

**Full Council**

**25 June 2026**

**Report for Agenda Item | Rīpoata moto e Rāraki take [6]**

**Department: Assurance, Finance & Risk**

**Title | Taitara: GA260003 - New Class 4 Gambling Application for The Luggate Hotel - Seeking Territorial Authority Consent**

**Purpose of the Report | Te Take mō te Pūroko**

The purpose of this report is to determine an application submitted by Pub Charity Limited on 19 May 2026<sup>1</sup> which is seeking consent to operate up to nine (9) Class 4 electronic gaming machines within an existing tavern premises which holds a current alcohol on-licence.

The machines are to be operated by the tavern premises licensee “Sticks Dream Limited”, at the premises located at 60 Main Road, Luggate, known as “The Luggate Hotel”. No TAB Venue consent is sought as part of this application.

**Public Excluded | Ārai te Iwi Whānui**

It is recommended that where legal advice is required to assist the Council in its deliberations on this application made under Section 98 of the Gambling Act 2003, and in accordance with Section 100: Considering and determining application for territorial authority consent and the Council’s Gambling Policy, that the public is excluded. This recommendation is made in reliance on section 48(1)(a) of the Local Government Official Information and Meetings Act 1987 and the particular interest or interests protected by section 6 or section 7 of that Act which would be prejudiced by the holding of the whole or the relevant part of the proceedings of the meeting in public are as follows:

Section and Grounds	Reason for this recommendation
7(2)(g) to maintain legal professional privilege	<p>Legal privilege protects communications between a lawyer and a client which have been made for the purposes of giving and receiving legal advice. The discussion between Council and its lawyers have legal privilege in respect of any matters contained in in the report upon which the Council needs to obtain legal advice or that relate to legal proceedings</p> <p><i>Public Interest Statement</i> Withholding the contents of legal advice from the public enables the Council to obtain confidential legal advice about its position on legal issues</p>

<sup>1</sup> Application provided at Attachment A.

	without the risk of that advice being disclosed to another party and disadvantaging its position. Therefore, whilst there may be public interest in the discussion, this is outweighed by the importance of keeping the Council's position private.
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### Executive Summary | Whakarāpopototaka Matua

Under the Queenstown Lakes District Council "Class 4 Gambling and TAB Venue Policy 2024" (the Policy) <sup>2</sup> Council needs to consider whether a new Class 4 gambling venue (and TAB venues) can operate a maximum of nine (9) electronic gaming machines within the district. Applications must meet the criteria set out in the policy for Council to provide its consent. This consent will enable the applicant to apply for, and be granted, a venue licence and an operator's licence for gaming activity.

Territorial authority consent is required by the Department of Internal Affairs (DIA) before it can grant the appropriate licences to the applicant for their venue. Without territorial authority consent, the DIA will not grant the venue licence or the operator's licence, and no class 4 gaming is able to occur in the venue.

An application for territorial authority consent is required to be determined within 30 working days after the date of receipt of the application in accordance with section 100(3)(a) of the Gambling Act 2003. The application subject to this report was received on 19 May 2026, with 30 working days being 1 July 2026.

### Recommendation | Kā Tūtohuka

That the Council:

1. **Note** the contents of this report; and
2. **Decline** consent for the establishment and operation of nine (9) new electronic gaming machines to be located at the premises known as "The Luggate Hotel", located at 60 Main Road, Luggate in accordance with the QLDC Gambling Policy.

**Prepared by:**



**Name:** Sian Swinney  
**Title:** Manager, Alcohol  
Licensing  
4 June 2026

**Reviewed and Authorised by:**



**Name:** Katherine Harbrow  
**Title:** General Manager Assurance,  
Finance and Risk  
4 June 2026

<sup>2</sup> QLDC Class 4 Gambling and TAB Venue Policy 2024 provided at Attachment B.

## Context | Horopaki

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1. The applicant, Pub Charity Limited (the Applicant), is a registered New Zealand company which was incorporated on 14 September 2012<sup>3</sup>. A company incorporated under the Companies Act 1993 that has no capacity or power to make a profit and is incorporated and conducted solely for authorised purposes is considered a “corporate society” under section 4 of the Gambling Act 2003 (GA)<sup>4</sup>.
2. The Applicant has submitted an application for Local Authority Consent pursuant to section 99 of the Gambling Act 2003 to install nine (9) new electronic gaming machines (EGMs) at the premises known as “The Luggate Hotel”, located at 60 Main Road, Luggate.
3. Pursuant to section 98 of the Gambling Act 2003 (the GA), the applicant is requesting territorial authority consent for the installation of these EGMs, as outlined below:

### **98 When territorial authority consent required**

*A territorial authority consent is required in the following circumstances:*

- (a) if a corporate society proposes to increase the number of gaming machines that may be operated at a class 4 venue (whether by way of an application for, or amendment to, a class 4 venue licence, and whether or not in association with an application for ministerial discretion under section 95 or 96):*
  - (b) if a corporate society applies for a class 4 venue licence and a class 4 venue licence has not been held by any corporate society for the venue within the last 6 months:*
  - (c) if a corporate society proposes, in accordance with a relocation policy of the territorial authority, to change the venue to which a class 4 venue licence currently applies.*
4. This application is also pursuant to sections 99 and 100 of the GA, which sets out what an Applicants obligations are regarding lodgement for consent (s.99), and what a territorial authority must do i.e. grant consent or decline consent when the application is assessed against its policy (s.100 provided below); sections are provided below:

### **99 Application for territorial authority consent**

- (1) An application for a territorial authority consent must be made to the territorial authority for the district in which the class 4 venue is, or will be, located.*
- (2) The application must be accompanied by the information required by the territorial authority to enable it to consider the application properly.*

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<sup>3</sup> [Pub Charity Limited](#) – New Zealand Companies Office website.

