

IN THE MATTER

of the Sale and Supply of
Alcohol Act 2012

AND

IN THE MATTER

of an application by **THE
GREAT GLENORCHY
ALPINE BASE CAMP
LIMITED** pursuant to s.99 and
s.100 of the Act for an
application for a new on-
licence located at 49 Oban
Street & 38 Coll Street,
Glenorchy to be known as 'The
Great Glenorchy Alpine Base
Camp'.

BEFORE THE QUEENSTOWN LAKES DISTRICT LICENSING COMMITTEE

Chairman: Mr L A Cocks
Members: Mr J M Mann
Mr B Pay

HEARING at QUEENSTOWN on 5 July 2022

APPEARANCES

Ms T J Surrey – Lawyer for the applicant
Mr D D Rikard-Bell and Mr A R Howson – representing The Great Glenorchy Alpine
Base Camp Limited – applicant
Mrs S A Bekhuis-Pay – Health New Zealand – to assist
Miss S Dinneen – Queenstown Lakes Licensing Inspector – to assist
Dr E Gordon – Lawyer for public objectors
Ms N A Anderson – Public objector
Ms H M Clark – Public objector

RESERVED DECISION OF THE COMMITTEE

Introduction.

1. This is an application by The Great Glenorchy Alpine Base Camp Limited (the company), for a new on-licence in respect of premises situated at 49 Oban Street and 38 Coll Street, Glenorchy to be known as "The Great Glenorchy Alpine Base Camp". The application was filed on the 28th February 2022 and was considered in accordance with s.99 and s.100 of the Sale and Supply of Alcohol Act 2012 (the Act). The Applicant is a private company and Mr Rikard-Bell is the sole director. The shareholding is held by 1st Class Baggage Limited.

2. The general nature of the business is the sale of accommodation and overnight adventure packages. These range from seven night camping and hiking trips involving helicopter access to remote locations to self-guided hikes on the local Routeburn Track and range in price from \$2,900 to \$1,230 per person.
3. The premises is within a Visitor Accommodation sub-zone within the Settlement Zone in the QLDC Proposed District Plan. It was constructed in accordance with a non-notified resource consent (RM190848) granted on 12th November 2019. Pursuant to the provisions of the Settlement Zone, the sale and supply of alcohol to persons present on the site for the purposes of dining and/or staying on site is a permitted activity, for which no resource consent is required.
4. The applicant intends to operate the premises pursuant to a hotel style licence. Accommodation is available in the form of 14 huts and can accommodate up to 52 people and the restaurant has capacity for 30 people to be seated. The applicant will operate a small restaurant from the main building from where the sale of a limited range of alcohol will be on offer. There is also an outdoor courtyard area adjacent to the restaurant with an open fire and barbecue, and another two barbecue areas nestled among the huts towards the rear of the premises.
5. The District Licensing Committee (DLC) visited the premises and the objector's locations on the 17th June 2022.

The Applicant.

6. Ms Surrey introduced the application and both Mr Rikard-Bell and Mr Howson gave evidence based on prepared briefs which had been provided as requested in the Notice of Hearing.
7. The Applicant intends to sell only two varieties of wine and one type of beer, plus a light beer, all sourced from local suppliers. There will be no sales of spirits or other types of alcoholic beverages, but there will a range of non-alcoholic drinks available along with tea and coffee.
8. The trading hours sought are Monday to Sunday 12 noon to 10.00pm and the reception area is proposed as the supervised designated area.
9. Ms Surrey explained that the premises is correctly classified as a 'Hotel' as the Act does not distinguish between different types of visitor accommodation. Hotel is defined at s.2 of the Act as:

Means premises used or intended to be used in the course of business principally for providing to the public –

- a. *lodging; and*
- b. *alcohol, meals, and refreshments for consumption on the premises*

10. The Applicant acknowledged the differing objects of the Sale and Supply of Alcohol Act 2012 and Resource Management Act (RMA) 1991, and planning matters form an important 'baseline' when considering amenity issues in

particular. As such, the Applicant opposes the imposition of specific conditions in the licence in respect of noise and light as these matters are already controlled by rules in the District Plan and imposes a quieter operating regime in the evenings as follows:

- a. Noise.
 - i. Daytime: 8am to 8pm 50dBa
 - ii. Night time: 8pm to 8am. 40dBa
- b. Glare.
 - i. All exterior lighting is to be directed downwards and away from adjacent sites.
 - ii. There shall be no greater than a 3.0 lux spill (horizontal and vertical) of light onto other site.

