Graves. An Authorised Officer may remove any item that poses a safety risk, interferes with maintenance, or otherwise affects the amenity of the Cemetery.~~
- 17.5 No *Person* shall, without the prior *Approval* of the *Council*, remove, or take from any *Cemetery* or *Grave*, any *Monument*, *Tablet*, vase, wreath, plant, flower or any other object, except where the *Council* may have cause to remove any neglected or broken material of this nature.
- 17.6 The holder of an *Exclusive Right of Burial* shall ensure that:
- memorials, adornments and *Ornaments* placed are well-maintained and secure; and
 - memorials, adornments and *Ornaments* do not inhibit regular maintenance of any *Cemetery*; and

- c) kerbs and enclosures are kept in good order.

Explanatory notes:

People are welcome to place memorials, adornments and *Ornaments* on the concrete berm as a way to honour loved ones. These rules are in place to help keep *Cemeteries* safe and well maintained for all visitors, without placing excessive restrictions or burdens on families.

18. Safety and work practices

- 18.1 All *Persons*, whether *Council* employees or staff of Funeral Directors, shall take all necessary steps to ensure that any *Cemetery* is a safe site at all times, and particularly during any funeral or *Burial*.
- 18.2 All necessary warning signs, protective barriers and other protective means shall be put in place prior to the commencement of any funeral or *Burial*.
- 18.3 No *Person* installing or repairing any *Cemetery* memorial or carrying out other work in any *Cemetery* shall use any *Footpaths* or other part of the *Cemetery* for placing or depositing any tools, planks or materials for a longer time than is reasonably necessary to complete the work.
- 18.4 Any *Person* installing or attending to a *Monument* or *Tablet*, or carrying out any other work in a *Cemetery*, must withdraw for the duration of a nearby funeral service. Such *Person* must also remove tools, planks and other materials which may obstruct access to an adjoining service for the duration of said service.
- 18.5 Any rubble and earth not required in the filling in of the *Grave*, or in connection with the levelling, shall immediately be removed either from the *Cemetery* or to a place within the *Cemetery* as *Approved* by an *Authorised Officer*.

19. Vegetation

- 19.1 No tree or shrub shall be planted in any part of any *Cemetery* by any *Person* unless prior *Approval* from the *Council* is obtained.
- 19.2 Trees or shrubs planted in any portion or any *Cemetery* may at any time be trimmed, cut down or removed at the discretion of the *Council*.
- 19.3 No *Person* is to disturb, damage, take or pick any cutting or flower from any tree, shrub, plant or other vegetation in any *Cemetery* unless prior *Approval* from the *Council* is obtained.

20. Vehicles

- 20.1 *Vehicles* may only access *Cemeteries* from:
- a) 7.00am to 8.30pm during the months of October to March (inclusive);
 - b) 8.00am to 5.00pm during the months of April to September (inclusive).
- 20.2 *Vehicles* may only be driven on access ways which are open to vehicular traffic, and parked only in designated *Parking* areas.

- 20.3 Every *Person* driving or in charge of any *Vehicle* in any *Cemetery* shall stop or move the *Vehicle* as directed by an *Authorised Officer*.
- 20.4 All *Vehicles* (other than hearses) shall yield unconditional right of way to any funeral procession.
- 20.5 Any *Person* driving a *Vehicle* in any *Cemetery* must obey all signs or notices concerning traffic movement and *Parking* displayed in that *Cemetery*.
- 20.6 No *Vehicle* is to be driven at a greater speed than indicated on any road within any *Cemetery* and in any other direction than indicated by traffic notices. In the absence of speed limit signs, no *Vehicle* may be driven at a speed greater than 20 kilometres per hour (km/hr) in any *Cemetery*. This clause does not apply to a *Vehicle* used at the time to save or protect life or health, or prevent injury or serious damage to property.
- 20.7 No *Person* may drive or park any *Vehicle* carelessly, negligently or dangerously in any *Cemetery* or without due consideration for *Persons* using the *Cemetery*.

Explanatory notes:

Reckless or dangerous driving within *Cemeteries* including that which results in damage to facilities, grounds, or infrastructure may lead to enforcement action. Offenders are liable for the costs of repairs and may face additional penalties under the relevant *Bylaws* and *Enactments*.

21. Behaviour and nuisance

- 21.1 No *Person* shall, in or near any part of any *Cemetery*, cause a *Nuisance* or annoyance to *Persons* who are lawfully in any *Cemetery*, or who are approaching a *Cemetery* for a lawful purpose.
- 21.2 No *Person* shall unlawfully or improperly interfere with, interrupt or delay the carrying out of any funeral service or ceremony within any *Cemetery*.
- 21.3 No *Person* shall take any photographs or moving images at a funeral without the consent of the Funeral Director or other *Person* responsible for the funeral.
- 21.4 No *Person* shall bring into or exhibit in any *Cemetery* any article that is a *Nuisance* or is offensive to any other *Person*.
- 21.5 No *Person* shall advertise or ~~solicit~~ seek any order from any other *Person* for any work in connection with a *Cemetery* or for the sale, preparation or supply of any article, material, or thing to be set up, affixed, placed or used in any *Cemetery*.