<sup>4</sup> [Section 4 - Interpretation](#) – Gambling Act 2003

- (3) *An application for consent in accordance with a relocation policy may be made only with the agreement of the venue operator of the existing venue.*

**100 Considering and determining application for territorial authority consent**

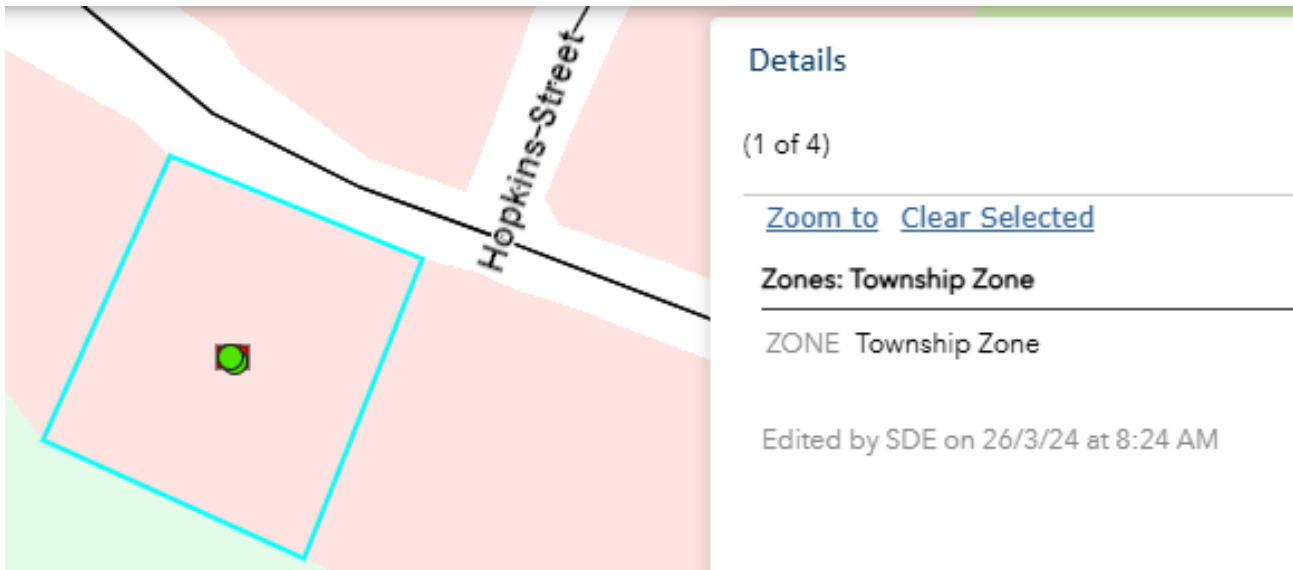
- (1) *A territorial authority must—*
- (a) *consider an application for a territorial authority consent in accordance with its gambling venue policy; and*
  - (b) *then either—*
    - (i) *grant a consent with or without a condition specifying the maximum number of gambling machines that may be operated at the venue; or*
    - (ii) *not grant a consent.*
- (2) *However, if a corporate society applies for a territorial authority consent for an amendment to a class 4 venue licence to allow an increase in the number of gaming machines that may be operated at a venue, a territorial authority—*
- (a) *must consider and determine the application in accordance with subsection (1); but*
  - (b) *may not include a condition specifying a maximum number of machines that may be operated at the venue that is fewer than the number of machines that may be operated currently at the venue.*
- (3) *The territorial authority must notify the applicant of its determination within 30 working days after the later of—*
- (a) *the date of receipt of the application; or*
  - (b) *the date that it adopts a class 4 venue policy.*
- (4) *A territorial authority must not consider an application for a territorial authority consent before it has a class 4 venue policy.*
- (5) *A territorial authority consent for a class 4 venue expires 6 months after its date of issue if no application for a class 4 venue licence in relation to the venue has been submitted.*

5. The Queenstown Lakes District Council (QLDC) implemented the Class 4 and TAB Gambling Venue Policy to regulate the growth and location of Class 4 (non-casino electronic gaming machines) and Totalisator Agency Board (TAB) gambling within the district. This was first adopted on 19 March 2004 in accordance with s.101 of the GA and is required under s.102(5) to be reviewed every three years, the next review of the policy will be in 2027. The policy was last reviewed with full revisions presented and approved by Council in October 2024 with the purpose of the policy at clause 1.2 to:

- Limit the opportunities for gambling in the community; and
  - Manage the impacts of gambling in the community
6. Additionally, QLDC’s principal objectives at 1.4 of the policy are to:
- Prevent and minimise harm to the community caused by gambling;
  - Control and manage the growth of gambling in the district;
  - Restrict the locations of gambling venues within the district;
  - Facilitate community involvement in decisions about the provision of gambling;
  - Ensure that money from gambling benefits the community;
  - Ensure QLDC and the community have an influence over the delivery and location of new gambling venues in the district.
7. Queenstown Lakes District Council has the jurisdiction to determine whether any new Class 4 and TAB venues may be established within the district.