11. The Applicant further acknowledged the Objectors had no rights of participation in the RMA process as the resource consent was issue non-notified as a controlled activity, but considered the following matters relevant:

- a. The premises, and those adjacent to it, and opposite on Oban Street, are located in a visitor accommodation subzone, where visitor accommodation activities are enabled.
- b. Guests may bring their own alcohol onto the premises without there needing to be an on-licence of any kind.

12. Mr Rickard-Bell advised he is an entrepreneur with a career focused on hospitality and property developments. He previously owned the Kirketon Hotel in Sydney, and Shed 5 and York Street Mechanics in Auckland. All these premises had liquor licences and he was involved daily in the management and operation of the premises, and although Mr Rickard-Bell has not held a managers certificate, he has made application for one.

13. Mr Rickard-Bell explained the target market is domestic and international travellers wishing to experience the World Heritage, area for which he is an approved commissionaire, and outdoor activities including mountain climbing, heli-skiing and tramping. The focus will be on families and small groups, but will also cater for independent travellers seeking to do day walks and excursions in the area.

14. The on-licence is being sought for the entire premises to provide both flexibility and control. It would enable guests to take a glass of wine or beer with their meal back to their hut, or to one of the barbecue areas. Mr Rickard-Bell considered it would also provide them a greater degree of control and responsibility for enforcing the Sale and Supply of Alcohol Act, both in respect to sale of alcohol, but also over guests who may choose to bring their own alcohol.

15. As to the management of the premises, Mr Rickard-Bell confirmed that Mr Andrew Howson will be responsible for the day to day operation and the intention is to employ three certified managers. The premises will operate on a 'lights out' rule from 10.00pm and house rules will be put in place that do not allow socialising or noise in the communal area after 10.00pm. Both Mr Rickard-Bell and Mr Howson live within a few minutes of the premises and will be on call by telephone for any issues.

16. Mr Rickard-Bell described how he considered the potential impact on neighbouring properties when designing the premises, to the extent he changed the layout when he saw the plans for the neighbouring house which belongs to Ms Nicola Anderson (objector). The layout was rotated so the main hub building faced Oban Street rather than Ms Anderson's property. The hut doors do not open towards neighbouring properties and all communal areas are centralised and surrounded by built form. The boundary has a wooden fence and significant planting has been done to eventually provide a further barrier.
17. Mr Rickard-Bell invited all objectors to an on-site meeting on 4 May 2022. Two of the objectors attended and were shown around the site and the huts.
18. Mr Howson told us he took up the role of General Manager of The Great Glenorchy Alpine Base Camp Limited in January 2021, responsible for all the operations of the business. He described this appointment a career highlight, having previously worked in a restaurant in Canada, and owning and operating various businesses in New Zealand.
19. Mr Howson explained the rooms can be configured in different ways depending on customer preferences, but there will be no shared accommodation where people share with those who are not known to them. Guests can bring their own food and prepare it on the barbecues or in their huts, and cook barbecue packages will be available for purchase.
20. On arrival guests will be given a thorough briefing on how the premises operate and House Rules set out in a hut rule book will be provided. Mr Howson provided us with a draft copy of the rule book.
21. The meals offered throughout the day were described by Mr Howson as hearty meals with five options, but it will not be an a-la-carte style dining. Fruit and muesli along with tea and coffee will be available in the morning. The wine and beer will be available for purchase by the guests staying on the premises or dining on the premises.
22. Mr Howson confirmed there will not be staff on site overnight, with any issues arising after hours being dealt by on call managers. Neighbours will be provided the after-hour phone numbers. The dining, restaurant and courtyard areas will be shut down at 10.00pm and the last staff member to leave will conduct a final walk around the entire site to ensure the 'lights out' rule is being observed.
23. Mr Howson indicated he is fully aware of the certified manager requirements and the training needed to be undertaken by managers. He has undertaken the training but yet to apply for a managers certificate.
24. The Applicant offered a number of conditions towards the close of the hearing as follows:
 - a. Trading hours sought for the on-licence Monday to Sunday - 12.00pm to 9.30pm.

