



Open Agenda

District Licensing Committee meeting

I hereby give notice that a District Licensing Committee meeting will be held on:

Date: Thursday, 16 June 2022

Friday, 17 June 2022

Time: 9:30am

Location: Tauranga City Council
306 Cameron Road
Ground Floor, Room 1 & 1b

Business: For the District Licensing Committee to consider an application by **Hide Bar Limited** for an **On Licence** in respect of premises at **147B Maunganui Road, Mount Maunganui** to be known as **Hide Thirst and Hunger**.

For the purposes of this hearing the Committee will be made up of the following:

Commissioner: Murray Clearwater

Committee members: Mary Dillon
David Stewart

Marty Grenfell
Chief Executive

Terms of reference – District Licensing Committee(s)

Common responsibilities and delegations

The following common responsibilities and delegations apply to all standing committees.

Responsibilities of standing committees

- Establish priorities and guidance on programmes relevant to the Role and Scope of the committee.
- Provide guidance to staff on the development of investment options to inform the Long Term Plan and Annual Plans.
- Report to Council on matters of strategic importance.
- Recommend to Council investment priorities and lead Council considerations of relevant strategic and high significance decisions.
- Provide guidance to staff on levels of service relevant to the role and scope of the committee.
- Establish and participate in relevant task forces and working groups.
- Engage in dialogue with strategic partners, such as Smart Growth partners, to ensure alignment of objectives and implementation of agreed actions.
- Confirmation of committee minutes.

Delegations to standing committees

- To make recommendations to Council outside of the delegated responsibility as agreed by Council relevant to the role and scope of the Committee.
- To make all decisions necessary to fulfil the role and scope of the Committee subject to the delegations/limitations imposed.
- To develop and consider, receive submissions on and adopt strategies, policies and plans relevant to the role and scope of the committee, except where these may only be legally adopted by Council.
- To consider, consult on, hear and make determinations on relevant strategies, policies and bylaws (including adoption of drafts), making recommendations to Council on adoption, rescinding and modification, where these must be legally adopted by Council,
- To approve relevant submissions to central government, its agencies and other bodies beyond any specific delegation to any particular committee.
- To appoint a non-voting Tangata Whenua representative to the Committee.
- Engage external parties as required.

Terms of reference – District Licensing Committee(s)

Membership

| | |
|----------------------|---|
| Commissioners | DLC 1 – Commissioner: Murray Clearwater DLC 2 – Commissioner: Mary Dillon DLC 3 – Commissioner: David Stewart DLC 4 – Commissioner: Beverley Edlin |
| Members | Murray Clearwater (Commissioner) Mary Dillon (Commissioner) David Stewart (Commissioner) Beverley Edlin (Commissioner) |
| Quorum | Commissioner plus two members (for a Hearing) Commissioner (where no objection to an application has been filed and no matters of opposition raised in respect of an application for a licence or manager's certificate or renewal of a licence or a manager's certificate). |

Role

- To consider applications and matters as set out in the Sale and Supply of Alcohol Act 2012.

Scope

- Hear and/or determine matters of a quasi-judicial nature in accordance with the Sale and Supply of Alcohol Act 2012.
- Undertake all functions, duties and obligations as set out in the Sale and Supply of Alcohol Act 2012 relevant to the District Licensing Committee.

Power to Act

- Conduct hearings and make decisions on behalf of the Council in a quasi-judicial manner pursuant to the Sale and Supply of Alcohol Act 2012.
- Exercise the powers of a Commission of Inquiry under the Commissions of Inquiry Act 1908.
- All responsibilities, duties and powers of a District Licensing Committee conferred by the Sale and Supply of Alcohol Act 2012.

***NB:** The Council will appoint and maintain a sufficient pool of members on the District Licensing Committee Members List to enable applications relating to alcohol licensing under the Sale and Supply of Alcohol Act 2012 to be heard within the statutory timeframes wherever possible. This may include running three District Licensing Committees concurrently.*

The following papers are provided in relation to a **RENEWAL ON LICENCE** application by **HIDE BAR LIMITED** for premises situated at **147B MAUNGANUI ROAD, MOUNT MAUNGANUI** to trade as **HIDE THIRST & HUNGER**.

| | Pages |
|---------------------------------------|---------|
| Application | 1 - 18 |
| Report by Licensing Inspector | 19 - 30 |
| Report by NZ Police | 31 – 32 |
| Report by Medical Officer of Health | 33 |
| Report by Fire and Emergency | 34 |
| Minutes of Tauranga DLC | 35 - 36 |
| Objections List | 37 |
| 1) Steve Bell | 38 - 39 |
| 2) Julene Foster | 40 - 41 |
| 3) Richard Leach | 42 – 43 |
| 4) Jill & Dane Chalmers | 44 - 46 |
| 5) Isabel & Graeme Goodall | 47 - 48 |
| 6) Bruce & Nancy Anniss | 49 - 50 |
| 7) Alan & Angela Grace | 51 – 52 |
| 7b) Alan & Angela Grace | 53 |
| 8) Michelle & Shane Stent | 54 - 55 |
| 9) Bruce Gardner | 56 - 57 |
| 10) Colleen & Michael Taranaki | 58 - 59 |
| Submission – Alcohol Inspector | 60 - 61 |
| Brief of Evidence – Alcohol Inspector | 62 - 84 |

Checklist for renewal of on-licence

SECTION 100 AND 127(2) OF THE SALE AND SUPPLY OF ALCOHOL ACT 2012



Please include this checklist with your application for renewal of an existing on-licence.

To complete this application, you will need to answer all the questions, supply all requested documentation and pay the prescribed fee. This application must be lodged at least **20 working days** before the licence expires. Failure to do so may result in the application being refused.

A. WHAT TO INCLUDE (PLEASE TICK):

- | | |
|--|--|
| <input checked="" type="checkbox"/> A completed and signed application form | <input checked="" type="checkbox"/> A photo of the principal entrance |
| <input checked="" type="checkbox"/> A copy of the menu | <input checked="" type="checkbox"/> A copy of your host responsibility policy |
| <input checked="" type="checkbox"/> A copy of the Certificate of Incorporation (if applying in a company name) | <input checked="" type="checkbox"/> A copy of your existing on-licence |
| <input checked="" type="checkbox"/> A copy of the floor plans of the premises or the conveyance highlighting restricted or supervised areas and the principal entrance | <input type="checkbox"/> A letter of authorisation for the consultant (if you use an alcohol licensing consultant). |

B. PAYMENT:

Your application must be accompanied by a fee. This is not refundable or transferable.

Use the Fee Assessment table overleaf to calculate your risk rating and application fee. A fee calculator is provided at tauranga.govt.nz/alcohol to assist you in the process.

| Risk Category (based on Weighting) | Renewal Fee (including GST) | Annual Fee (including GST) | Total Fee (including GST) |
|---|--------------------------------|-------------------------------|------------------------------|
| <input type="checkbox"/> Very low (0-2) | \$368.00 | \$161.00 | \$529.00 |
| <input type="checkbox"/> Low (3-5) | \$609.50 | \$391.00 | \$1,000.50 |
| <input checked="" type="checkbox"/> Medium (6-15) | \$816.50 | \$632.50 | \$1,449.00 |
| <input type="checkbox"/> High (16-25) | \$1,023.50 | \$1,035.00 | \$2,058.50 |
| <input type="checkbox"/> Very high (26 plus) | \$1,207.50 | \$1,437.50 | \$2,645.00 |

Please ensure you have accurately assessed your fee. Incorrect applications need to be resubmitted, which may incur additional fees. Your application will not be processed until payment is received.

If you need help completing this form, contact Alcohol Licensing on **07 577 7000** for advice or visit tauranga.govt.nz/alcohol for more information.

C. PAYMENTS MAY BE MADE:

Electronically to: ANZ Tauranga

Account Number: 06 0433 021 3474 00

Reference: Alcohol Form 10

Code: Applicant Name

In Person:

At Tauranga City Council, 91 Willow Street, Tauranga

Or posted to:

Tauranga City Council, Private Bag 12022, Tauranga 3143

D. FEE ASSESSMENT:**Application fee**

Will you be retaining the same hours and conditions as your current licence? Please tick:

- ☐ Yes Tick the appropriate box on page 1 (payment section) that relates to the information from your renewal notice.
- ☒ No Go to the next section to assess the fee payable with your application.

Enter your points for:

P Your type of on-licence premises

15 Weighting

| Type of on-licensed premises | Weighting points |
|--|------------------|
| Class 1 restaurant, night club, tavern, adult premises | 15 |
| Class 2 restaurant, hotel function centre | 10 |
| Class 3 restaurant, other premises not otherwise specified | 5 |
| BYO restaurants, theatres, cinemas, winery cellar doors | 2 |

| Classes | Weighting points |
|--------------------|--|
| Class 1 restaurant | Restaurants with a significant separate bar area which, in the opinion of the council, operate that bar at least one night a week in the nature of a tavern, such as serving alcohol without meals to tables situated in the bar area. |
| Class 2 restaurant | Restaurants that have a separate bar (which may include a small bar area) but which, in the opinion of the council, do not operate that area in the nature of tavern at any time. |
| Class 3 restaurant | Restaurants that only serve alcohol to the table and do not have a separate bar area. |

H Your latest trading name

0 Weighting

| Type of premises | Latest trading time allowed by licence | Weighting points |
|--|--|------------------|
| Class 1 restaurant, night club, tavern, adult premises | 2am or earlier | 0 |
| | Between 2.01am and 3am | 3 |

E Your number of enforcement holdings in the last 18 months
If you are a new applicant this will be zero

0 Weighting

| Number of enforcement holdings in last 18 months | Weighting points |
|--|------------------|
| None | 0 |
| 1 | 10 |
| 2 or more | 20 |

P + **H** + **E** = Your cost/risk category. Type of premises + latest trading time + number of enforcement holdings (add boxes P+H+E)

15 + **0** + **0** = **15** Total risk category

Turn the form over to page 1 (payment section) and tick the box that matched your cost/risk category weighting you have calculated.

E. ADVERTISING YOUR PUBLIC NOTICES (TICK ONE OPTION)

Advertise through the Tauranga City Council Website.

(Tauranga City Council will arrange the public notification on your behalf)

☒ Yes \$159.00 (GST inclusive)

I will arrange my own Advertising with either The Bay of Plenty Times or The Weekend Sun.

☐ Yes (I will arrange for payment to be made to either the BOP Times or The Weekend Sun).

Please note Tauranga City Council will send you the draft notices once your application is processed.

F. PUBLIC HEALTH QUESTIONNAIRE

The Medical Officer of Health must inquire into your alcohol application. To assist these enquiries please ensure that the Toi Te Ora Public Health Service questionnaire is completed. Go to tophs.govt.nz/alcohol_hospitality and follow the instructions.