**Queenstown Lakes District Class 4 Gambling and TAB Venue Policy 2024**

8. Under the policy, the current provisions permit the establishment of Class 4 gambling venues within the district subject to meeting the following criteria:
1. Meeting Application and Fee Requirements (at clause 7):
    - 1.1. A complete application was submitted, and the subsequent fee of \$500 was paid.
  2. Proposed new venues are not permitted in any residential area (at clause 4.1):
    - 2.1. The Luggate Hotel is in a “Township Zone” under the Operative District Plan (ODP), as shown below outlined in teal. This is a predominantly residential zone as set out at Section 7 of the ODP:



2.2. Under the Proposed District Plan (PDP), the premises is located within the Luggate “Settlement Zone” (green overlay) and a “Commercial Precinct” (red hatched area) as shown below, the subject site is outlined in black and white. This is a zone within the Urban Environment at Part 3 of the PDP where low-density residential activity is provided for throughout the Zone as well as other mixed uses such as Visitor Accommodation Sub-Zones and Commercial Precincts where activities such as limited commercial, commercial recreation and community activities, are encouraged to establish:



- 2.3. The key aspect for consideration of this proposal is whether the location for the proposed class 4 venue sits within a residential area for the purpose of the Gambling Policy.
- 2.4. Further, how the definitions and zoning rules, objectives, and policies under the ODP and PDP provide guidance for the location of a Class 4 Gambling Venue.
- 2.5. The proposal sits within a commercial precinct in the Settlement Zone under the PDP, and under the ODP Townships Zone where the underlying zone is for residential purpose
- 2.6. The QLDC Gambling Policy prohibits Class 4 venues in residential areas.
- 2.7. It is important that the Council has correct information to guide it in this decision because the Council must follow the Gambling Policy, but it is not open to it to create a prohibited area where none exists. If it is satisfied that the proposed activity will be in a residential area or “zone”, and the policy prohibits a class 4 venue in a residential area, then it must decline to issue the TA certificate.
- 2.8. The relevant issues are set out below:

#### **Definition of Residential Area**

- 2.8.1. Residential Area is defined in the QLDC Gambling Policy as:

*Residential area means any residential area/s described under the Operative District Plan and Proposed District Plan within the Queenstown Lakes District*

- 2.8.2. Neither the ODP nor the PDP defines “residential area”, but it is commonly understood to mean land where the use is predominantly for housing not industries or factories. The ODP and PDP reflect this as all residential areas are specifically and explicitly zoned.
- 2.8.3. The PDP at Part 3, sets out the Urban Environment at Chapters 7-20. This includes Settlement Zone at chapter 20.

#### **Operative District Plan (ODP)**

- 2.8.4. The ODP explicitly sets out “Residential Areas” at Sections 7 and 8 with Township Zone separately set out at Section 9. There is a distinction between the residential components of Residential Areas and Townships, but both are residential zones/areas for the purpose of the Policy.

**Proposed District Plan (PDP)**

2.8.5. In terms of the PDP Part 3 sets out a number of Residential Zones in the Urban Environment.

2.8.6. Settlement Zone is set out at Chapter 20. It does comprise of a range of uses and activities including limited commercial, commercial recreation and community activities as well as providing for “spatially well-defined areas of low-density residential living”, but amongst this, there is an explicit commercial precinct overlay for commercial activities. Residential activity may take place in a commercial precinct, and limited commercial activities may take place outside of the commercial precinct.

2.8.7. This proposed activity is within the commercial precinct. Chapter 20.2.3 sets out the objectives for commercial precincts in the Settlement Zone, and states:

*Objective – Commercial, community and visitor accommodation activities are predominantly provided for within precincts and sub-zones, are limited in scale, provide for local and visitor convenience, and support the local economy.*

2.8.8. The objective is supported by policies that are specific to commercial precincts at 20.2.3.1 to 20.2.3.13 of Chapter 20 of the PDP.

2.8.9. A diverse range of activities are anticipated in Commercial precincts, and these are generally anticipated to be activities that will support the local economy.

2.8.10. The existence of commercial activity within the Settlement Zone does not displace the residential component, nor the purpose of the Zone.

2.8.11. The QLDC gambling policy does not require the Council to decline a TA certificate for a new Class 4 venue in a Commercial Precinct – even where there is a residential activity within the precinct. However, it does require Council to decline where the proposed activity is in a residential area.

2.8.12. The prohibition is a mandatory one, and if Council is satisfied that the proposal will be in a residential area, then it can fully justify its decision to decline.

2.8.13. The Applicant has not provided its views on the matter despite Council’s request that it should do so.

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

- 3.1. The applicant has stated that there are no sensitive sites located within 50 meters of the proposed premises.
- 3.2. The image below in image one below shows the location of the property the premises is located within (outlined in teal blue with the orange visitor accommodation icon in the centre), the premises building is indicated within the red square, the light blue circle is the 50m radius from the location of the proposed gaming room, the proposed gaming room location indicated by the red flag, the green line indicates the approximate distance (~54ms) to the school bus shelter pickup and drop off from the location of the proposed gaming room within the building, the red line approximate distance (~73.2ms ) from the proposed gaming room to the boundary of the Luggate Community Hall site, the purple line indicates the approximate distance (~124ms) to the end of the flying fox in the children's playground, the orange circle near the end of the green line and at the edge of the radius circle indicates the location of the QLDC owned public toilets, the darker blue areas indicate land owned by QLDC:

**Image 1:**



- 3.3. In Image two below shows the location of the public toilets (in orange), the school bus shelter (in green on the right side of the image), and the location of the premises in teal on the left side of the image:

Image 2:



- 3.4. There are no schools, early childhood centres, kindergartens, pre-schools or places of worship located within 50m of the premises.
- 3.5. Within the Policy there is no definition for the term “community facilities”. Under the ODP “Community Facility” is defined as follows *“In relation to a community facility sub-zone means the use of land and/or buildings for Health Care services, Hospital activities, ambulance facilities, elderly person housing and carparking and residential accommodation ancillary to any of these activities.”*
- 3.6. Under the PDP “Community Facility” is not provided however “Community Activity” is defined as *“the use of land and buildings for the primary purpose of health, welfare, care, safety, education, culture and/or spiritual wellbeing. Excludes recreational activities. A community activity includes day care facilities, education activities, hospitals, doctors surgeries and other health professionals, churches, halls, libraries, community centres, police purposes, fire stations, courthouses, probation and detention centres, government and local government offices.”*
- 3.7. As shown at Image 1, the Luggate Hall is located more than 50ms from the premises, and aside from the public toilets, there are no other community facilities located within a 50m range of the proposed Class 4 Venue.
4. New venues are not to be located within 50 metres of an existing gambling venue so that the concentration of gambling venues in a particular location is limited (at clause 4.1):
- 4.1. There are no other venues within the Luggate township which house EGMs.
- 4.2. Across the Queenstown Lakes District, there are currently five licensed venues operating Class 4 gaming machines, they are:
- Frankton Arm Tavern, Queenstown (operating 17 machines);
  - The Ballarat, Queenstown (operating 9 machines);

- Wānaka Bullock Bar, Wānaka CBD, approximately 13.3kms away (operating 18 machines);
  - The Water Bar, Wānaka CBD, approximately 13.6km away (operating 9 machines); and
  - Woody's & Rove, Wānaka CBD, approximately 13.2kms away (operating 3 machines).
- 4.3. If consent is approved for the nine new machines for The Luggate Hotel, this will increase the total number of EGMs operating in the district from 56 to 65.
- 4.4. With the introduction of nine new machines to the Luggate community, this would be the first and only venue to operate them.
5. A venue that holds a tavern style on-licence issued under the Sale and Supply of Alcohol Act (at clause 4.2):
- 5.1. Under section 5(1) of the Sale and Supply of Alcohol Act 2012, the interpretation of a tavern is defined as follows:
- (a) means premises used or intended to be used in the course of business principally for providing alcohol and other refreshments to the public; but*
  - (b) does not include an airport bar*
- 5.2. The licensee of the proposed premises, Sticks Dream Limited, is currently operating the premises pursuant to a temporary authority due to purchasing the business from the previous owners, Luggate Hotel 2016 Limited. A temporary authority allows Sticks Dream Limited to operate under the Luggate Hotel 2016 Limited licences until such time as the new tavern on and off licences for Sticks Dream Limited are issued, this is intended to occur before 16 June 2026.
6. The cumulative effect of additional opportunities for gambling in the district (at clause 4.3):
- 6.1. The cumulative impact of additional gambling opportunities may contribute to a gradual increase in exposure and accessibility within the district. However, ongoing monitoring, regulatory controls and harm minimisation strategies will be put in place at the premises.
- 6.2. The current population of Luggate itself is around 699<sup>5</sup>, this would equate to one machine for every 78 people if nine new machines were approved for the premises.

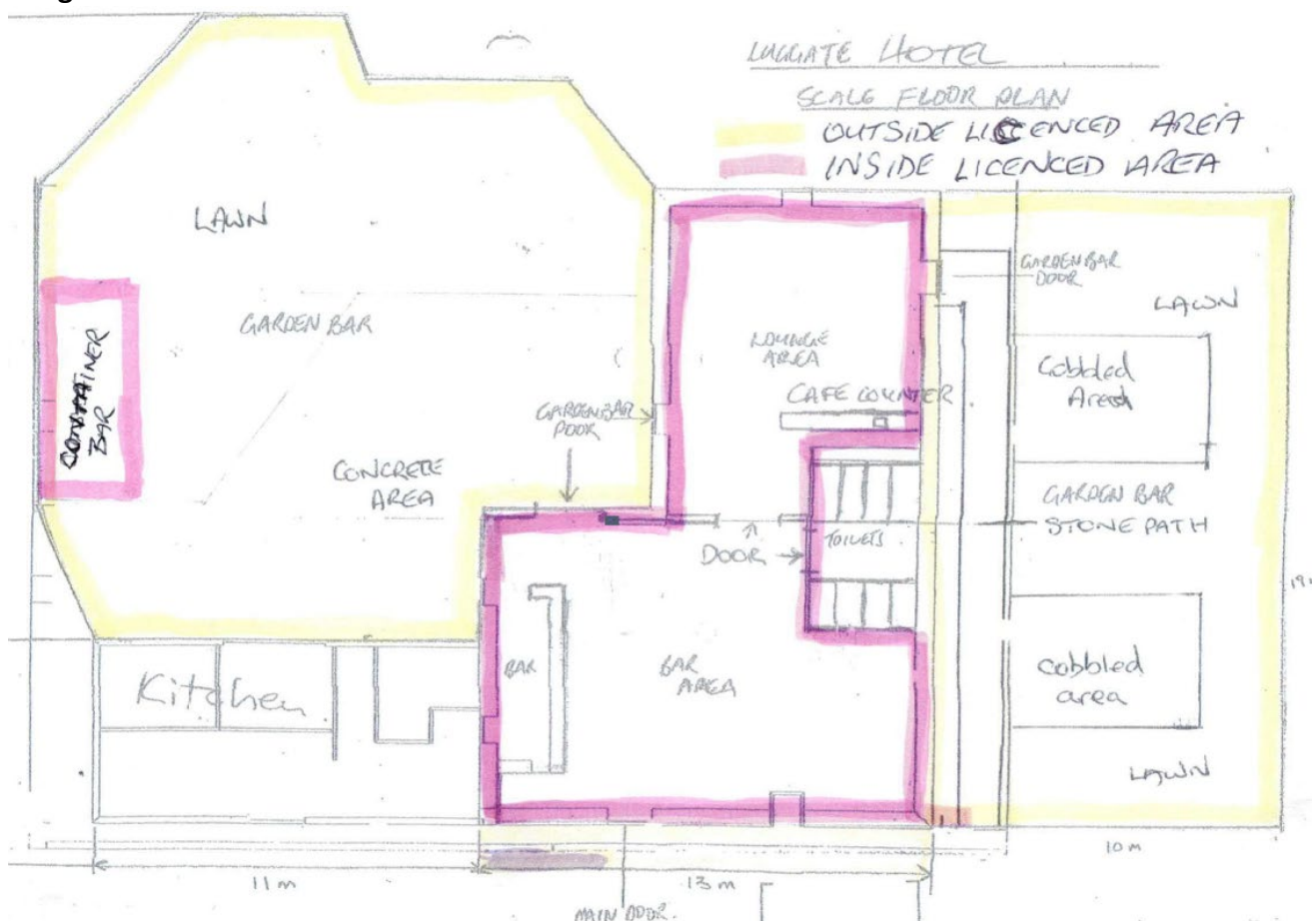
<sup>5</sup> [QLDC Population and Demand / Wanaka Ward / Luggate](#) – QLDC website.