- b. Only two types of wine will be offered for sale and will only be sold by the glass.
- c. One type of beer with alcohol by volume under 6%, and one type of light beer will be offered for sale, by the can.
- d. Signs will be placed in the outside gathering areas reminding guests to be considerate of neighbours.
- e. Outside fires will be extinguished by 10pm.
- f. Disposal or recycling of rubbish must not take place between the hours of 8.00pm and 7.00am.
- g. Deliveries by van or truck will not take place between the hours of 8.00pm and 8.00am.

25. The Applicant considered the additional conditions proposed by the Objectors at the hearing and in closing submissions, but has not accepted them. Reasons for non-acceptance are provided below with the Objectors proposals. The proposal by the Objectors for a Noise Management Plan (NMP) was not accepted by the Applicant as the provisions of the District Plan are considered sufficient to manage noise. Event Management Plans (EMPs) were also discussed at the hearing and accepted as a possible requirement as part of any application for a special licence.

26. The Applicant submitted that complying with the agreed conditions and District Plan rules will resolve a number of the concerns raised through the application and hearing process, and therefore meets the criteria for issue of an on-licence under s.105 and s.106 of the Act. Further, as a new licence is only issued for one year for what is commonly known as the 'probationary period', any concerns can be considered on renewal.

The Medical Officer of Health.

27. Ms Stephanie Bekhuis-Pay appeared to assist on behalf Health New Zealand, but did not oppose the application.

28. In response to a question on costs, Mr Rickard-Bell advised Ms Bekhuis-Pay the cost per night for one person would start at \$90 and for a couple \$260.

The Police

29. The Police did not oppose the application and did not appear at this hearing.

The Licensing Inspector.

30. We are indebted to Ms Dinneen for her comprehensive and helpful report which was not unfavourable.

31. Ms Dinneen confirmed that one of the applicant's staff, Ms Kelly Newland, has a Duty Managers Certificate and Mr Rickard-Bell has applied for a certificate (MC8800) which is being processed in conjunction with this application. The

premises complies with section 100(d)(i) of the Act in that it maintains an evacuation scheme as required by section 76 of the Fire and Emergency New Zealand Act 2017, and the landowner (Blackthorn Lodge Limited) has no objection to an alcohol licence. Ms Dineen also confirmed the proposed activity complied with existing resource consents, but a Code Compliance Certificate has not yet been issued.

32. Ms Dinneen agreed that other than the reception desk being designated 'supervised' to comply with s.119 of the Act, the remainder of the premises be 'undesigned'.
33. With regard to amenity and good order, Ms Dinneen reported there are three other licensed premises located in Glenorchy with a total of five licences. These premises are located within 420 metres, as is the Glenorchy Primary School and Glenorchy Church. Due to the type of activity proposed at this business, Ms Dinneen did not expect any vandalism and nuisance to occur.
34. Public notification of the application was completed correctly and six public objections from residents of nearby properties were received. Ms Dinneen provided details of the objector's locations in proximity to the applicant's site and a summary of the objector's concerns as follows:
 - a. Noise effects on the locality. The sale of alcohol will encourage guests to be loud causing further noise disruptions to surrounding neighbours and noise disturbance at night, even beyond 10.00pm. Noise disturbance due to the outdoor fires and BBQ areas.
 - b. Noise Control Officers don't appear to attend to Glenorchy noise complaints.
 - c. Concerns the licensee will change the business model of premises to a backpacker style operation to encourage more turnover in overnight guests. The premises appears to be more of a backpacker style premises with huts and a restaurant rather than a "hotel".
 - d. Proximity to the primary school. Passing children will see people consuming alcohol.
 - e. Disruption to peace and quiet of area due to day time sale of alcohol and day guests. An alcohol licence will attract more guests to a busy site.
 - f. Premises does not have natural land features to mitigate noise eg. plants and shrubs.
 - g. Activity of resource consent changed from staff accommodation to visitor accommodation without the knowledge of local residents.
 - h. Insufficient parking onsite will lead to parking on streets.
 - i. Glenorchy already has six alcohol licences, no need for another when existing premises are already struggling from the effects of Covid. Glenorchy is small and does not warrant another alcohol licence, creating more alcohol exposure to minors.
 - j. Glenorchy attracts groups that celebrate occasions. Such groups are noisy and disturbing to locals.
 - k. The availability of food.
 - l. Insufficient managers and processes to monitor the consumption of alcohol.