G. TOTAL AMOUNT PAYABLE:

| Total points | | Amount payable |
|---|--------------------------------|----------------|
| Application Fee (based on your Risk Category) | | \$ |
| Annual Fee (based on your Risk Category) | | \$ |
| Advertising with Tauranga City Council (optional) | <input type="checkbox"/> \$159 | \$ |
| Total Amount | | \$ |

H. PAYMENTS MAY BE MADE:

Electronically to: ANZ Tauranga

Account Number: 06 0433 0213474 00

Reference: Alcohol Form 10

Code: Applicant Name

In Person:

At Tauranga City Council, 91 Willow Street, Tauranga

Or posted to:

Tauranga City Council, Private Bag 12022, Tauranga 3143

All fees are payable at the time of submitting your application.

(for office use)

LIQL

23/04/2021 - completed

Date received (date stamp)

Application.....26481.....

Receipt.....

Premises No.....4145.....

Contact ID.....533323.....

Application for Renewal of On-Licence (for premises or conveyance)

SECTION 100 AND 127(2) SALE AND SUPPLY OF ALCOHOL ACT 2012



To the Secretary
District Licensing Committee Tauranga

Application for renewal of on-licence is made in accordance with the details set out below:

Premises name: HIDE THIRST AND HUNGER HIDE THIRST AND HUNGER

Licence number: 21/ON/24669/2020 21/ON/24669/2020

Expiry date: 6/5/21 6/5/21

1. APPLICANT/ENTITY DETAILS

Full legal name on licence: HIDE BAR LTD HIDE BAR LTD

Address: 147B MAUNGANUI ROAD, MOUNT MAUNGANUI
147B MAUNGANUI ROAD, MOUNT MAUNGANUI

Postcode: 3116 3116

Email address:

Occupation (if individual):

Sex (if individual): ☐ Male ☐ Female

Date of birth (if individual): MATTHEW HAYWARD

Place of birth (if individual):

Daytime contact name: MATHEW HAYWARD

Telephone number:

Mobile number:

Preferred method of contact:

Status of applicant(s) (tick appropriate box):

☐ Natural person

☒ Partnership

☐ Public company

☐ Trustee

☐ Board, organisation or other body to which
section 28 (1) (c) of the Act applies

☒ Private company

☐ Local authority

☐ Licensing trust

☐ Government department or other instrument of the Crown

☐ Body corporate to which section 28 (1) (b)
of the Act applies



Has the applicant been convicted of any offence (since issue of previous licence)?:

☐ Yes ☒ No

If yes, what are the details of each offence?

Nature of offence:

21/CERT/24866/2019 EXP 8/11/22
21/CERT/25887/2020 EXP 12/9/23
21/CERT/25847/2020 EXP 29/10/21
21/CERT/22999/2018 EXP 7/8/21

2. MANAGER DETAILS

| Full name of manager(s) | Date of Birth | Certificate number(s) and expiry date(s) |
|--|---------------|---|
| DAYNA COMESKEY DAYNA COMESKEY | [REDACTED] | 21/CERT/24866/2019 EXP 8/11/22 |
| JASMINE MAGEE JASMINE MAGEE | [REDACTED] | 21/CERT/25837/2020 EXP 12/9/23 |
| ROBYN FRYER ROBYN FRYER | [REDACTED] | 21/CERT/25847/2020 EXP 29/10/21 |
| MATTHEW HAYWARD MATTHEW HAYWARD | [REDACTED] | |
| MATTHEW HAYWARD | [REDACTED] | 58/CERT/1213/2020 EXP 30/4/21 21/CERT/22999/2018 07/8/21 |

3. PREMISES DETAILS (to be completed where the licence applies to any premises)

Address of licenced premises: 147B MAUNGANUI ROAD, MOUNT MAUNGANUI

147B MAUNGANUI ROAD, MOUNT MAUNGANUI

Trading name for premises: HIDE THIRST AND HUNGER HIDE THIRST AND HUNGER

What part (if any) of the premises does the applicant intend should be designated as:

A restricted area:

A supervised area: ALL ALL

Do you own the proposed licensed premises? ☐ Yes ☒ No

If no:

Please advise if there is a designation change/variation

(i) Full name of the owner JAVINE HICKSON JANINE HICKSON

Full address of the owner 45 NEWPORT TERRACE, WELLINGTON 45 NEWPORT TERRACE, WELLINGTON

(ii) What form of tenure of the premises will you have? LEASE LEASE

What term of tenure will you have? 3 YEARS - 1/4/23 + TWO RENEWALS

3 YEAR, 1/4/23 + TWO RENEWALS

Advised by applicant: We would like to remain undesignated as we are a restaurant but would be happy to change to supervised from 10pm if recommended.

4. CONVEYANCE DETAILS (to be completed where the licence applies to any conveyance, e.g. bus, train etc.)

Type of conveyance:

Address of home base (if any):

Address of home base (if any):

Registration number (if any):

5. BUSINESS DETAILS

What is the general nature of the business conducted by the applicant in the premises/conveyance? (For example, for premises: hotel, tavern, restaurant, entertainment/nightclub, function centre. For conveyance: transportation of passengers by ship, aircraft, rail or coach?)

RESTURANT
RESTAURANT

Please specify type of premises - Class of Restaurant or Tavern ?

advised by applicant: we are applying for a class 1 restaurant license



Sticky .. 23/06/2022 8:35:0..

Currently a class2 as per
DLC ruling, wants to revert
back to class 1. MF

Is the sale of alcohol intended to be the principal purpose of the business?

☐ Yes☒ No

If no, what is intended to be the principal purpose of the business?

DINNING / CASUAL DRINKING

DINNING/CASUAL DRINKING

Is the applicant engaged, or intending to be engaged, in the sale or supply of any goods other than alcohol and food, or in the provision of any services other than those directly related to the sale or supply of alcohol and food?

☐ Yes☒ No

If yes, what is the nature of those other goods or services?

In the case of a BYO-only restaurant, does the applicant wish to have the licence endorsed under section 37 of the Act?

☐ Yes ☒ No

In the case of a caterer's endorsement, does the applicant wish to have the licence endorsed under section 38 of the Act?

☐ Yes ☒ No

Does the applicant seek a change to any conditions on their current licence?

☒ Yes ☐ No

If yes, what changes are requested?

Please advise what changes are requested i.e hours, class of licence:

as advised by applicant:

Variation to hours – Monday to Sunday 09.00 am to 12.00 midnight is a change to the current hours licensed; - Correct
we are applying for a class 1 restaurant license

On which days and during which hours does the applicant intend to sell alcohol under the licence?

| Days | Hours |
|-----------------|--------------|
| MONDAY - SUNDAY | 9 AM - 12 AM |
| MONDAY - SUNDAY | 9AM - 12AM |
| | |
| | |

6. CONDITIONS (please answer each question thoroughly)

a) What provisions does the applicant intend to make for the sale and supply of?

Food: SEE ATTACHED MENU

SEE ATTACHED MENU

Non-alcoholic refreshments:

WATER STILL/SPARKLING, SODAS, JUICES, KOMBUCHA, MOCKTAILS, HEINEKEN ZERO

WATER STILL/SPARKLING, SODAS, JUICE, KOMBUCHA, MOCKTAILS, HEINEKEN ZERO

Low-alcoholic beverages:

LOW ALCOHOL BEERS & CIDER

LOW ALCOHOL BEERS & CIDER

- b) To what extent and where is drinking water intended to be freely available to patrons?

BOTTLES FOR TABLES
GLASSES AND TAPS AT ENTRANCE

BOTTLE FOR TABLES
GLASSES AND TAPS AT ENTRANCE

If there is no access to mains water supply, describe the portability of water intended to be available.

- c) What steps do you propose to take to ensure that the requirements of the Act in relation to the sale of Alcohol to prohibited persons are observed?

DUTY MANAGERS ALWAYS ON-SITE, STAFF TRAINING, VISUAL AIDS

DUTY MANAGERS ALWAYS ON-SITE, STAFF TRAINING, VISUAL AIDS

- d) In the event that evidence of age documents is required, what documents will you request?

NZ DRIVERS LICENSE
18+ CARD
PASSPORT

NZ DRIVERS LICENSE
18+ CARD
PASSPORT

- e) What steps do you propose to take to provide assistance with or information about alternative forms of transport from the licensed premises?

LOCAL TAXI NUMBER CARDS AVAILABLE
STAFF ASSISTANCE
TELEPHONE USE

LOCAL TAXI NUMBER CARDS AVAILABLE
STAFF ASSISTANCE
TELEPHONE USE

- f) What other steps do you propose to take aimed at promoting the responsible consumption of Alcohol?

SUBSTANTIAL FOOD ALWAYS AVAILABLE, NON-ALC BEVERAGES, ENTERTAINMENT
SUBSTANTIAL FOOD ALWAYS AVAILABLE, NON-ALC BEVERAGES, ENTERTAINMENT

- g) What other systems (including training), and what staff are to be or will be in place for compliance with the Act?

STAFF TRAINING & MONITORING
VISUAL AIDS INCLUDING INTOX GUIDES AND SIGNAGE
DUTY MANAGER SUPERVISION
STAFF TRAINING & MONITORING
VISUAL AIDS INCLUDING INTOX GUIDES AND SIGNAGE
DUTY MANAGER SUPERVISION

- h) Has the applicant considered the neighbouring land use in the immediate area? ☒ Yes ☐ No

Activities (such as amplified music) are likely to create adverse effects on neighbouring land use. What actions does the applicant intend to take to mitigate any adverse effects?

CONTINUED COMMUNICATION WITH NEIGHBOURS, SELF MONITORING,
ACOUSTIC STYLE MUSIC ONLY BEFORE 8PM

CONTINUED COMMUNICATION WITH NEIGHBOURS, SELF MONITORING, ACOUSTIC STYLE MUSIC ONLY
BEFORE 8PM

- i) What experience and training has the applicant had?

20+ YEARS IN THE INDUSTRY AS WORKER AND OWNER OPERATOR
OF MULTIPLE VENUES, ~~AND~~ INVOLVEMENT WITH HOSPO NZ, LOCAL
POLICE AND COMMUNITY GROUPS

20+ YEARS IN THE INDUSTRY AS WORKER AND OWNER OPERATOR OF MULTIPLE VENUES INVOLVEMENT
WITH HOSPO NZ, LOCAL POLICE AND COMMUNITY GROUPS

7. FIRE EVACUATION STATEMENT (to be completed where the licence applies to any premises)

Please tick one of the following boxes:

- ☒ The owner of the building in which the premises are situated provides and maintains an evacuation scheme as required by section 76 of the Fire and Emergency New Zealand Act 2017.
- ☐ Because of the building's current use, its owner is not required to provide and maintain such a scheme.
- ☐ Because of the nature of the building, its owner is exempt from the requirement to provide and maintain such a scheme.