Explanatory notes:

Visitors to *Cemeteries* are reminded to observe respectful behaviour at all times. This includes acting in a manner that honours the dignity of the space, respects the memories of those laid to rest, and supports the comfort and privacy of others.

Explanatory notes:

Other *Council Bylaws* also apply to *Cemeteries*. As *Cemeteries* are *Public Places*, the *Community Safety Bylaw* is also in effect. Additionally, freedom camping in *Cemeteries* is prohibited under the *Council's* *Freedom Camping Bylaw*.

22. Animals (excluding dogs)

- 22.1 *Animals* will only be allowed in *Cemeteries* with the prior *Approval* of the *Council*.
- 22.2 A *Person* in control of an *Animal* in any *Cemetery* shall ensure that the *Animal* is kept under proper control, with consideration for all other *Persons*.
- 22.3 A *Person* in control of an *Animal* in any *Cemetery* shall ensure that the *Animal* is kept under proper control to ensure that no damage is caused to the *Cemetery*, any part ~~thereof~~ of it or to any object ~~thereon~~ within it.
- 22.4 A *Person* in control of an *Animal* in any *Cemetery* shall immediately remove any faeces deposited by that *Animal* and dispose ~~thereof~~ of accordingly in a sanitary manner.
- 22.5 No *Person* shall in a *Cemetery*, without the prior *Approval* of the *Council* tether or otherwise put or place any *Animal* for the purpose of grazing.
- 22.6 Every *Person* in control of any *Animal* in any *Cemetery* must ensure it is kept in a manner that the *Animal* does not create nor is likely to create a *Nuisance* to any *Person*.

Explanatory notes:

See the *Council's* *Dog Control Bylaw* for the rules around bringing dogs into *Cemeteries*.

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23. Fees and charges

- 23.1 The *Council* may from time to time determine and recover fees in accordance with sections 150 and 151 of the Local Government Act 2002.

24. Enforcement

- 24.1 Where there is a breach of this *Bylaw*, the *Council* may take any of the enforcement action provided for in the Local Government Act 2002 and any other *Enactment* under which the *Council* has powers in the event this *Bylaw* is breached.

25. Offences

- 25.1 Any *Person* who breaches this *Bylaw* commits an *Offence*.

Explanatory notes:

Bylaws can be enforced by *Council* staff or external agencies such as the New Zealand Police.

We investigate *Bylaw* breaches that we see or that are reported to us. Where appropriate, we use a range of compliance methods to respond to *Bylaw* breaches in accordance with our Enforcement Policy. These include:

- Advice and education
- Verbal and written warnings
- Seizure of property and remedial action
- Infringement notices (where this is provided for in legislation)
- Prosecution.

Explanatory notes:

The community may report a breach of this *Bylaw* to the *Council* for review and action.

- 25.2 Any *Person* who breaches this *Bylaw* must immediately, upon the request of an *Authorised Officer*:
- a) cease an activity; and
 - b) leave the *Cemetery* concerned; and
 - c) remove any sign, structure, stall, equipment, tables and chairs, object or other work from any *Cemetery*.
- 25.3 Every *Person* who obstructs or hinders any *Authorised Officer* in the exercise of their powers under this *Bylaw* shall be liable to prosecution for an *Offence* against this *Bylaw*.

26. Penalties

- 26.1 Every *Person* who fails to comply with this *Bylaw* commits an *Offence* and shall be subject to the penalty provisions outlined in the *Offences*, penalties, infringement and legal proceedings provisions of the Local Government Act 2002, the Burial and Cremation Act 1964, the Reserves Act 1977, and any other enabling *Enactments* and shall be subject to the penalties set out in section 242 of the Local Government Act 2002 and the enabling *Enactment*.

Explanatory notes:

The *Council* has the authority to enforce this *Bylaw* under applicable legislation. Breaching this *Bylaw* constitutes an *Offence* and may result in a summary conviction with a fine not exceeding \$20,000 as specified in the Local Government Act 2002.

27. Exemptions

- 27.1 The prohibitions and restrictions contained in this *Bylaw* do not apply to:
- a) any *Authorised Officer* when engaged in the performance of their regular duties;
 - b) any *Emergency Vehicle* at the time of being engaged in urgent official emergency business;
 - c) any *Vehicle* being used for an event or activity with an *Approved* traffic management plan where operation of the *Vehicle* is compliant with that traffic management plan;
 - d) any *Vehicle* carrying out, or involved in the delivery of a public work where:
 - i. no other practicable alternatives to the activity are available;
 - ii. the *Vehicle* is being used with due consideration to the other road users;
 - iii. the activity is one that the *Council*, at its discretion, considers is reasonably necessary for the purposes of the public work.