35. Further written comments from objector's were as follows:

"We request that the committee carefully considers the predominantly quiet residential environment and the needs of the people living in it. If a license is to be granted, we request that service is limited to customers who are staying onsite overnight and who are ordering liquor with a meal before 9pm."

"In summary, the issue of an alcohol licence for this site, initially applied for as staff accommodation will exacerbate any issues of having high numbers of people on site (right beside a residential zone) by adding ALCOHOL to the mix."

"We believe the allowance of alcohol consumption at all hours will be detrimental to our mental health & well-being & we strongly oppose this liquor licence application."

"Any ability to supply liquor should be to house guests only and be available no later than 10 pm at night."...."restricting the sale of alcohol to those staying in house and up to 10 pm will reduce the pressure on surrounding residential properties for street parking."

36. Ms Dinneen advised she carried out an inspection of the premises on 25th March 2022 and spoke with Mr Rickard-Bell and she had no issues or concerns at that time.

Objectors

37. Two of the six objectors appeared at the hearing. Dr Liz Gordon appeared as counsel for these two objectors, Ms Nicola Anderson and Ms Helen Clark. Dr Gordon indicated that Ms Anderson and her husband own the property at 42 Coll Street and 51 Oban Street which shares two boundaries with the applicant's site. Ms Clark and her husband own the property at 42 Invincible Drive which is adjacent to the applicant's premises. Dr Gordon summarised the objector's concerns and proposed a number of conditions to be applied if the licence was to be granted.

38. Dr Gordon addressed the overall legal approach and highlighted case law to support her advice that there is no presumption that an application for a licence will be granted and changes implemented in the 2012 Act were intended to create a robust regime making it harder to get and easier to lose licences. Dr Gordon acknowledged there is no onus of proof on the applicant but the applicant needs to provide evidence to address the opposition.

39. Dr Gordon reminded us, we must have regard to all the criteria in s.105 of the Act but this is not an exhaustive list, and an appropriate evaluation of evidence and information provided is necessary, along with relevant case law to which we were referred.

40. Dr Gordon emphasised the Sale and Supply of Alcohol Act 2012 and Resource Management Act (RMA) 1991 are separate statutory regimes and any matter should not be ruled out of the alcohol licensing process because it considered to be under the purview of the RMA, and provided *Paihia Saltwater (2001) Limited NZLLA PH 391/2001 the Authority said:*

"Noise is not just a resource management issue. The escape of noise (particularly music) is an example of bad management. The Authority takes the view that if no attempt is made to prevent the escape of, or reduce noise,

then it is the Authority's duty to monitor the hours of opening, if not the existence of the licence."