If you're not sure which of the above options applies to you, you may want to check with the New Zealand Fire Service.

8. SIGNATURE OF APPLICANT

Applicant's signature:

Date: 23/3/21 23/3/21

"Pursuant to the Privacy Act 1993 the following is brought to your attention:

The personal information contained in this form is being collected to assist Council and other agencies in processing your application and may be made available to the public as part of the process. You do have the right of access to, and correction of, this information subject to the provisions of the Privacy Act 1993"



Certificate of Incorporation

HIDE BAR LIMITED
6256165
NZBN: 9429046025395

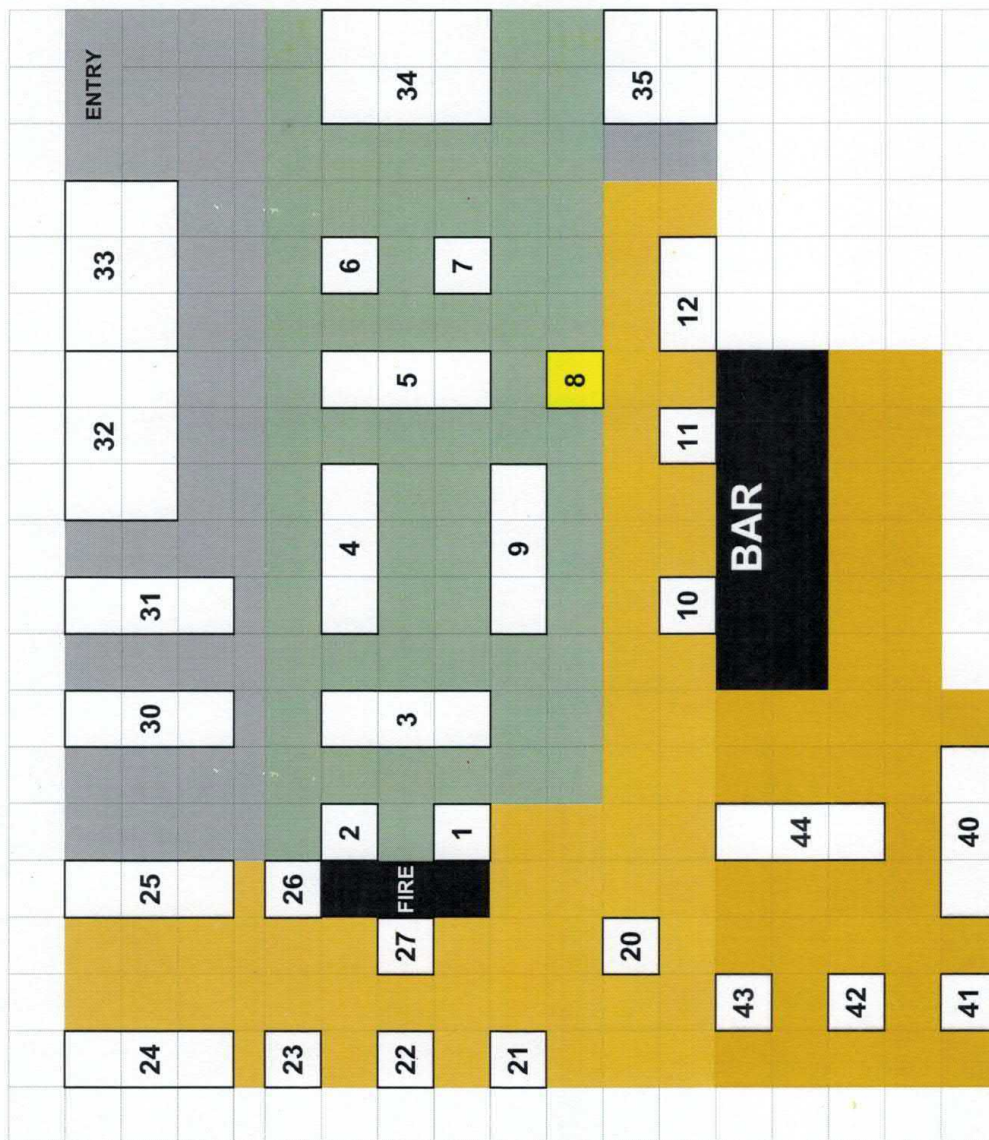
This is to certify that HIDE BAR LIMITED was incorporated under the Companies Act 1993 on the 24th day of March 2017.

A handwritten signature in black ink, appearing to read 'D. Smith'.

Registrar of Companies
7th day of October 2019



Outside Licensed Area

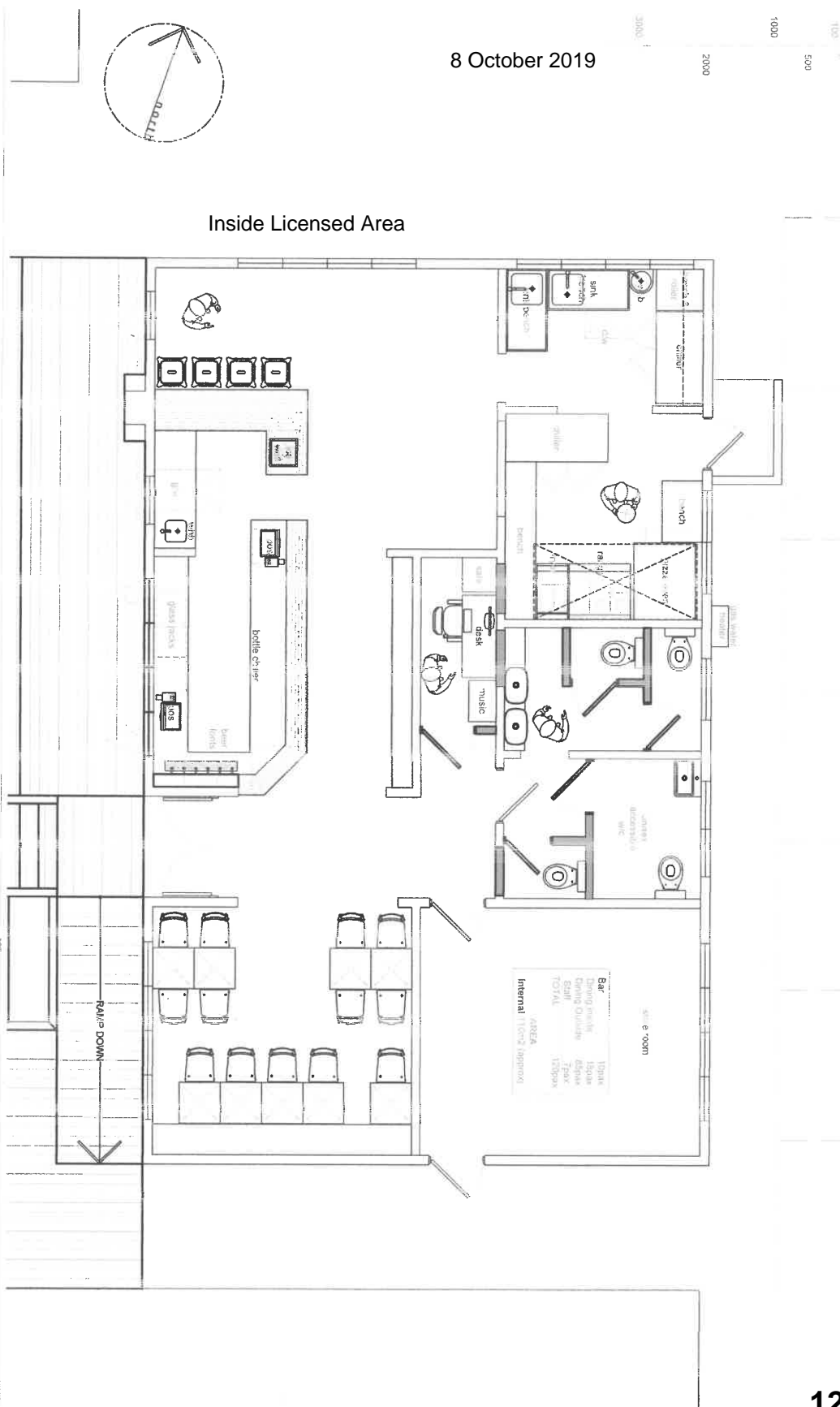


HIDE - Thirst & Hunger
147b mauanganui road, mt mauanganui
TAURANGA

Proposed plan
Scale 1:50 @ A3
10th may 2017

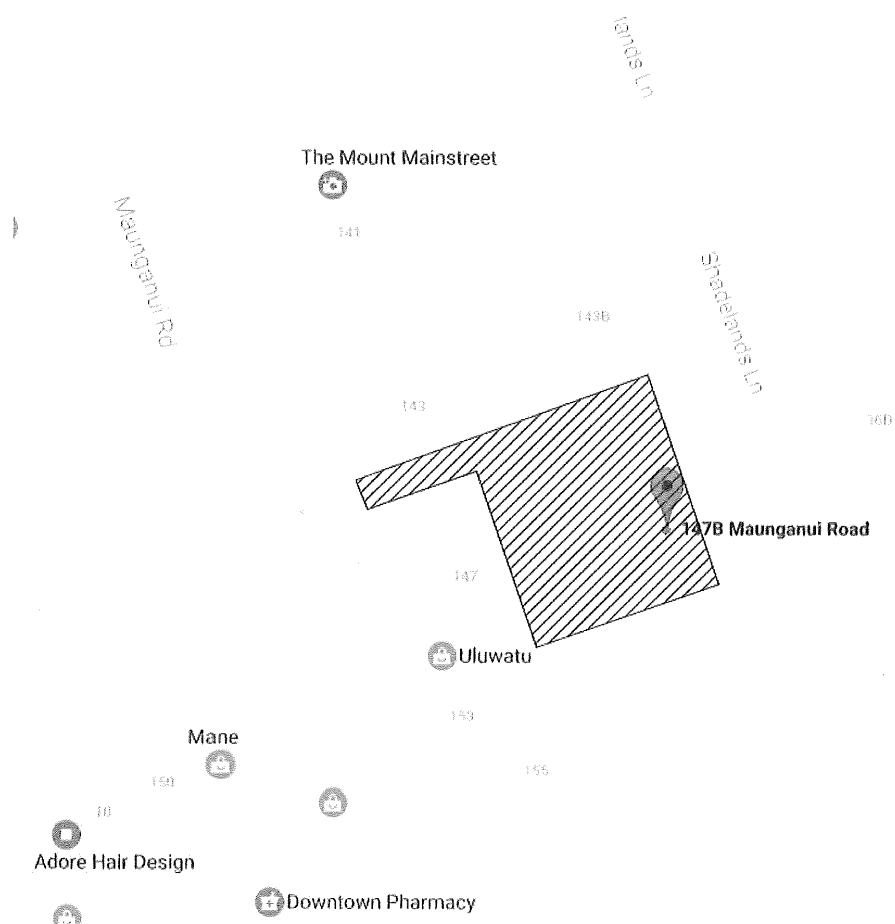
02.1
revision B

8 October 2019



Site Plan

Licensed Area:



Principle Entrance:





HOST RESPONSIBILITY

The management and staff of Hide Thirst & Hunger believe that we have a responsibility to provide an environment that is not only comfortable and welcoming, but where alcohol is served responsibly. Because of this we have implemented the following Host Responsibility Policy:

Customers who are visibly intoxicated will not be served alcohol, will be asked to leave the premises and will be encouraged to take advantage of safe transport options.