This *Bylaw* was made pursuant to a resolution passed by Matamata-Piako District Council on X, resolution number X.

28. Record of bylaw amendments

Activity	Date
Public Amenities Bylaw <i>review</i> commenced	3 July 2024
Public Amenities Bylaw renamed to Cemeteries Bylaw –reviewed and <i>Approved</i> by <i>Council</i>	June 2025 (TBC)
Next review required by	June 2035 (TBC)

Explanatory notes:

The *Council* has determined a Code of Practice for the following *Cemeteries*:

Te Aroha Cemetery

Piako Lawn Cemetery (Morrinsville)

Maukoro Cemetery (Tahuna)

Matamata Cemetery

Morrinsville Cemetery

Waharoa Cemetery (this Cemetery is closed)

Hours of Operation for all Cemeteries (for Burials)

Summer Period - October 1 to 31 March

10.00am to 4.00pm Monday to Friday

10.00am to 3.00pm Saturday

Rest of the Year – 1 April to 30 September

10.00am to 3.00pm Monday to Friday

10.00am to 3.00pm Saturday

Interments on Sundays and Statutory Holidays (excluding Anzac Day) are permitted between the hours of 10.00am and 1.00pm, providing the timing is negotiated and *Approved* by the *Authorised Officer*.

Interments on Anzac Day are permitted between 1.00pm and 3.00pm provided the timing is negotiated and *Approved* by the *Authorised Officer*.

Any hours requested outside of these times shall be at the discretion of the *Authorised Officer*.

The forms and procedures used for *Interments* are controlled under the *Council's* quality management system and when they are updated all previous issues of forms and procedures shall be destroyed.

Explanatory notes:

Application to Inter

An application to *Inter* in the form prescribed by the *Council* shall be filled out by the Funeral Director (preferably) and submitted to a Council office at least nine *Working hours* before the *Burial* is to take place. Where a funeral is to be held on a weekend or statutory holiday, notification shall be no later than 4.00pm, two *working days* prior.

Working hours for Council offices are defined as those hours between 8.00am to 4.30pm, Monday to Friday, exclusive of Public Holidays.

An *Authorised Officer* shall check all details, assign the *Plot* and confirm with the Funeral Director if any details need clarification.

Where the application is made by a Funeral Director, the Funeral Director shall be sent the account following normal sundry debtor procedures. Where a *Person* other than a Funeral Director makes an application, then payment shall be required at the time of the application.

Should an application be made on behalf of a ~~poor Person or in an instance of proven hardship, with a lack of means as per section 49 of the Burial and Cremation Act 1964,~~ then forms prescribed by the *Council* shall be completed and they shall form part of the application to *Inter* process.

Where information leads to the need to apply for deferment of fees after the *Interment* has been completed, the forms prescribed by the *Council* shall be completed no later than 20 *Working days* after committal.

Warrant to inter

A Warrant to *Inter* in the form prescribed by the *Council* shall be completed using the details provided on the form, including the correct identification of *Cemetery*, *Plot* details, time of arrival at *Cemetery* and any variations e.g. in casket size, in *Burial* details, and be provided to the *Authorised Officer*. The prescribed form shall be received by the *Authorised Officer* undertaking the works at least 8 *Working hours* prior to the time of Burial.

The original of the prescribed form shall be sent to the *Authorised Officer* through the calendar booking system. Part 2 of the original shall be signed off at the completion of the *Burial* and returned to the appropriate *Council* office. The *Authorised Officer* shall acknowledge receipt of the warrant and send an acceptance back to the appropriate *Council* office.

Explanatory notes:

Service and burial

The *Authorised Officer* shall arrange for the digging of the *Grave* and if required, the *Grave* shall be made secure (i.e. that a cover is in place) until the time of the *Burial*.

The *Authorised Officer* shall ensure that the *Grave* is prepared at least 2 hours before the *Burial* and that the site is tidy, the mats are out and all *Grave* digging standards, including such requirements as outlined under relevant health and safety legislation, are met. The *Authorised Officer* must provide photos to the *Council* to confirm that the *Grave* has been dug.

The Funeral Director shall be responsible for removal of the *Grave* cover, and the timely setting up and safe operation of the lowering gear. The lowering gear is not the responsibility of the *Authorised Officer*, the setting up and maintenance of this gear being the Funeral Director.

Should the Funeral Director require additional time for the setting up of the lowering gear, this shall be negotiated with the *Authorised Officer*.

The *Authorised Officer* shall be present whilst the funeral party are at the *Grave* site. The *Authorised Officer* shall, at the appropriate time, remove and store the mats and lowering gear and commence back filling the *Grave*. Back filling shall be undertaken in a safe manner observing relevant health and safety legislation and current standards.

Returned Service Association Funerals

Returned Service Association (RSA) requirements, such as flags etc. are to be provided for by the RSA in each area of the *District*. Any deviation from this arrangement must be clearly stated when submitting the application to Inter, using the prescribed form. This variation will then be noted on the Warrant to *Inter* form.