41. Dr Gordon submitted that the following matters were of particular interest to the objectors:

- a. Suitability of the Applicant. Dr Gordon questioned suitability based on no building certificate, no clear plan, lack of experience, site creating control problems for an alcohol licence, corporate structure, and lack of commitment to objectors such as sharing plans.
- b. Days and Hours. The lack of clarity in the application as to the hours was raised as a concern by Dr Gordon, and although now clear, objectors still had concerns regarding relationship between restaurant hours and alcohol sales, the possibility alcohol would be sold when restaurant closed and ensuring food available when alcohol is being sold.
- c. Amenity and Good Order. Noise from guests, especially in the outdoor areas by the fire pits and BBQs, and lighting from the premises, are the main concerns highlighted by Dr Gordon that objectors argue will reduce the amenity and good order more than a minor extent.
- d. Systems and Staff Training. Dr Gordon outlined the objector's concerns as to the operation of the restaurant, how and where alcohol will be sold and managed safely including BYO alcohol, patrols of the premises, staff training, and security arrangements.
- e. No Opposition from the Agencies. Dr Gordon highlighted that although there was no opposition from the agencies, conditions can still be imposed. Dr Gordon expressed concern that the objectors did not have the opportunity to examine agencies as they were not giving evidence. Dr Gordon acknowledged a new licence is issued for one year as a probationary period, but emphasised any issues of concern should be addressed at the outset and not have to wait until the first renewal.
- f. Object of the Act. Dr Gordon reminded us to have regard to the object of the Act set out in s.4, and it was the objectors position that granting this application will not result in the minimisation of harm and the applicant has presented few policies, practices or conditions that would minimise the risk of harm from potential excessive or inappropriate consumption of alcohol.
- g. Conditions. S.117 of the Act as highlighted by Dr Gordon, enables the application of any reasonable conditions not inconsistent with the Act if the licence were to be granted.

42. The objectors acknowledged the conditions and commitments offered by the applicant, and submitted that the following conditions, in addition to normal conditions of a licence, were agreed between the Applicant and Objectors:

- a. The whole area will be designated as a licensed area except the car parks.
- b. Trading hours for sale of alcohol: Monday - Sunday, 12.00 noon to 9.30pm.

- c. Only two types of wine will be offered for sale and will only be sold by the glass.
- d. One type of beer with ABV of under 6%, and one type of light beer, will be offered for sale, by the can.
- e. Signs will be placed in outdoor gathering areas reminding guests to be considerate of neighbours.
- f. Outside fires will be extinguished by 10pm.
- g. The car park area will have 'no consumption of alcohol in this area' signage and will be monitored by staff.
- h. Disposal or recycling of rubbish must not take place between the hours of 8pm and 7am.
- i. Deliveries by van or truck will not take place between the hours of 8pm and 8am.

43. The objectors proposed further conditions in the event the licence is granted, as follows:

- a. The number of guests on site during licenced hours should be limited to 60.

(Objectors: While it is noted that the premises are allowed up to 91 persons (including staff and guests) under the RMA certificate of compliance, that certificate did not contemplate the effects of an alcohol licence on the amenity of the premises and surrounds.

In effect the limit of 91 persons allows for around 40 non-guests to be on the premises at all times. This number raises the risk of incidents relating to alcohol consumption. The applicant does not intend to employ any security staff. The applicant does not intend to monitor the exterior area through CCTV. The applicant intends only about four staff to be on the premises in the evenings. While guests are asked to be in their huts by around 10pm, non-guests are not barred from retreating into the huts to continue drinking. Once people are in the huts, the premises will be unmonitored and the risk of breaches will, it is submitted, increase.

Allowing a smaller number on site during licensed hours significantly reduces the risk of alcohol related harm.)

(Applicant: The Building compliance documents allows a maximum of 91 people on the premises including staff. The resource consent restricts the number of people who can stay on the premises to 52. It is submitted that these limits applied by the relevant departments of Council are acceptable, and further limits are not necessary.

In addition to this, given the limited trading hours sought for the sale of alcohol and the limited range of alcohol that will be sold, a limit of 60 persons is not proportionate or relevant to the risks posed by the sale of alcohol.)

- b. There must be one staff member onsite at all times to respond to any concerns about noise and guest behaviour (with their cell phone number provided to all residents in the locality).

(Objectors: Peak time for alcohol-related disorder is likely to be after the last staff member has gone home. The premises relies heavily on the moderate drinking and good behaviour of all the guests at all times, so as not to breach the object of the Act. The objectors' view is that such a reliance is unrealistic, and that they will become the first line in terms of a response for any disorder, in the absence of a duty staff member.)

(Applicant: The Applicant's evidence was that an after-hours phone number would be provided to neighbours and either the Managing Director or General Manager would be available at any time to deal with issues.

It is not economically or practically viable to have a manager on site on a 24-hour basis for a premises of this nature, especially when communal areas will be closed and fires extinguished from 10.00pm.)