7. The activity of the venue must not be associated with family or children’s activities (at clause 4.3):

7.1. The venue has previously operated under tavern style alcohol on and off-licences, the new operators of Sticks Dream Limited also intend to continue operating pursuant to tavern style on and off-licences. A licenced venue that serves alcohol to adults over the age of 18 is inconsistent with family or child friendly activities, so this criterion does not apply to this application. Regulation 4 in the regulations to the Act (**Gambling (Harm Prevention and Minimisation) Regulations 2004**) sets out what venues are unsuitable for Class 4 Venues. A licensed tavern is not an unsuitable venue.

7.2. The entire premises is designated as “supervised”<sup>6</sup> under the premises alcohol licences. Image 3 below indicated the entire area to be covered by the alcohol licence:

Image 3:

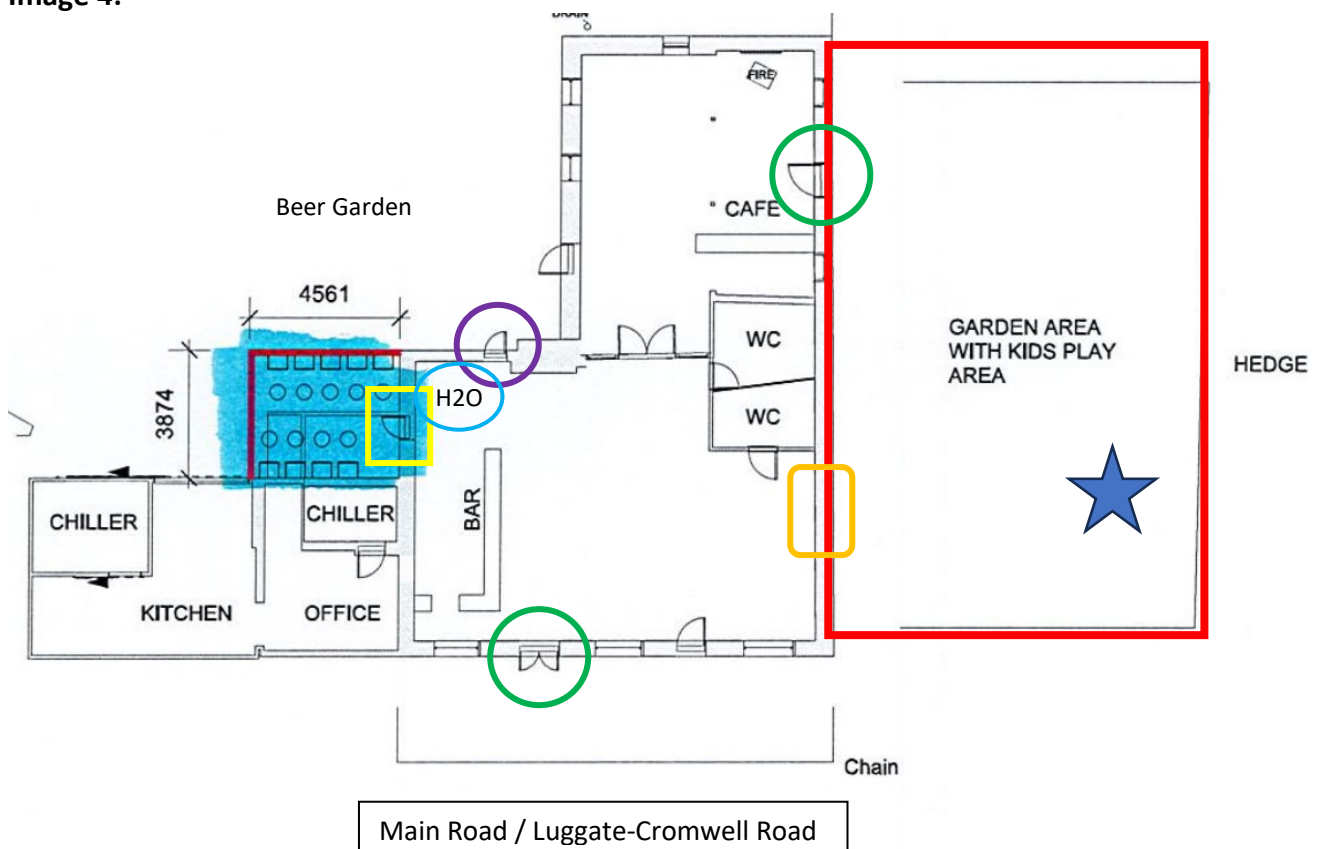


<sup>6</sup> supervised area —

- (a) means an area that is designated (under section 119 or a corresponding provision of a former licensing Act) as an area to which minors must not be admitted unless accompanied by a parent or guardian; and
- (b) in relation to any licensed premises or the licensee or a manager of any licensed premises, means an area of those premises that is designated (under this Act or a former licensing Act) as an area to which minors must not be admitted unless accompanied by a parent or guardian.

- 7.3. Also indicated on the Image 5 plan provided with the gambling application below, is the proposed location of the gambling room (in blue and outlined in red beside the bar). This room is currently used as storage space and would require renovations to be undertaken to alter the room to such a state that nine EGMs could be housed in there.
- 7.4. The plan also indicates the two main doors into the premises in green (from the Main Road and from the garden on the righthand side), the door to the beer garden (in purple), the doorway into the proposed gaming room in yellow, the location of the water station in blue (between the proposed gaming room and the beer garden door).
- 7.5. The area indicated in red on the right is the garden which houses a children’s playground (as can be seen in the photo bundle attached at images 9 to 12)<sup>7</sup>. The star indicates the location of the children’s swing set in the garden. A patio and table and chairs seating area is also located between the swings and the building, with a footpath leading from the front of the building, along the garden and to a door which leads into the café area at the rear of the bar.
- 7.6. A window overlooks the patio seating and swings. It is noted that in the plan provided at Image 4, the window between the fireplace and toilets has not been included in the plans like all other windows in the building have. The location of the window missed off the plans has been indicated in orange below:

**Image 4:**



<sup>7</sup> Photo bundle at Attachment C.

- 7.7. Below is a photo (Image 5) of the location of the swings, patio seating, entry door into the café, and the window (indicated in orange) which has been missed off the plan, other photos can be viewed in the attached photo bundle:

**Image 5:**



- 7.8. Image 6 below shows the location of the window from inside the premises, and the visibility of the swings:

**Image 6:**



8. Signage regarding gambling activity, such as the presence of gaming machines, prizes or jackpots gained from gaming machines must comply with relevant legislation, district plan guidelines and council bylaws (at clause 4.3):

- 8.1. At page 8 of the “Harm Prevention and Minimisation Policy 2024” document under the heading “Venue Resources and Physical Environment” it is outlined that

posters, signs and notices relating to the gambling machines will not be visible externally from the premises, nor will jackpot advertising.

8.2. Signage will be displayed in the gambling area relating to age restrictions, encouraging patrons to gamble only at levels they can afford, along with signage on problem gambling information and advice.

9. Maximum permitted electronic gambling machines (EGMs) (at clause 4.4):

9.1. The applicant has proposed the installation of on nine (9) new EGMs. This complies with the policy, which states that all new Class 4 gambling venues may operate a maximum of no more than nine (9) gaming machines.

**Application (at clause 6 of the policy)**

9. The application was received on 19 May 2026<sup>8</sup>. Additional documents also submitted include:

- Name and address details for the applicant society:
  - These have been provided at points 5 and 6 of the application form.
- Physical address of the proposed Class 4 venue:
  - This has been provided at point 2 of the application form.
- A copy of the current alcohol on-licence confirming the premises operates as a tavern:
  - A copy of the current on-licence temporary authority has been provided. An application for the substantive tavern on-licence for Sticks Dream Limited is before the DLC and will need to be issued before 16 June 2026 as this is when the current temporary authority expires.
  - If the substantive on-licence is not issued before 16 June 2026, this application is incomplete, and decision-making on the application should go no further.
  - Support for this approach comes from the High Court decision "*Dragon Community Trust Ltd v Secretary For Internal Affairs*"<sup>9</sup> In that case, the Court decided that while there is no explicit legislative provision making an alcohol on-licence a prerequisite for a class 4 gambling licence, in practice, the Secretary (of the DIA) may consider the absence of an alcohol licence as making the venue unsuitable for class 4 gambling when the venue's primary business is the sale of alcohol.
  - In that case, the Secretary refused to consider the application for a class 4 venue licence as complete until the venue obtained an alcohol on-licence, because the

<sup>8</sup> Ibid at 1 – attachment A.

<sup>9</sup> [Dragon Community Trust Ltd v Secretary for Internal Affairs \[2025\] NZHC 507 \(13 March 2025\)](#) – High Court decision, NZLII website.

venue was a tavern and its principal activity was the sale of alcohol. This approach is also reflected in the regulatory requirements that the primary activity of the venue must not be gambling, and the venue must be otherwise suitable for class 4 gambling venues.