It is against the law to serve alcohol to minors. If we are in doubt about your age, we will ask for identification. Acceptable forms of proof of age are NZ photo driver's license, an 18+ Evidence of Age card or a current passport.

Our policy is zero tolerance for aggressive, coercive or violent behaviour. A good range of food is always available. Menus are visible at all times.

We provide and actively promote a range of low-alcohol and non-alcoholic drinks, including low-alcohol beer, fruit juices and soft drinks. Still and sparkling water is available free of charge at all times.

We promote a range of transport options to get you home safely. We encourage people to have a designated driver. We will make the driver's job more attractive by providing an interesting range of low-alcohol and alcohol-free drinks.

All of these services are well promoted along with signage required under the Sale and Supply of Alcohol Act 2012.

We maintain a training and management policy to give our staff the skills and support they need to do their job responsibly.

Please be our guest and take advantage of the services we offer. We pride ourselves on being responsible hosts.

SMALL PLATES

- Warm olives marinated in garlic, chilli, orange zest ^{vg} 10
- Sourdough, whipped feta, dukkah, balsamic, olive oil ^v 16
- Seared tuna, cucumber salsa, avocado, wasabi mayo ^{gf df} 24
- Prawn ceviche, cos lettuce cup, avocado and tomato salsa, chilli ^{gf df} 25
- Salt and pepper calamari, orange caramel, pickled ginger ^{gf} 17
- Thai pork larb, cos lettuce cups, asian herbs, spiced cashews ^{gf} 24
- Smoked cheese poppers, jalapeno, parmesan, pickled red onion ^v 17
- Chargrilled corn on cob, paprika, chilli, pecorino cheese ^{gf v} 15
- Fried chicken, honey hot sauce, ranch, pickles ^{gf} 20
- Spiced lamb cutlets, korma dipping sauce, toasted pistachio dukkah ^{gf} 24
- Caprese salad, mixed tomatoes, buffalo mozzarella, balsamic, basil ^{gf v} 18
- Dumplings, bok choy, mushroom, ginger, chilli, soy sauce ^{vg} 16
- Crayfish hotdog, wasabi mayo, lemon 24

OYSTERS

- Fresh NZ Oysters | 30 (for 6)
Natural | Ponzu | Bloody Mary ^{gf}

BOARDS

- Ocean Board | oysters, tuna, kuro prawns, prawn ceviche, calamari, cucumber salsa, wasabi mayo, sourdough ^{gf on request} 49
- Mediterranean Board | lamb rump, lamb cutlets, hummus, dolmades, dill yoghurt, grilled halloumi, greek salad, smoked capsicum, house made flat bread ^{gf on request} 59
- Vegetarian Middle Eastern board available on request | 49*

MAINS

- St. Louis barbeque pork ribs, grilled corn on the cob, slaw, fries ^{gf} 34
- Crispy skin salmon, Israeli couscous, greek yoghurt sauce, pineapple salsa, herbs ³⁴
- Scotch, saffron roasted potatoes, slow roasted vine tomato, merlot jus, caramelised onion ^{gf} 36
- Beer battered fish and chips, green salad, tartare, lemon ^{df} 26
- Eggplant and orange kumara masala, tempura courgette served with steamed rice, house made flat bread ^{vg} 29
- Moroccan chicken on toasted sourdough, grilled capsicum, aged cheddar, rocket, tomato relish, herb mayo ^{gf on request} 24
- Beef burger, caramelised onion, rocket, blue cheese sauce, toasted brioche bun, fries 26

PIZZAS

- Margherita | cherry tomato, buffalo mozzarella, basil pesto ^v 24
- Spicy Chicken | grilled chicken, black beans, jalapeno, mozzarella, chipotle aioli 27
- Ocean | prawns, garlic butter, chilli, salsa verde, pecorino, lemon zest 27
- Steak | sirloin, caramelised onion, mozzarella, blue cheese, pine nuts 27
- Meaty | smokey bacon, prosciutto, chorizo, shaved parmesan, rocket 27
- Summer Vege | charred capsicums, courgette, red onion, garlic, feta, soft herbs, pumpkin seeds ^v 26
- Gluten Free Base + 3 | Vegan cheese + 3

ON THE SIDE

- Garlic pizza bread ^v 16
- Fries with garlic oil, parmesan and aioli ^{gf v} 15
- Pear, rocket, prosciutto, shaved parmesan, balsamic reduction ^{gf} 16
- DESSERTS**
- Chocolate brownie, blackberry gel, salted shortbread crumb, freeze dried honey, vanilla gelato ^v 16
- Greek yoghurt pannacotta, fresh thyme strawberries, sweet balsamic, pistachio praline, passionfruit sorbet ^{v gf on request} 17
- Peanut parfait, dark chocolate mousse, blackberry gel, peanut brittle, freeze-dried berries ^{v gf} 16



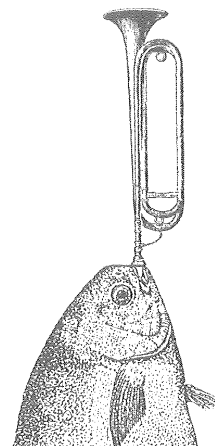
@ HIDE THIRST AND HUNGER



HIDE THIRST AND HUNGER

HIDEBAR.CO.NZ

df dairy free
gf gluten free
v vegetarian
vg vegan



Tauranga District Licensing Committee
SALE AND SUPPLY OF ALCOHOL ACT 2012

ON-LICENCE
(For Premises)
 Sections 14 and 14.1 Sale and Supply of Alcohol Act 2012

21ION24669/2020

PURSUANT to the Sale and Supply of Alcohol Act 2012 (the Act) **HIDE BAR LIMITED** is authorised to sell and supply alcohol on the premises situated at **1475 MAUNGANUI ROAD, MOUNT MAUNGANUI** and known as **"HIDE THIRSTY & HUNGER"**, for consumption on the premises to any person who is present on the premises and to allow the consumption of alcohol on the premises by any such person.

The authority conferred by this licence must be exercised through a manager or managers appointed by the licensee in accordance with Subpart 7 of Part 2 of the Act.

CONDITIONS

This licence is subject to the following conditions:

1. Alcohol may be sold and supplied for consumption on the premises, only on the following days and hours:
SUNDAY TO THURSDAY 09:00am to 09:30pm
FRIDAY & SATURDAY 09:00am to 10:00pm
2. No alcohol is to be sold or supplied on the premises on Good Friday, Easter Sunday, Christmas Day or before 1pm on Anzac Day to any person other than a person who is on the premises to drink.
3. Drinking water is to be provided to patrons free of charge from a water supply prominently situated on the premises.
4. 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.
5. No shots can be served other than single aperitif before or after consuming a substantive meal.
6. 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 menu supplied with the application for this licence or menu variations of a similar range and standard. Menus must be visible, and food should be actively promoted.
7. A properly appointed, certificated, or Acting or Temporary, manager must be on duty at all times when the premises are open for the sale and supply of alcohol and their full name must be on a sign prominently displayed in the premises.
8. The licensee must provide information, advice and assistance about alternative forms of transport available to patrons from the licensed premises.
9. The licensee must display:
 - a. At every point of sale, signs detailing restrictions on the sale and supply of alcohol to minors and intoxicated persons.
 - b. At the principal entrance to the premises, so as to be easily read by people immediately outside the premises, a sign stating the ordinary hours of business during which the premises will be open for sale of alcohol.
 - c. A copy of the licence attached to the premises so as to be easily read by persons attending the premises.
10. Any live music is to be solely acoustic i.e. no electronic or other form of amplification, or DJs, and the volume of any background music is set so that patrons can have a normal conversation without raising their voices.
11. No disco lights are permitted to be played at the venue.
12. The emptying of glass bottles into the outside bin must be performed between 8am and 3pm each day.
13. The back gate into Shaddeenda Lane is to be shut at 9:30pm each night and no patrons are permitted to access or leave the premises via this gateway from 9:30pm.

THE LICENSED PREMISES

In terms of Section 5 of the Sale and Supply of Alcohol Act 2012, the sale, supply or consumption of alcohol is authorised in the vicinity of the premises and the area is also to include the outside courtyard and alleyway that leads out to the footpath along Maungianui Road. The premises, situated at 1475 MAUNGANUI ROAD, MOUNT MAUNGANUI, is more precisely identified as outlined in a plan site stamped on received by the Tauranga District Licensing Committee on 6 October 2019.

DISPLAY OF LICENCE AND PRINCIPAL ENTRANCES

A copy of this licence must be displayed at the principal entrance to the premises. The entrance from Maungianui Road is designated as the principal entrance.


DURATION

Subject to the requirements of the Act relating to the payment of fees, and to the provisions of the Act relating to the suspension and cancellation of licences, this licence continues in force until the close of the period for which it is renewed.

RENEWED AT Tauranga 27 March 2020

[Signature]
 Te Oti Hanaora Rono KEMPI (Sara)
 SECRETARY
 TAURANGA DISTRICT LICENSING COMMITTEE

[Signature]
 Rusty MEDRAM
 This licence expires on: **06 May 2021**



Hide Bar Limited

 **Event date:** 3/05/2021 8:30 a.m. - 24/05/2021 5:00 p.m. 

Hide Bar Limited, a duly incorporated company, has made application to the Tauranga District Licensing Committee for the **renewal and variation** of an on licence in respect to the premises situated at **147B Maunganui Road, Mount Maunganui** and known as **Hide Thirst and Hunger**.

The general nature of the business currently conducted under the licence is that of a **class 2 restaurant** with a [variation to the current licence intended to be a class 1 restaurant](#).

The days on which and the hours during which alcohol is currently being sold under the licence are:

Sunday to Thursday 09:00am to 09:30pm

Friday and Saturday 09:00am to 10:00pm

With a [variation to the current licence](#) such that the days on which and the hours during which [alcohol is intended to be sold](#) under the licence are:

Monday to Sunday 09:00am to 12:00 midnight

(No alcohol is to be sold and supplied on the premises on Good Friday, Easter Sunday, Christmas Day or before 1pm on Anzac Day to any person other than a person who is on the premises to dine).