- c. The House Rules need to be agreed by guests upon check-in. The terms of the alcohol licence must be displayed prominently. The House Rules booklet needs to contain all the conditions in the licence.

(Objectors: Guests need to be aware of the conditions in advance of their stay and must agree to them. Any breach should result in them having to leave.)

(Applicant: It is submitted that this condition is unnecessary. The Applicant's evidence at the Hearing was that its target market is corporate groups, families and people with an interest in outdoor wilderness activities. All will book in advance and the management will make the House Rules very clear in both advance communication and when the guests check in. The additional requirement to include the licence conditions in the guest guides and require guests to sign to confirm their agreement is unnecessarily onerous and again out of proportion to any risks posed by the alcohol licence.

The on-licence must also be displayed on the premises at the principal entrance and is available there for anyone who may wish to peruse it.)

- d. No alcohol to be consumed on the premises after 10pm, or, alternatively, no alcohol to be consumed in the huts after 10pm.

(Objectors: One or other of these rules will provide additional protection against the likelihood of late-night drinking, with its associated risks of disorder.)

(Applicant: The building housing the restaurant will be closed and locked by 10.00pm. A condition to extinguish all outside fires and to place signage in the outside areas has been volunteered. It is not possible to police and enforce what people may do in the private huts after 10.00pm.)

- e. CCTV should be located in public areas inside and outside, and be monitored.

(Objector: CCTV is a very effective tool used by many types of licenced premises to ensure that the terms of their licences are not breached. The absence of a person on the premises at all times, coupled with an absence of CCTV, leaves a large gap in control at the most risky of times for licensed premises. Most other premises, including several in Glenorchy, are required to have CCTV.)

(Applicant: It is submitted that this condition would be expensive and onerous for the Applicant, and again is neither proportionate nor relevant to the risks associated with the on-licence in this case.)

- f. Local residents should be notified whenever the premises applies for a renewal on its licence, or for a special licence for events.

(Objectors: The burden on objectors to find out about applications in a timely manner is a large one. There is a risk is that special licences are issued without objection that go way beyond the conditions of the licence and lead to a large loss of amenity, and/or increased alcohol related harm, in the area.)

(Applicant: It is submitted that the provisions of the Act in respect to public notification are sufficient. The public notification process set out in section 102 of the Act provides an opportunity for those with an interest greater than the public generally to participate in the process. There is also a requirement for notification on-site.

There is provision in section 139 of the Act for the secretary of the licensing committee to require notification of an application for a special licence.)

44. As a number of these agreed and potential conditions revolve around noise, the objectors suggested a solution would be the development of a Noise Management Plan (NMP) incorporating sound and time limits for activities based on the Council compliance limits, and reviewed at the first renewal if a licence is issued. An example NMP was provided.
45. Ms Anderson told us that they began building their home before the applicant developed the neighbouring site for visitor accommodation and they did not expect they would end up with a property with a restaurant and bar surrounding their home on both sides. Ms Anderson went on to reiterate her concerns as summarised by Dr Gordon, and specified the conditions she wanted attached (listed above) to the licence and strictly enforced, if as licence were to be granted.
46. In response to questions, Ms Anderson acknowledged the applicant had been granted a resource consent for the visitor accommodation activity which would continue with or without a alcohol licence and alcohol could still be consumed onsite. Ms Anderson agreed the applicant was being more responsible applying for a licence and what she had heard at the hearing had alleviated some of her concerns, but they want to be able to sleep at night and conditions would resolve some concerns. Clear and good communication was a concern Ms Anderson considered had not been addressed.
47. With regard to current noise, Ms Anderson responded there is nothing, but went on to mention some noise from the pub when a band is playing outside and from events at the Motor Camp across the road.
48. Ms Clark questioned the suitability of the applicant because of alleged changes to the accommodation from staff accommodation without a liquor licence to paying accommodation with restaurant and hotel facilities, and no explanation or accountability which left neighbours feeling hoodwinked. Ms Clark also considered the cavalier approach by the owner, lack of concerns of problems

from holding a licence, and how premises would affect nearby environment, contributed to unsuitability.