- As this report is written prior to 16 June 2026, officers will update the Council on progress of the substantive licence at the meeting on 25 June 2026. If at that stage the licence has been issued, then the Council may consider the application before it without further issue.
  - A copy of the floor plan and proposed layout of the gaming room:
    - As outlined in this report from points 7.5 to 7.8 and as shown in images 5 to 7, a floor plan of the proposed layout of the gaming room has been provided with the application.
    - The room itself is proposed to be approximately 3.87 meters by 4.56 meters and house nine machines in total.
  - Gambling Host Responsibility Documentation:
    - A copy of the Gambling Host Responsibility – Guide for Venue Staff document has been provided with the application.
    - A copy of the “Harm Minimisation and Gaming Host Responsibility – A training programme to assist you in gaming room compliance” has been provided with the application.
    - A copy of the “Harm Prevention and Minimisation Policy 2024” has been provided with the application.
  - Landowner Consent:
    - The property is currently owned by R and R Investments Limited. For proof of landowner consent for the installation of EGMs within the building itself, the applicant provided a letter with the application signed by Rodney Bowler (a director and shareholder of R and R Investments Ltd) dated 14 May 2026.
10. Public consultation is not required with gambling applications due to the requirement at section 100(3) of the GA for territorial authorities to provide a response to the applicant within 30 working days of receiving an application, in this case a response is required to be provided to the applicant by 1 July 2026.
11. Police approval is not required as a part of this application process. However, background checks are conducted during the alcohol licence assessment process for each director of Sticks Dream Limited and their appointed duty managers. No objections were received from the reporting agencies during the most recent renewal on-licence application for the premises.

### **Additional Information Relating to The Luggate Hotel Premises Operators**

12. The Luggate Hotel premises licensee, Sticks Dream Limited, has two directors and one shareholder, Russell Lilley.
13. Mr Lilley is also a director and shareholder of a number of other licensed premises including the Dunsandel Bar and Café, The Rolly Inn in Rolleston, this is their first licensed premises in the Queenstown Lakes District.
14. The current licensed hours for The Luggate Hotel premises are 8.00am to 2.30am following day, Monday to Sunday. The current advertised hours are 12.00am to 9.00pm, Sunday to Wednesday; 12.00pm to 10.00pm Thursday; 12.00pm to 12.00am Friday; 12.00pm to 11.00pm Saturday.
15. The gambling room will be monitored in line with the Applicants Harm Minimisation Policy for the venue. The gaming area will be under supervision, and trained staff will conduct gambling area sweeps at least three times per hour, and at least 10 minutes apart (including checking for underage and excluded gamblers).
16. Staff will be provided gambling harm minimisation and problem gambling awareness training as required under Regulation 13 of the Gambling (Harm Prevention and Minimisation) Regulations 2004.<sup>10</sup>
17. All staff who supervise gambling must complete the full training before commencing any Class 4 gaming duties, and relevant personnel must receive training at least annually; at least one trained person must be on site whenever Class 4 gambling is available.
18. Security will not be employed at the proposed venue for the purpose of operating a gambling room. Staff will be trained to manage adverse situations and customer disputes.
19. Minors will be prevented from entering the gaming room with staff management and monitoring of the room. Staff will ask for age verification as required.
20. There are no ATMs located within the proposed venue.

### **Territorial Authority Consideration and Determination Obligations**

21. As outlined at paragraph 10, section 100(3) of the GA requires the territory authority to issue a decision to the applicant within 30 working days after receiving the application. As this application was received on 19 May 2026, the deadline for issuing a decision to the applicant is 1 July 2026.
22. Ordinarily an application of this nature can be presented to the Community and Environment Committee for their consideration as they hold delegation and is provided for in the policy (clause 8), or it can be presented to Full Council. The next meeting for the Community and Environment Committee will be 21 July 2026. As outlined above, territorial authorities have

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<sup>10</sup> [Regulation 13 Gambling \(Harm Prevention and Minimisation\) Regulations 2004](#) – NZ Legislation website.

legislated timeframes within which they must provide their decision to the applicant under the GA. For council to adhere to its statutory obligations, this application is being presented to full council for consideration to ensure a response is provided to the applicant ahead of 1 July 2026.

23. Regulations around what premises are unsuitable to have a gambling room are provided at Regulation 4 under the Gambling (Harm Prevention and Minimisation) Regulations 2004<sup>11</sup>.
24. Gambling rooms must not be visible from outside the venue. On 1 December 2023 Regulation 5A was inserted by the 2023 Amendment Regulations<sup>12</sup> and provides the following:

**5A Gaming machines must not be visible from outside certain class 4 venues**

(1) *This regulation applies to the venue operator of a class 4 venue operating under a class 4 venue licence that has a condition set under section 70(2)(h) of the Act that specifies the area permitted for class 4 gambling.*

- *The venue operator must ensure that gaming machines in the area permitted for class 4 gambling are not visible from outside the venue (except intermittently when an external door is in use).*

25. Regulation 5A is monitored and enforced by the DIA.

**Analysis and Advice | Tatāritaka me kā Tohutohu**

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26. This report identifies and assesses the following reasonably practicable options for assessing the matter as required by section 77 of the Local Government Act 2002. Additionally, the territorial authority must consider and determine an application for consent in accordance with the current policy, and then either grant consent, or not grant consent as outlined in sections 100(1) of the GA.

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<sup>11</sup> [Regulation 4 Unsuitable class 4 venues](#) - The following venues are declared unsuitable to be a class 4 venue:

- a dairy, supermarket, or other similar venue:
- a fast-food outlet or other similar venue:
- an office:
- a private residence:
- a sports stadium:
- a circus, fair, amusement parlour, arcade or park, theme park, or other similar venue:
- a tent or marquee:
- a vehicle, vessel, aircraft, trailer, or other conveyance:
- a footpath (whether or not undercover):
- a concourse area (whether or not enclosed):
- an Internet café or cyber-café, or any other venue at which the primary activity is electronic media (including games):
- a library, art gallery, museum, theatre, cinema, or other similar venue:
- a place of worship.