The application may be inspected by contacting either a Liquor Licensing Inspector or a Health & Licensing Technician, by phoning Tauranga City Council: Phone (07) 577-7000.

Any person who is entitled to object and who wishes to object may, not later than 15 working days after the date of publication of this notice, file a notice in writing of the objection with the Secretary of the Tauranga District Licensing Committee, Private Bag 12022, Tauranga 3143.

[Current applications and objection timeframe](#)

Posted: May 3, 2021, Categories: [Public Notice](#), [Licensing Applications](#).



Report on an Application for Renewal and Variation of On-licence under section 103(2) of the Sale and Supply of Alcohol Act 2012

To: District Licensing Committee
From: Juanita Hollamby – Licensing Inspector
Date: 14 April 2022

1. APPLICATION DESCRIPTION

1.1 Application and Property Details

| | |
|---------------------------|--------------------------------------|
| Applicant's Name: | HIDE BAR LIMITED |
| Site address: | 147B MAUNGANUI ROAD, MOUNT MAUNGANUI |
| Trading Name: | HIDE THIRST & HUNGER |
| Style of licence: | ON-LICENCE - CLASS 2: RESTAURANT |
| Risk Rating: | MEDIUM |
| Application Number: | 26481 |
| Date Received by Council: | 13 Apr 2021 |
| Current Licence Expired: | 06 May 2021 |
| Changes being sought? | Yes |

2. EXECUTIVE REPORT

This report is for an application for a Renewal and a Variation of Conditions for an On Licence. The criteria found at section 131 and 120 of the Sale and Supply of Alcohol Act 2012 applies to this application. In considering this application the District Licensing Committee must have regard to the matters set out in Section 105.

3. APPLICATION

The application was lodged on 30 March 2021 via email to an Inspector and subsequently forwarded to the Secretary for processing on 13 April 2021. The application was problematic in how it was completed and contained a number of errors. It was returned to the applicant with a request to complete the application and provide supporting

documentation. A deadline of 23 April 2021 was advised for this to be attended to otherwise the application would be declined for processing.

An email was received from Dayna Comeskey on the 23 April 2021 which provided all of the final information required to accept the application for processing.

The applicant later advised by email (2 December 2021) to a (previous) Inspector that he would now like to apply for a 01:00am closing time. When I advised the applicant that if he wished to pursue this change it would require the application effectively being “started from scratch” he declined and confirmed he would like to proceed with the hours as applied for and publicly notified.

The above is an explanation for the purpose of clarifying the amendments on the application form.

The applicant has applied for a renewal and variation to conditions of On Licence 21/ON/24669/2020. The variations to this licence sought are:

Current conditions:

- a) Alcohol may be sold and supplied for consumption on the premises only on the following days and hours:
 - i. Sunday to Thursday 09:00am to 09:30pm
 - ii. Friday and Saturday 09:00am to 10:00pm
- b) Designation: The whole of the premises is undesignated
- c) Style of Licence: Class 2 Restaurant

With a variation of:

- a) Alcohol may be sold and supplied for consumption on the premises only on the following days and hours:
 - i. Monday to Sunday 09:00am to 12:00 midnight
- b) Designation: Remain undesignated however if recommended they would be happy to have a supervised designation from 10:00pm.
- c) Style of Licence: Class 1 Restaurant

| |
|-----------------------------|
| 4. EXTERNAL AGENCIES |
|-----------------------------|

Police filed a report on the application on 13 July 2021 and have conditionally opposed the application.

The Medical Officer of Health filed a report on the application on 03 July 2021 and has raised matters in opposition to the application.

5. PUBLIC NOTICES AND OBJECTIONS

The application was publicly notified on the Tauranga City Council website on 3 May 2021 and has attracted ten (10) public objections from nearby residents opposing the requested variation to conditions of the current licence (*refer Appendix 1, page 10*) for a table of objectors).

The objectors appear to have greater interest in the application than the public generally because they live or own property within 1km of the proposed licensed premises. In a straight line the objectors all live or own property within 100 metres of Hide Hunger and Thirst. The objections relate to the criteria at section 105 of the Act. The objections state noise (current and potential) from the premises, patrons leaving from the premises creating disturbances, how the premises is operated and mistrust with the applicant is the basis of their concerns. Many of the residents have stated that they would not object if the application was simply a renewal of the current conditions.

The public objectors have all previously lodged objections to previous applications for this premises lodged by Hide Bar Limited.

The applicant requested that a meeting be organised with all public objectors prior to hearing. I emailed all objectors on 22 February 2022 advising the applicant had suggested a meeting be arranged between himself and all objectors to discuss the application and to see if any solutions could be worked through in order to avoid a hearing.

A response was received from 8 of the 10 objectors and the response was overwhelmingly that they did not wish to attend a meeting and wanted the matter to proceed to a hearing.

6. SUITABILITY OF THE APPLICANT

The applicant (Hide Bar Limited) is a private company of which Matthew Kebble Hayward is the sole director and shareholder.

I had a general discussion with Matthew Hayward during a site visit on 05 April 2022, Chloe Roper (Tauranga City Council Noise Specialist) was also in attendance. We discussed the application and the objections that had been received and how Mr Hayward would like to be able to host live musicians in the nature of an acoustic guitar type music through an amplifier or DJ's but in his words "not a dance party" until 08:00pm. Mr Hayward explained the changes he had made to the premises including installing clear plastic screening and a roof louvre which he claims has mitigated noise issues (*refer Appendix 2, page 11*).

The suitability of the applicant has been questioned in the past due to a history of non-compliance.

A number of the objectors have raised concerns regarding the applicant's suitability.

In the decision issued for the renewal of the licence on 12 March 2019, Commissioner Clearwater commented:

For clarity and continuity, we reiterate a brief 'history' of this application.

An ON Licence, 021/ON/18783/2015 was in force at the premises and expired on the 17th of December 2017. The base licence was for a low-risk class 3 Japanese restaurant trading as Mr Miyagi and no designation was in place. The first Temporary Authority (TA) was sought under the company name of Stella Concepts Limited. Mr Matt Hayward is the director of both Stella Concepts Limited and Hide Bar Limited. Hide Bar Limited is now the company that holds the substantive licence.

A series of TA's ensued due to unauthorised building works and certification hold ups. There were hearings to consider noise complaints and allegations that the business was operating as a tavern instead of a low risk restaurant.

Following a hearing in July 2018 an On Licence was granted with a very clear direction that the business was to operate strictly as a Class 2 restaurant.

*The licence was eventually **issued** in October 2018 once all building certification was finalised.*

The applicant has operated the business for 15 months under the new licence conditions and the renewal has drawn opposition from the Inspector alleging noise non-compliance and that the business is operating outside of the criteria for a Class 2 Restaurant.

...The decision to approve the renewal the licence was not an easy one. However, as Mr Hayward appears unable to contain his business activities within the conditions, we set him, we intend to restrict them further...

...We said when first granting the licence "the onus will be on Mr Hayward and his team to not to abuse this provision. Licensees must always try to operate within the law rather than trying to find ways to get around it." In our view he has not respected the leeway we gave him. The hours of operation will be restricted to hours normally associated with restaurants and diners consuming substantive meals with alcohol on the side...

...As we are still not fully convinced of Mr Hayward's conviction to work within these boundaries the licence will only be renewed for 18 months from the 6th of November 2019. The ball is firmly in Mr Hayward's court to make this regime work and for him to restore his credibility and to be in a position to seek a further renewal in May 2021.

I believe the applicant is aware of his responsibilities under the Act however it appears this is not always enacted.

7. MANNER OF TRADING

The premises have been inspected twice in the past year.

14 May 2021 (by a previous Inspector)

This visit highlighted a number of issues including:

- The Public Notice notifying the application was not displayed as per requirements of S101, which is to be attached in a conspicuous place on or adjacent to the site to which the application relates;

- The Licence was not displayed at the principal entrance as clearly identified in the licence (Maunganui Road).
- Trading hours are not displayed
- Manager on duty – There was a stated appointment of a Temporary Manager, at this time there had been no notification to the District Licensing Agency of this appointment nor had an application been received for this person.

An email was sent to the licensee outlining the above issues

25 November 2021 (by a previous Inspector – premises was not open)

- No issues were recorded on the report although I note from photo's taken, that the licence and trading hours are not displayed at the principal entrance.

12 April 2022 (Site visit – premises was not open)

- I observed the Licence and trading hours are not displayed at the principal entrance (as the premises was not open the premises were not inspected). This has been followed up with an email 19/04/2022 and requested matter is rectified by 20/04/2022).

I have concerns with the applicant's manner of trading due to findings from these inspections.

8. DESIGN AND LAYOUT OF THE PREMISES

The premises is an old house that has been refurbished housing a kitchen, bar area and a small indoor dining area. The seating for patrons is predominantly outside and under cover.

Most of the premises is easily visible from the point of sale.

The current licensed area is more precisely identified on the plan date stamped as received by Tauranga District Licensing Agency on 08 October 2019. There are no changes to the licenced area.

The whole of the premises is currently undesignated which is appropriate for a Class 2 Restaurant and is consistent with the requirements of section 119 of the Act. The applicant has advised that they would like to remain undesignated but would be happy to change to supervised from 10:00pm if recommended. This of course would only be relevant if the variation to hours beyond 10:00pm is granted as per the variation.

I have no concerns with the design and layout of the premises with how it currently operates as a Class 2 Restaurant.

9. AMENITY AND GOOD ORDER OF THE LOCALITY

9.1 Introduction

The premises are located in Maunganui Road, Mount Maunganui. The area contains retail shopping stores along with other bars and restaurants. The area located to the rear of the premises is residential housing.

The premises are located within an alcohol ban area.

9.2 Noise, nuisance and vandalism

The premises has not been the subject of any noise complaints in recent times however there have been issues of noise and nuisance in the past which is the basis of the objections and the cause for concern for the nearby residents should the variation to licence be granted.

Chloe Roper (Tauranga City Council Environmental Monitoring Officer - Noise Specialist) has made the following comments in relation to this application:

No noise complaints have been received by Council since the current licensing conditions have been in place. This demonstrates that these restrictions are effective in mitigating noise emissions from the premises.

Prior to the current licence restrictions being in place, Council received 26 noise complaints. This was between November 2018 and March 2020. The previous licence was less restrictive on operational times and the type of music permitted at the premises.

From when the premises was operating under their previous licence (pre-March 2020) we know that these measures were not effective in managing noise and preventing adverse amenity affects for neighbours. Although, under those licensed conditions they were permitted to play acoustic style music until only 10pm. However, the licensee pushed the boundaries on what this type of music entailed, as we received extensive noise complaints regarding music, and people noise was also an issue, which is more difficult to mitigate.

