

Decision number: 17/SP/014/2020

IN THE MATTER

of the Sale and Supply of
Alcohol Act 2012 (the Act)

AND

IN THE MATTER

of an application
by **NEXGEN TOURING
LIMITED**
pursuant to s138 of the Act
for an on-site Special
Licence in respect of an
open space site situated at
18 Sommerville Road,
Okoroire known as
“Okoroire Hot Springs
Hotel”

CORRIGENDUM OF THE SOUTH WAIKATO DISTRICT LICENSING COMMITTEE

Chair/Commissioner: Murray Clearwater
Member: Jenny Shattock
Member: Peter Schulte

BACKGROUND

1. On 3 November 2020 **NEXGEN TOURING LIMITED** lodged a Special Licence application for two 3-day outdoor concerts over long weekends in January and February 2021.
 2. The application was from newly incorporated (May 2020) **NEXGEN TOURING LIMITED** and sought the licensed hours of 12 noon to 2.00am the following day for the two main days and 6.00pm to 2.00am for the ‘pre-concert event.’ Alcohol sales were set to cease at 1.30am. The proposal, as it stood, and the documents lodged in support, were inadequate for high-risk events such as these.
 3. The application drew immediate opposition from the Police, MOoH and the Licensing Inspector citing a range of concerns relating to amenity and good order, preventing intoxication and the safety of patrons attending the events.
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4. To complicate matters further the events were proposed to occur at the Okoroire Hot Springs Hotel. This business is currently before the South Waikato DLC for adverse reasons and the site has a number of topographical features that significantly increase the risks for such events, namely, the hot springs, a fast-flowing river on one boundary, its remoteness, and exposed and difficult to contain boundaries.
5. The events had a planned maximum capacity of 1500, with overnight camping tickets available. As of 10 December 2020, 410 tickets had been sold including 300 campers for the first event.
6. Plans have now been provided of the event entry points, the licensed areas, stages, bars and food vendor locations, drinking water sites, lighting sites, access between areas, and the fencing restricting access to the site.
7. Between lodgement date, and the first week of December, several meetings and communications have taken place between the parties. The applicants have wisely retained a licensing consultant and now a comprehensive Alcohol Management Plan (AMP) and Security Plan have been re-written and provided.
8. The meetings were to discuss matters of common ground and those areas still in contention for the agencies have been somewhat fruitful. Several concessions have been made around days of operation, hours of service, service size and other matters and it is now a significantly different proposal presented to the DLC than the one that first lodged.
9. However, this remains a high-risk event, and in addition to the opposition from the agencies, the deficiencies and risks that were still present in the application were more than sufficient for us to take a precautionary response and set the matter down for hearing.

UPDATE

10. After a hearing on 10 December 2020 the Committee granted the application on a suite of mandatory and discretionary conditions.
11. On 20 January 2021 the Committee received the following request:

We are hoping for a change in the timings just for the Sunday where we can mimic Rhythm & Vines timings where the music and bars open at 11:00am. We feel this is better and safer option for everyone involved for the following reasons:

- We are able to keep everyone on-site and the roads clear

- *We are able to regulate intoxication through our vastly experienced bar managers & bar team who have dealt many of similar festivals on much larger scales with extremely small amount of alcohol related harm*
- *We have scaled things much back taking away the main concerns of people getting in the river down by the campsite.*
- *With much lesser numbers our security ratio is ample and can further lead to a well-controlled festival.*
- *This will save us a devastating financial blow with the amount of people requesting refunds.*

Many camping festivals in NZ have the same timings to these and we feel through our experienced team this festival can be well managed and regulated even with an early start time (just for Sunday).

Consequently, the revised music programme was requested and has been provided.

The Inspector, Medical Office of Health and Police have confirmed that the variation is considered reasonable and acceptable for 31 January only.

The Committee has considered the request and it will be granted. We see merit in keeping campers on site on the Sunday morning and the early start hours are low risk.

It does however increase the overall alcohol availability window and intoxication levels must be overtly managed.