49. Ms Clark reiterated the noise concern and how the valley amplifies sound, and suggested Council noise enforcement is unlikely to attend complaints in the late evening. Currently noise from the 'Raceday' and sometimes the hotel are heard. If the licence were to be granted, Ms Clark supported the proposed conditions listed above.

50. In response to questions, Ms Clark confirmed her and her husband own the property at 42 Invincible Drive, but do not live there. On the 4th May 2022, Ms Anderson accepted the invitation from the applicant and appreciated the thorough tour of the premises and huts and efforts made to alleviate concerns, but could not tell yet whether they will work. Ms Clark did acknowledge that BYO alcohol can happen on site without a licence.

The Committee's Decision and Reasons.

51. The criteria to which we must have regard when considering an application for a new on-licence are set out in s.105 of the Act. In our view, the relevant criteria are:

- a. the object of the Act:
- b. the suitability of the applicant:
- c. the days on which and the hours during which the applicant proposes to sell alcohol:
- d. whether the amenity and good order of the locality would likely to be reduced, to more than a minor extent, by the effects of the issue of the licence; and
- e. Whether the applicant has appropriate systems, staff, and training to comply with the law:

52. The Object of the Act is that –

- a. *the sale, supply, and consumption of alcohol should be undertaken safely and responsibly; and*
- b. *the harm caused by the excessive or inappropriate consumption of alcohol should be minimised.'*

The objectors position that granting this application will not result in the minimisation of harm and the applicant has presented few policies, practices or conditions that would minimise the risk of harm from potential excessive or inappropriate consumption of alcohol, is countered by the applicants actions.

53. To meet the Object of the Act, the applicant has applied to licence the whole area of the premises except for the carpark so that greater control over the consumption of alcohol can be maintained. Only a very small range of beer and wine will be available to be purchased by guests and diners from the duty

manager up until 9-30pm. The staff will actively monitor the premises up until the dining, restaurant, courtyard areas are shut down and fires extinguished at 10.00pm, and the last staff member to leave will conduct a final walk around the entire site to ensure the 'lights out' rule is being observed. Signage will specify no alcohol is to be consumed in the carpark areas, and will remind guests to be considerate to neighbours when using the outdoor areas.

54. Suitability of the applicant company to own and manage a licensed premises was considered acceptable to the Inspector. The one director of the company, Mr Rickard-Bell, has previously owned, managed and operated licensed premises in Sydney and Auckland, and although he has not held a managers certificate, he has made application for one.
55. The Objectors expressed concern about suitability based on alleged changes to the business proposal, no building certificate, no clear plan, lack of experience, site creating control problems for an alcohol licence, corporate structure, the cavalier approach, and lack of commitment to objectors such as sharing plans.
56. There was no evidence provided of changes to the business proposal but the business is a complying activity in the Visitor Accommodation Zone and a building certificate has now been issued. The applicant laid out a reasonably clear plan for the business which included the target market, the association with the World Heritage organisation, and the focus on families and small groups but also catering for independent travellers seeking to do day walks and excursions in the area. The General Manager, Mr Howson provided details of how guests will be managed from check in, room allocation, dining options, through to monitoring behaviour and phone numbers to neighbours to call if any issues. All objectors were invited to an on-site meeting on 4 May 2022 and two of the objectors attended and were shown around the site and the huts.
57. Dr Gordon delved into the corporate structure and ownership but nothing was identified as being detrimental to suitability.
58. Having considered all the points raised, we are convinced the applicant is suitable.
59. Alcohol sales were applied for between 12pm (midday) and 10pm daily but in response to submissions from objectors, the applicant amended the hours to between 12pm (midday) and 9-30pm daily. Objectors concerns regarding food being available when alcohol is being sold would be addressed by the compulsory on-licence conditions.
60. The reduction of amenity and good order, due to noise from guests (especially in the outdoor areas by the fire pits and BBQs), and lighting from the premises, was of concern to the objectors. As highlighted by the applicant, noise and light are matters controlled by District Plan rules. However, the applicant did alter the layout to reduce the impact of the main hub building on the closest neighbour, installed a large wooden boundary fence, and carried out significant planting to provide a further barrier.