The licensee now requests to make the following changes to the licence, removing current restrictions: to extend the licensed hours from 9.30pm Sunday -Thursday and 10pm Friday and Saturday to midnight Monday- Sunday, as well as changing the class of licensed premises from a Class 2 restaurant to a Class 1 premises, which includes taverns, late night entertainment premises, etc.

With the requested extension to operating hours as well as the change to the class one restaurant raises concerns over potential increases to noise emissions, particularly later in the evening, when the premises would currently not be operating. Managing noise from people is very difficult without being able to contain noise very well in the courtyard area of the premises. With extending the operating times to midnight and also seeking to change the premises trading style to a class one restaurant, in my mind, may cause an increase in the level of intoxication of patrons when visiting the premises and potentially modify patrons behaviour and increase people noise.

The applicant has advised in their application that they intend to manage adverse effects from noise by communication with neighbours, self-monitoring and playing acoustic style music only until 8pm. The licensee has used the first two measures previously and they have not been effective. The third measure has been available in the second to last license (November 2018 and March 2020) until 10pm and the licensee did not manage noise levels from "acoustic style music" by using amplification, which created adverse noise effects for

surrounding neighbours. The licensee has also verbally advised that they believe the plastic screening and roof louvre recently installed in the courtyard area will mitigate noise. From viewing these installations during our recent visit to the premises, I do not believe that these measures are likely to effectively mitigate late night noise in the courtyard area, due to these mechanisms not enclosing the whole courtyard area and not being robust or including a high level of sound reduction.

Based on the above, I recommend that the current licence conditions continue to remain in place on the new licence for this premises.

The issue of noise complaints and the inability, or lack of management of noise has been well canvassed by the Authority for many years. It is often brought up as an issue at renewal. The principles expressed in the LLA decision of [Paihia Saltwater \[2001\] Limited NZLLA PH 391/2001](#) are most often cited in this regard (refer paragraphs 26 to 30).

9.3 Visual amenity

The premises are tidy.

The premises are located behind other stores and access is gained via an alleyway between the buildings down to the premises. There is no direct sight of the full premises from the footpath or road.

9.4 Comment

There is no reason to believe that the amenity and good order of the locality would be likely to be increased, by more than a minor extent, by the effects of a refusal to simply renew the current licence.

There is however, reason to believe that the amenity and good order of the locality would be likely to be reduced, by more than a minor extent, by the effects of the issue of a licence with increased hours and a style of licence that allows the premises to be operated in the manner of a Tavern at least one night of the week, due to the following matters (as they relate to the locality):

- a) Current, and possible future, noise levels;
- b) Current, and possible future, levels of nuisance and vandalism

and, the extent to which the following purposes are compatible:

- a) The purposes for which those premises will be used if the licence is issued

10. DAYS AND HOURS

The days on which and the hours during which the applicant proposes to sell alcohol are permitted within the current Tauranga City Council Local Alcohol Policy (2015).

There is nothing to suggest that the current licensed hours have had a negative impact on the locality or on alcohol-related harm while the premises have been trading but have in fact improved the operation of the premises (in the opinion of the neighbours and Inspectors) from previous licensed hours. The proposed hours however are of concern as to how the premises could trade in the future.

11. SYSTEMS, STAFF AND TRAINING

The application form includes a host responsibility policy which outlines the steps the applicant will take to manage the premises. The applicant had appointed four certificated managers on the application form. In an email received on 13 April 2022, an updated list of managers was provided (as per below details) and it would appear that there are only two certificated managers appointed (to date there has been no official notification of acting managers made):

- a) Dayna Comeskey - 21/CERT/24866/2019
- b) Matthew Hayward - 21/CERT/26880/2021
- c) Jack O'Shea - (Acting) DM Cert Lapsed recently, Applying for Renewal asap (*sic*)
- d) Natalie Capo - (Acting) LCQ Complete, Applying for duty managers via TCC in the next week (*sic*).
- e) Maya Biddlecome - (Acting) LCQ Complete, Applying for duty managers via TCC in the next week (*sic*).

It is also noted in the same email that Dayna Comeskey and Matthew Hayward are also appointed managers at another premises (Brew Co) which is also owned and operated by Mr Hayward, so it is concerning as to how many certificated managers could be on the premises at any one time while the premises are open for the sale and supply of alcohol.

The applicant states to have appropriate systems, staff, and training to comply with the law however I am not aware of what these are.

12. OTHER GOODS AND SERVICES

I have no concerns with other goods and services at the premises.

13. THE OBJECT OF THE ACT

The object of the Act is to ensure the safe sale, supply and consumption of alcohol, and to minimise alcohol-related harm.

There is nothing to suggest that granting the renewal of the licence, in situ, would be contrary to the object of the Act.

The purpose of the Act is for the benefit of the community as a whole -

- a) to put in place a new system of control over the sale and supply of alcohol, with the characteristics stated in subsection (2); and
- b) to reform more generally the law relating to the sale, supply, and consumption of alcohol so that its effect and administration help to achieve the object of this Act.

The characteristics of the new system are that—

- (a) it is reasonable; and

(b) its administration helps to achieve the object of this Act.

14. CONCLUSION AND CONDITIONS

The applicant seeks to renew and vary the conditions of the current licence in order to operate as a Class 1 Restaurant whereby the premises can be operated in the manner of a Tavern at least one night a week while still offering a restaurant style of dining. The applicant has stated that the current style of business will not change but he wants to be able to offer the casual afternoon drink and trade for longer hours in line with other premises in the Mount Maunganui "strip". He feels it is unfair that his premises has the most restricted hours in this area.

It is my opinion, based on the objections from the neighbouring residents and the agencies, the history of non-compliance and the comments from Chloe Roper, that should the application for a variation of conditions be granted this would affect the amenity and good order of the locality by more than a minor extent.

Based on the information stated in this report, I oppose the application for a variation to conditions of the current licence but recommend that the licence be renewed subject to the current conditions below:

Recommended Conditions:

1. Alcohol may be sold or supplied for consumption on the premises only on the following days and hours: **Sunday to Thursday 9.00am to 9.30pm and Friday and Saturday 9.00am to 10.00pm;**
2. No alcohol is to be sold or supplied on Good Friday, Easter Sunday, Christmas Day or before 1pm on Anzac Day to any person other than a person who is on the premises to dine;
3. Drinking water is to be provided to patrons free of charge from a water supply prominently situated on the premises;
4. 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;
5. No shots can be served other than a single aperitif before or after consuming a substantive meal;
6. 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 menu supplied with the application for this licence or menu variations of a similar range and standard. Menus must be visible, and food should be actively promoted;
7. A properly appointed certificated, or Acting or Temporary, manager must be on duty at all times when the premises are open for the sale and supply of alcohol and their full name must be on a sign prominently displayed in the premises;

8. The licensee must provide information, advice and assistance about alternative forms of transport available to patrons from the licensed premises;
9. The Licensee must display:
 - a. At every point of sale, signs detailing restrictions on the sale and supply of alcohol to minors and intoxicated persons;
 - b. At the principal entrance to the premises, so as to be easily read by people immediately outside the premises, a sign stating the ordinary hours of business during which the premises will be open for sale of alcohol;
 - c. A copy of the licence attached to the premises so as to be easily read by persons attending the premises;
- 10. Any live music is to be solely acoustic i.e. no electronic or other form of amplification, or DJs, and the volume of any background music is set so that diners can have a normal conversation without raising their voices;**
11. No drum kits are permitted to be played at this venue;
12. The emptying of glass bottles into the outside bins must be performed between 8am and 8pm each day;
- 13. The back gate into Shadelands Lane is to be shut at 9.30pm each night and no patrons are permitted to access or leave the premises via this gateway from 9.30pm.**

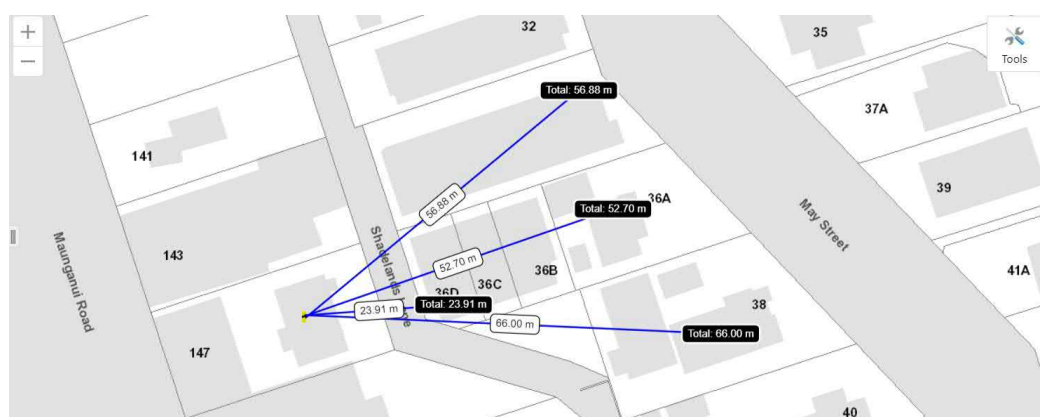
Prepared by



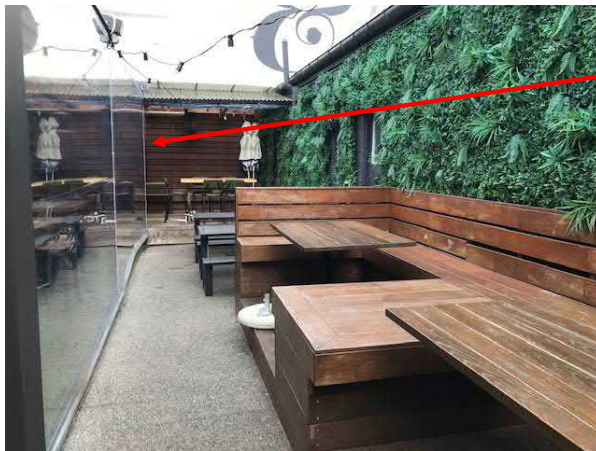
Juanita Hollamby
Licensing Inspector

Appendix 1 – Table of Objectors

| Objector | Address/Location | Objection substantiated |
|----------------------------|--------------------------|--|
| Steve Bell | [REDACTED] | Yes, property approximately 60 metres away |
| Julene Foster | [REDACTED] [REDACTED] | Yes, property between 20 – 50 metres away |
| Richard Leach | [REDACTED] [REDACTED] | Yes, property between 20 – 50 metres away |
| Jill & Dane Chalmers | [REDACTED] | Yes, property approximately 35 metres away |
| Isabel & Graeme Goodall | [REDACTED] | Yes, property approximately 20 metres away |
| Bruce & Nancy Anniss | [REDACTED] | Yes, property approximately 50 metres away |
| Alan & Angela Grace | [REDACTED] [REDACTED] | Yes, property between 20 – 50 metres away |
| Michelle & Shane Stent | [REDACTED] [REDACTED] | Yes, property between 20 – 50 metres away |
| Bruce Gardner | [REDACTED] | Yes, property approximately 30 metres away |
| Colleen & Michael Taranaki | [REDACTED] [REDACTED] | Yes, property between 20 – 50 metres away |



Appendix 2 – Photo's of recently installed clear plastic screening and roof louvre



clear plastic screening



clear plastic screening



Roof Louvre

Sergeant Dan ROSER - Licensing and Alcohol Harm Prevention Co-ordinator
Western Bay of Plenty Police - 11 Monmouth Street OR P O Box 144, TAURANGA
E-mail: Daniel.Roser@police.govt.nz



**REPORT ON APPLICATION FOR 'ON' LICENCE (renewal)
SALE AND SUPPLY OF ALCOHOL ACT 2012**

13 July 2021

The Secretary
District Licensing Committee
Tauranga District Council
Private Bag 12022
TAURANGA

APPLICATION FOR ON LICENCE (VARIATION) - 26481

APPLICANT: HIDE BAR LIMITED

PREMISES: HIDE THIRST & HUNGER

LOCATION: 147B MAUNGANUI ROAD, MOUNT MAUNGANUI

STATUS: Conditionally OPPOSED

An application for the issuing of a renewal of an On Licence for the above named applicant and premises was received by the New Zealand Police at the Western Bay of Plenty Liquor Licensing Unit.