The days and hours condition is amended as marked **in red below. In all other respects the decision remains unchanged.**

DECISION

The District Licensing Committee, pursuant to the Sale and Supply of Alcohol Act 2012 **grants** the application by **NEXGEN TOURING LIMITED** for an on-site Special Licence in respect of an open space site situated at 18 Sommerville Road, Okoroire known as the "Okoroire Hot Springs Hotel", subject to the following conditions.

1. Alcohol may be sold and supplied for consumption on the premises only on the following days and hours:

**30 January 2021 1.00pm to 11.30pm.
(Sales of alcohol to cease at 11.00pm);**

**31 January 2021 11.00am to 11.30pm.
(Sales of alcohol to cease at 11.00pm);**

2. Drinking water must be freely available throughout the venue. with easily accessible taps available for patrons to access free drinking water and clean disposable cups;
3. A **certificated manager** must be on duty at all times at **each bar facility**, within the licensed area, when the premises are open for the sale and supply of alcohol and their **full name must be prominently displayed**. Service staff must be fully trained and competent in server intervention techniques. **The overall Duty Manager is to be Wendy Alfeld;**
4. Food must be available for consumption on the premises at all times the premises are open for the sale and supply of alcohol, in accordance with the sample menus supplied with the application for this licence, or menu variations of a similar range and standard;
5. The licensee must have available for consumption on the premises, at all times when the premises are open for the sale and supply of alcohol, a reasonable range of **non-alcoholic and low-alcohol beverages;**
6. Alcohol of the following types, and containers may be sold under this licence: **beer, cider, and RTDs, (as listed in the AMP) in depressurised cans, plastic or PET vessels, or disposable cups;**
7. The whole of the licensed area is to be securely fenced with 1.8 metre post and wire mesh fencing and is designated as a **Restricted Area;**
8. As a matter of clarity, we record that the restricted use ON Licence currently in force at the Hot Springs Hotel is 'suspended' for the duration of this event
9. The larger camping area, and the car park area, are to be securely fenced and supervised by security personnel.
10. **The river from the lower road bridge to the hot pools is to be fenced and the Hot Pools closed for the duration of the concert licence.**

11. **All Crowd Controllers must be COA qualified and CC endorsed, and experienced in working at large scale events. All are to wear similar, identifiable uniforms to raise their profile and improve visibility;**
12. **Any patron detected with BYO alcohol or illicit drugs are to be refused entry or removed from the licensed area.**
13. **A One-Way Door (OWD) Policy shall apply during the event times and no Pass-Outs to return to vehicles (other than on medical grounds) are to be permitted;**
14. **Attendees who do not stay overnight on-site are to be fully screened on re-entry to the property on each occasion;**
15. The Licensee must display signage as follows:
 - a)At every point-of-sale detailing restrictions on the sale and supply of alcohol to minors and intoxicated persons;
 - b)A copy of the licence attached to the premises so as to be easily read by persons attending the premises;
16. The licensee must provide information and advice about forms of transport available to patrons from the licensed premises;
17. The licensee **must comply** fully with the relevant Resource Consent conditions in force at this location, the Alcohol Management Plan and the Traffic Management Plan;
18. **Police have the ability to require the further reduction of alcohol service sizes, or a shift to low alcohol beer, or to request a closure of all, or any bar, at any time based on intoxication levels and/or crowd behaviour. Any request is to be evidence-based on hourly review meetings with the licensee, the Police, and any of the South Waikato Licensing Inspectorate, or the Medical Officer of Health Representative (if present).**

The licence is NOT to issue until the signed off TMP is received and the Lighting Plan confirmed as adequate by the Police.

And finally, a thorough face-to-face debrief is to take place within 90 days of the event and written minutes are to be produced and provided to all parties and this Committee.

DATED at TOKOROA this 26th day of January 2021

A handwritten signature in black ink, appearing to read 'Murray Clearwater', with a long, sweeping tail extending to the right.

Murray Clearwater
Chairperson/Commissioner
South Waikato District Licensing Committee