61. As advised by the Inspector, there are currently three licensed premises located in Glenorchy. The objectors described how the valley amplifies sound, but they only occasionally hear noise from the hotel and events such as 'Raceday'.
62. Dr Gordon reminded us that any matter should not be ruled out of the alcohol licensing process because it is considered to be under the purview of the RMA and provided case law in support. To address concerns about potential noise and the scepticism about response to complaints, the objectors suggested a Noise Management Plan (NMP) be produced and provided an example. This was not supported by the applicant who considers the District Plan provisions manage noise adequately, and we agree.
63. Systems, Staff and Training details were provided by Mr Rickard-Bell and Mr Howson which included how the restaurant would operate and where and when alcohol would be sold. Regarding staff qualifications and training, one staff member currently holds a duty Managers Certificate and Mr Rickard-Bell has applied for a Managers Certificate. Mr Howson has undertaken the necessary training but yet to apply for a Managers Certificate.
64. Objectors also had concerns about security arrangements and management of the premises after staff departed at 10pm. They asked for one staff member to be onsite at all times and/or CCTV to be installed, rather than relying on an off-site staff member being on call. Although the applicant has reservations regarding the need for CCTV, we consider it may be a necessary system at some stage.
65. Both the applicant and objectors offered conditions for us to consider if the licence were to be granted. The conditions at paragraph 42 above, were agreed between the applicant and objectors. Further conditions sought by the objectors are detailed at paragraph 43 above, with the applicant's reasons for not accepting them. Our position on these conditions is as follows:
- a. ***The number of guests on site during licenced hours should be limited to 60.*** We acknowledge that fewer persons on site may reduce the risk to the amenity of the premises and surrounds, but how do you select the number other than the Building compliance formula. A small number of people with BYO alcohol may cause more disturbance than a larger number buying beer and wine from the bar. We accept the applicant's point, that the limited hours sought for the sale of alcohol and very limited range of alcohol to be sold, reduces the likely hood of abuse by larger numbers. As such, we do not support a condition reducing the maximum number of people (including staff) permitted on the premises.
 - b. ***There must be one staff member onsite at all times to respond to any concerns about noise and guest behaviour (with their cell phone number provided to all residents in the locality).*** With the provision of after hour phone numbers and having the Managing Director and General Manager only minutes away, we do not accept that the neighbours will have to respond to disorder other than reporting it by phone. This would be no different than disorder created by any neighbour, except for this business there will be numbers to call and people to respond.
 - c. ***The House Rules need to be agreed by guests upon check-in. The terms of the alcohol licence must be displayed prominently. The House Rules***

booklet needs to contain all the conditions in the licence. We accept that the applicant's booking and check in system will include making adherence to the House Rules very clear and further conditions are not considered necessary. The on-licence will be displayed as required by the Act.

- d. **No alcohol to be consumed on the premises after 10pm, or, alternatively, no alcohol to be consumed in the huts after 10pm.** Taking into account the Restaurant and Bar will be closed and locked by 10pm and there will be a condition requiring outside fires to be extinguished by 10pm and signage asking guests to be considerate of neighbours, we are not in favour of the additional conditions proposed.
- e. **CCTV should be located in public areas inside and outside, and be monitored.** We agree CCTV is a very effective tool for managing activities in licensed premises and although we are not prepared to require it at this stage, we do encourage the applicant give serious consideration to installing CCTV.
- f. **Local residents should be notified whenever the premises applies for a renewal on its licence, or for a special licence for events.** New licences are issued initially for one year and therefore we expect the objectors to this application to mark that in their diaries. Renewal notifications are notified on-site but we have also asked the staff to note on the file to notify previous objectors when a renewal application is received.

66. Having considered all this information, and the relevant criteria, we are of the view that granting this application with conditions as agreed will not be contrary to s.4(1) of the Act. In other words, granting the application, will not increase the risk of alcohol related harm and the supply of alcohol will be undertaken safely and responsibly.

67. This application by The Great Glenorchy Alpine Base Camp Limited for an on-licence is therefore approved, with the conditions listed at paragraph 42 above.

DATED at QUEENSTOWN this 8th day of August 2022



Mr L A Cocks, Chairman