Following a review of the application Police are conditionally opposed.

The applicant seeks to increase licensed hours to 12:00pm (midnight). The applicant also seeks to be defined as a Class 1 Restaurant. This will allow the applicant to trade as a tavern up to seven nights a week.

Police understand there is a lengthy history with this premises focused mainly around noise and amenity of the area and was the subject of considerable public objection resulting in the present licensed hours.

It is understood that there are several public objections to the present renewal / variation application.

Sergeant Dan ROSER - Licensing and Alcohol Harm Prevention Co-ordinator
Western Bay of Plenty Police - 11 Monmouth Street OR P O Box 144, TAURANGA
Ph 021 191 3804 E-mail: Daniel.Roser@police.govt.nz

Sergeant Dan ROSER - Licensing and Alcohol Harm Prevention Co-ordinator
Western Bay of Plenty Police - 11 Monmouth Street OR P O Box 144, TAURANGA
E-mail: Daniel.Roser@police.govt.nz

Police support the communities voice and propose that the status quo remains.

Police opposition is based on section 105(1)(a)(b)(d)(e)(h)(k) s106 sec 120 (6)(7)

Should you require any further information in relation to this application, please contact the writer on the email or numbers listed below.

Yours faithfully,



Dan ROSER
Sergeant (DRI941)
Alcohol Harm Prevention Co-ordinator
WESTERN BAY OF PLENTY

Sergeant Dan ROSER - Licensing and Alcohol Harm Prevention Co-ordinator
Western Bay of Plenty Police - 11 Monmouth Street OR P O Box 144, TAURANGA
Ph 021 191 3804 E-mail: Daniel.Roser@police.govt.nz

From: Liquor

Sent: Saturday, 3 July 2021 12:19 PM

To: admin DLC <adminDLC@tauranga.govt.nz>; ROSER, Daniel (Dan) Liquor

Cc: Dawn Meertens

Subject: RE: Multiple Documents - "Application - RENEWAL - ON - HIDE BAR LIMITED - 533323 - HIDE THIRST & HUNGER - Michelle - PL26481

Hi Admin

On behalf of the Medical Officer of Health I have inquired into this application and have matters in opposition.

The applicant is looking to extend his hours by applying for a variation. The hours applied for are until 12 midnight. I believe this will reduce the amenity and good order of the locality. Having a Class 1 restaurant license, I believe, enables the applicant to trade as a Tavern, 1 or more nights a week. This can remove the focus from dining, where noise is normally minimal, to "drinking only" after meal time and increase potential noise and nuisance for neighbours.

This is opposed under s105(1)(a)(b)(d)(e)(h)(k) s106 sec 120 (6)(7)

Kind regards

Dawn Meertens

For Medical Officer of Health



Dawn Meertens

Technical Officer

Website: www.toiteora.govt.nz

From: McDivitt, Teresa <Teresa.McDivitt@fireandemergency.nz>

Sent: Tuesday, 4 May 2021 11:29 AM

To: admin DLC <adminDLC@tauranga.govt.nz>

Subject: RE: Multiple Documents - "Application - RENEWAL - ON - HIDE BAR LIMITED - 533323 - HIDE THIRST & HUNGER - Michelle - PL26481

Fire and Emergency New Zealand have no objection to Hide Bar, 147B Maunganui Road application for a liquor licence.

Teresa McDivitt

Business Services Coordinator

Bay of Plenty Coast Area

Ngā tai ki te Puku Rohe (Region 2)

www.fireandemergency.nz



Application number: 21/ON/26481/2022

IN THE MATTER of the Sale and Supply of
Alcohol Act 2012 (the Act)

AND

IN THE MATTER of an application by **Hide Bar
Limited**
pursuant to s127 of the Act
for the renewal **and variation**
of the ON Licence in respect
of premises situated at
147B Maunganui Road,
Mount Maunganui, Tauranga
known as "Hide-Thirst &
Hunger"

MINUTE OF THE TAURANGA DISTRICT LICENSING COMMITTEE

THE APPLICATION

We have before us an application to renew and vary the ON Licence for premises situated at 147B Maunganui Road, Tauranga known as "Hide- Thirst & Hunger."

The application has drawn 10 public objections from nearby residents who largely state that the current licensing regime is working well, and they object to any relaxing of the Class 2 restaurant conditions and the request for extended hours.

The three agencies oppose the request for renewal with variation, citing concerns about the potential for excessive patron and general noise nuisance.

THE DIRECTION

The application will need to be considered and determined by a full quorum of the Committee in due course.

The Chairperson directs that the matter be set down for hearing as soon as possible.

DATED at TAURANGA this 19th day of April 2022

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

Murray Clearwater
Chairperson/Commissioner
Tauranga District Licensing Committee

| No. | Date Received | Objector | Address | Confidential (not to be disclosed) | | Telephone | Comments. | Attending Hearing | Intends to speak | Correspondence |
|-----|---------------|----------------------------|---------|------------------------------------|--|-----------|-----------|-------------------|---|-------------------------|
| 1 | 13/05/2021 | Steve Bell | | | | | | NO - unable to | Jill Chalmers will speak on behalf | Sent acknowledgement 17 |
| 2 | 15/05/2021 | Julene Foster | | | | | | YES | YES | Sent acknowledgement 17 |
| 3 | 17/05/2021 | Richard Leach | | | | | | YES | YES | Sent acknowledgement 17 |
| 4 | 18/05/2021 | Jill & Dane Chalmers | | | | | | YES (Both) | YES (both) | Sent acknowledgement 18 |
| 5 | 23/05/2021 | Isabel & Graeme Goodall | | | | | | YES | YES (teabe) | Sent acknowledgement 23 |
| 6 | 23/05/2021 | Bruce & Nancy Anniss | | | | | | YES (Both) | NO (as other neighbours are speaking and repeating same concerns) | Sent acknowledgement 23 |
| 7 | 23/05/2021 | Alan & Angela Grace | | | | | | YES (Both) | YES (Angela to speak) | Sent acknowledgement 27 |
| 8 | 23/05/2021 | Michelle & Shane Stent | | | | | | YES (Both) | YES (unless called away and will get someone to speak on their behalf if necessary) | Sent acknowledgement 27 |
| 9 | 23/05/2021 | Bruce Gardner | | | | | | YES | YES | Sent acknowledgement 27 |
| 10 | 24/05/2021 | Colleen & Michael Taranaki | | | | | | NO - unable to | Will submit something in writing if possible | Sent acknowledgement 27 |

Objector 01

From: Tauranga City Council <noreply@qemailserver.com>
Sent: Thursday, 13 May 2021 11:44 AM
To: admin DLC <adminDLC@tauranga.govt.nz>
Subject: Alcohol Licence Objection - Hide Bar

Please find below an Alcohol Licence Objection form. Confirmation has also been sent to the applicant.

Alcohol Licence Objection Form

*- indicates required field. No objection may be made in relation to a matter other than the criteria specified in section 105 (new licence applications) or section 131 (renewal applications) of the [Sale and Supply of Alcohol Act 2012](#).

You must make specific reference to these matters in your objection.

For information visit the below:

[Sale and Supply of Alcohol Act 2012, Section 105 - Criteria for issue of licences](#)

[Sale and Supply of Alcohol Act 2012, Section 131 - Criteria for renewal](#)

[Sale and Supply of Alcohol Act 2012, Section 102 - Objections to Applications](#)
[Public Objections Factsheet](#)

Objector contact details

First name: *

: Steve

Surname: *: Bell

Address: *: [REDACTED]

Phone number: *: [REDACTED]

If you are submitting on behalf of an organisation, please indicate your position and the organisation below:

Organisation (optional)

Position

: owner

Details of Objection

I wish to object to the alcohol licence application by:

Name of applicant or business *

Hide Bar Limited

Address or proposed address of business *

147B Maunganui Road, Mt. Maunganui

Grounds for your objection

Why you have an interest that is greater than the general public in the licence application

Having previously experienced a few years ago the running of the bar called "the Office". This was located very close to where the Hide Bar is now. I have heard the noise and seen the disturbances in Shadelands lane late at night. I am the owner/occupier of [REDACTED]

Reasons for objection *

Based on the criteria specified in section 105 (new licence applications) or section 131 (renewal applications) of the Sale and Supply of Alcohol Act 2012

I have tenants that live about 40 meters from the Hide Bar and they face directly in that direction. One tenant is in her late 70's and already has trouble sleeping due to the noise of Shadelands lane. In the past when the Office bar was operating we have had washing on the clothesline go missing, have seen people walking through our section to get to May st and even found a dumped bicycle inside a 1.8 meter fence. All of this happening while we were asleep. I also feel the building has an extremely small area for customers inside. This will mean they will spill outside the building where the noise will be projected into Shadelands Lane. I know the owner also owns the brew bar so why does he feel he needs to create another late night bar? He has tried to change his license before and doesn't seem to be working with the TCC or the residents.

Signature of applicant - please type your full legal name

Typing your name is acceptable as a signature via online

Stephen Bell

Thank you for the information you have provided in relation to your objection, you will be contacted by a member of the Alcohol Licensing Team to discuss your objection and the District Licensing Committee hearing process

Objector 02

From: Tauranga City Council <noreply@qemailserver.com>
Sent: Saturday, 15 May 2021 4:34 PM
To: admin DLC <adminDLC@tauranga.govt.nz>
Subject: Alcohol Licence Objection - Hide Bar

Please find below an Alcohol Licence Objection form. Confirmation has also been sent to the applicant.