<sup>12</sup> [Gambling \(Harm Prevention and Minimisation\) Regulations 2004](#) – NZ Legislation website

27. **Option 1:** Provide consent for the applicant to establish and operate nine (9) electronic gaming machines.

*Advantages:*

- The venue may generate increased revenue, employment opportunities, and continued funding and grants. These are distributed back to the community through Pub Charity Limited.
- Granting the application would ensure that gambling will take place in a licensed and controlled setting, in a suitable venue, and where harm minimisation can be enforced and monitored by premises staff.
- Although a public toilet facility is marginally within 50 meters of the proposed class 4 venue, it is arguable that the toilet is a community facility as defined by the ODP/PDP. Even if the Council decide that it is a community facility, the Policy itself does not require the Council to decline on this basis, it is simply a matter for the council to consider along with the effects of the venue on the toilet including frequency and scale of use. The proximity of the toilet to the premises should not a determinative factor here.

*Disadvantages:*

- Any additional gaming machines have the potential to contribute to increased gambling related harm within the community.
- Gaming machines in a licensed venue has the potential to contribute to the normalisation of gambling, potentially influencing young adults or first-time gamblers.
- A children's playground is located within the perimeter of the Tavern, and this activity is not consistent with gambling.
- The proposed venue would be located in a residential area, as defined by the Policy, and this is contrary to the Policy which prohibits class 4 gambling venues in residential areas.

28. **Option 2:** Decline to grant consent for the application for nine (9) new gaming machines.

*Advantages:*

- Supports harm minimisation objectives by limiting access to gambling facilities.
- Would not be contrary to the objectives of the Policy because declining the application diminishes impact of gambling on the social and financial wellbeing of individuals and families, reducing the risk of gambling related harm. Queenstown District is not a high-risk region for gambling related harm, so declining the application would ensure this continues.

- The proposed venue would be located in a residential area, as defined by the Policy, and this is contrary to the Policy which prohibits class 4 gambling venues in residential areas.

*Disadvantages:*

- If the application is declined, there may be less funding available to support these initiatives and given that the application is consistent with the Policy and relevant legislative requirements, there is no policy reason to decline the application.
  - The venue would generate increased revenue, employment opportunities, and continued funding and grants and these are distributed back to the community through Pub Charity Limited. Declining the application would remove these opportunities.
  - Granting the application ensures that gambling will take place in a licensed and controlled setting, in a suitable venue, and where harm minimisation can be enforced and monitored by premises staff.
29. This report recommends **Option 2**. The application complies with the criteria under the Policy except for its proposed location.

**Next steps**

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

**Consultation Process | Hātepe Matapaki**

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**Significance and Engagement | Te Whakamahi I kā Whakaaro Hiraka**

31. This matter is of low significance, as determined by reference to the Council's Significance and Engagement Policy 2024 because:
- the matter has a minimal impact on the community, although parts of the community will have interest in this issue;
  - the proposal will not change the level of services provided by Council, or Council's capacity;
  - there are no financial consequences with either option.
32. The Council is not required to undertake public consultation on these types of applications as set out in the policy.

**Māori Consultation | Iwi Rūnaka**

33. The Council has not consulted with iwi and runaka regarding the lodgement of this application. However, iwi and runaka were consulted during the 2024 review of the current Class 4 Gambling and TAB Venue Policy.

### Risk and Mitigations | Kā Raru Tūpono me kā Whakamaurutaka

34. This matter relates to the Community & Wellbeing risk category. It is associated with RISK10003 Economic impacts and prosperity within the QLDC Risk Register. This risk has been assessed as having a high residual risk rating.
35. The approval of the recommended option will allow Council to retain the risk at its current level. This will be achieved by This will be achieved due to there being no significant changes to the effects of the community.

### Financial Implications | Kā Riteka ā-Pūtea

36. If territorial authority consent is provided, there are no financial implications for Council.

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

37. The following Council policies, strategies and bylaws were considered:
- The principles of healthy and fulfilled people and a good standard of living in the Strategic Framework including the Vision Beyond 2050: Our Strategic Framework | Queenstown Lakes District Council. Problem gambling can adversely impact health and fulfilment, but the premises also provides employment that can contribute to a good standard of living.
  - The Class 4 Gambling and TAB Venue Policy 2024 which has the purpose of limiting the opportunities for gambling and managing the impacts of gambling in the community.
38. The recommended option is consistent with the principles set out in the named policy above.
39. This matter [is/is not] included in the Long-Term Plan/Annual Plan as the implementation of electronic gaming machines and TAB venues is undertaken at the cost of the premises licensee and Applicant.

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

40. The Gambling Act 2003 sets out the process for Council to consider and determine this matter.

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

41. Section 10 of the Local Government Act 2002 states the purpose of local government is (a) to enable democratic local decision-making and action by, and on behalf of, communities; and (b) to promote the social, economic, environmental, and cultural well-being of communities in the present and for the future. This application aligns with local government's purpose by enabling community input and promoting a balance between economic opportunities and protecting the well-being of the community, ensuring decisions reflect current and future community interests.

42. The recommended option:

- Can be implemented through current funding under the Long Term Plan and Annual Plan;
- consistent with the Council's plans and policies; and
- Would not significantly alter the intended level of service provision for any significant activity undertaken by or on behalf of the Council or transfer the ownership or control of a strategic asset to or from the Council.

**Attachments | Kā Tāpirihaka**

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A	New Class 4 Gambling Venue Application for The Luggate Hotel (circulated separately)
B	QLDC Class 4 Gambling and TAB Venue Policy 2024
C	Photo Bundle of the Proposed Gaming Area