Alcohol Licence Objection Form

*- indicates required field. No objection may be made in relation to a matter other than the criteria specified in section 105 (new licence applications) or section 131 (renewal applications) of the [Sale and Supply of Alcohol Act 2012](#).

You must make specific reference to these matters in your objection.

For information visit the below:

[Sale and Supply of Alcohol Act 2012, Section 105 - Criteria for issue of licences](#)

[Sale and Supply of Alcohol Act 2012, Section 131 - Criteria for renewal](#)

[Sale and Supply of Alcohol Act 2012, Section 102 - Objections to Applications](#)
[Public Objections Factsheet](#)

Objector contact details

First name: *

: Julene

Surname: *: Foster

Address: *: [REDACTED]

If you are submitting on behalf of an organisation, please indicate your position and the organisation below:

Organisation (optional)

Position:

Details of Objection

I wish to object to the alcohol licence application by:

Name of applicant or business *

Hide Bar Limited

Address or proposed address of business *

147b Maunganui Road Mount Maunganui

Grounds for your objection

Why you have an interest that is greater than the general public in the licence application

I own and reside at [REDACTED] for the last 20 years, age 77 years, directly behind my home Hide Bar Limited, approximately 15 metres and am directly affected by Hide's operations. I object to the change to Class 1 and the variation to the hours of operating where it can sell alcohol from its current limits of 9.30 **40**

Sun-Thu and 10pm Fri - Sat to allowing alcohol to be sold all nights until midnight. i am very concerned that a license variation will have a severe adverse effect on the good order of the adjoining neighbourhood and residents , our property values and the ability to sell when the time is right for the individual more than by a minor extent. Currently there is a greater number of homeless and intoxicated people loitering around in the area and we do not need an added attraction such as a tavern to encourage more numbers.

Reasons for objection *

Based on the criteria specified in section 105 (new licence applications) or section 131 (renewal applications) of the Sale and Supply of Alcohol Act 2012

From the time Hide Bar Limited commenced trading in 2017 until March 2020 when the DLC imposed restrictions and conditions i suffered and was subjected to persistent sleep interference, noise disturbances from music and patrons at Hide late at night leaving after drinking at Hide. and congregating in Shadeland's Lane, people walking through my property to May St. The conditions and restrictions imposed by the DLC in March 2020 have ameliorated these issues. Hide's building is not enclosed, has an open-air courtyard that cannot contain noise and is unsuitable to be used as a bar. The back door of Hide exits directly onto Shadelands lane. The fact that the neighbors and TCC have had to object to applicant's alcohol licenses every time he has applied would call into question applicant's suitability. There have been at least two other DLC hearings held because of issues and disturbances with the applicant. Very stressful , affecting health and of course time off work for preparation and to attend.

Signature of applicant - please type your full legal name

Typing your name is acceptable as a signature via online

Julene Margaret Foster

Thank you for the information you have provided in relation to your objection, you will be contacted by a member of the Alcohol Licensing Team to discuss your objection and the District Licensing Committee hearing process

From: Tauranga City Council <noreply@qemailserver.com>
Sent: Monday, 17 May 2021 2:29 PM
To: admin DLC <adminDLC@tauranga.govt.nz>
Subject: Alcohol Licence Objection - Hide Bar

Objector 03

Please find below an Alcohol Licence Objection form. Confirmation has also been sent to the applicant.

Alcohol Licence Objection Form

*- indicates required field. No objection may be made in relation to a matter other than the criteria specified in section 105 (new licence applications) or section 131 (renewal applications) of the [Sale and Supply of Alcohol Act 2012](#).

You must make specific reference to these matters in your objection.

For information visit the below:

[Sale and Supply of Alcohol Act 2012, Section 105 - Criteria for issue of licences](#)

[Sale and Supply of Alcohol Act 2012, Section 131 - Criteria for renewal](#)

[Sale and Supply of Alcohol Act 2012, Section 102 - Objections to Applications](#)
[Public Objections Factsheet](#)

Objector contact details

First name: *

: Richard

Surname: *: Leach

Address: *:

[REDACTED]

If you are submitting on behalf of an organisation, please indicate your position and the organisation below:

Organisation (optional)

Position:

Details of Objection

I wish to object to the alcohol licence application by:

Name of applicant or business *

Hide Bar Ltd - Hide Thirst & Hunger

Address or proposed address of business *

147B Maunganui Road, Mount Maunganui

Grounds for your objection

Why you have an interest that is greater than the general public in the licence application

I am the owner of [REDACTED] and probably one of the closest properties to this establishment (16 meters) from my master bedroom.

Reasons for objection *

Based on the criteria specified in section 105 (new licence applications) or section 131 (renewal applications) of the Sale and Supply of Alcohol Act 2012

The reason for my objection is 1. Mathew Hayward can not be trusted as proven during the last hearing 2. Prior to the last hearing we had nothing but trouble, drunk people, noise, abuse from Matt. I also lost a tenant and had many calls from my new tenants, all this stopped upon the licensing restraints. 3. Upon the conditions currently enforced upon Hyde, things have settled down to an acceptable level with no problems. 4. If the license is granted we will be back to all the problems we were having, along with this the potential value of my house will be effected. I am qualified to state this as i am a licensed real estate agent.

Signature of applicant - please type your full legal name

Typing your name is acceptable as a signature via online

Richard Leach

Thank you for the information you have provided in relation to your objection, you will be contacted by a member of the Alcohol Licensing Team to discuss your objection and the District Licensing Committee hearing process

Objector 04

18 May 2021

Our family owns a townhome [REDACTED] located 15 meters away from Hide Thirst and Hunger ("Hide"). Hide currently operates as a Class 2 restaurant with restrictive conditions on its license mandated by Tauranga DLC's Decision No 21/ON/24669/2019 decision (the "2019 Decision"). Instead of seeking to renew its existing license, Hide seeks a license to operate as a Class 1 restaurant and to sell alcohol until midnight every day. We object to Hide's alcohol license application. We are adversely affected parties with a greater interest in the application than the general public given our proximity to Hide and the past disruptions that Hide has caused to the quite enjoyment of our townhome.

There is significant history regarding Hide and its alcohol license and we are surprised and dismayed that Hide would seek any variations. In 2018 and again in November 2019, we, along with a number of nearby residents, vehemently objected to Hide alcohol applications through written submissions and appearances at the DLC's June 21, 2018 and February 19, 2020 hearings. In 2018 we opposed Hide's attempt to change from a Class 3 restaurant to a tavern and its off-license alcohol sales application. In 2019 we opposed Hide Bar's application to operate a Class 2 restaurant and to sell alcohol until 1:00 a.m. Allowing Hide to operate as a bar rather than a sit down restaurant, which is the only suitable activity for the establishment given its open-air layout and proximity to residents, is and has been extremely disruptive to the residential neighborhood. The basis for our objections to Hide's alcohol sales applications were due to:

- disruptions to the peace and amenity of the neighborhood resulting from Hide's operations and alcohol sales including excessive noise (including both music and people), disorderly behavior from patrons leaving hide after consuming alcohol, causing disruptions to our ability to sleep, and enjoyment of our home;

- concerns about the way that Hide conducted its business and its routine flouting of laws regarding alcohol sales since it first opened;

- Hide Bar's disregard for the disturbances on the affected neighbors;

- the inadequacies in the physical layout of Hide with its open-air courtyard with no roof or soundproofing to contain noise;

- the location of Hide itself, with its back wall and back door exit onto Shadelands lane being just a few meters away from residences; and

- devaluation and degrading of all of the nearby residences (disruptions to the neighborhood's amenity).

Our current objections remain the same, and we also question the suitability of applicant given his past behavior and disregard for the neighbors.

We were happy with the DLC's 2019 decision and the restrictive conditions placed on Hide, which we view as a balanced compromise. The decision allowed Hide to operate as a Class 2 restaurant with a separate bar from which to sell alcohol to sit down diners for a reasonable period of time (until 9:30 p.m. Sun.-Thurs. and until 10:00 p.m. on Fri-Sat; a period of time that

was a longer period of time that the objectors had proposed) while dining. We felt that this compromise was fair to Hide while protecting the neighbors from the continued unreasonable disturbances from Hide's operations. If Hide had simply reapplied for a renewal of its existing alcohol license with the same conditions, we would not object.

However, we are now very concerned by Hide's request to operate as a tavern/bar rather than a low risk restaurant. This will once again undoubtedly adversely affect the quiet enjoyment of our home and disrupt the peace and amenity of our neighborhood in a substantial manner. Frankly, we are dumbfounded that the neighbors have to go through the process of objecting to Hide's alcohol license once again. It has been repeatedly proven and decided by the DLC that the only suitable operations for Hide are those of a lower risk restaurant that ceases alcohol sales by 9:30 or 10:00.

At both prior 2018 and 2019 DLC hearings, TCC's inspectors reported extensively on Hide's noise nuisance issues and inability to control noise from its location while operating at night. At both hearings Hide's owner corroborated the noise complaints, admitted that its own noise readings were at levels above the City Plan's noise rules, and explained that Hide was unable to obtain an effective acoustic design certificate because of Hide's open-air outdoor space (See, Para 53 of the 2018 DLC Decision). At the 2019 DLC hearing, TCC's Environmental Health Officer, Ms. Chloe Roper, presented independent evidence about noise disruptions caused by Hide's operations at its open-air premises and building without soundproofing, thus corroborating the consistent noise disruptions that the nearby residents had endured. Ms. Roper recommended that the DLC impose a number of conditions to control sound including (i) no amplification; (ii) programmed sound limiting software for the in-house sound system; (iii) the provision by Hide of an acoustic design certificate; (iv) the reduction of hours to 9:00 Sun.-Thurs and 10:00 Fri-Sat; and (v) double glazing offered free of charge to affected neighbors. (See. Para 51 of 2019 DLC Decision). Ultimately, the DLC found that Hide was unsuitable to operate a bar or tavern style business at that site due to its physical layout and inability to control sound, and due to the location and proximity to residential dwellings. In fact, the DLC's findings and reasons for the 2019 Decision included that "A tavern or even a Class 1 restaurant on this site, will adversely affect the residential neighbours and the amenity and good order of the locality will be reduced by more than a minor extent" (See Para. 114 of the 2019 Decision). Nothing has changed with respect to these issues or the prior DLC's findings; our dwellings have not moved and Hide has not changed its location or its physical attributes to contain noise. The DLC has mitigated the nuisances previously caused by Hide by permitting Hide to operate only as a lower level Class 2 restaurant with appropriate sound control limitations, and limits to the time it can serve alcohol to its diners. The fact that the neighbors have not lodged complaints to TCC's noise control during the most recent license period is evidence that the conditions of Hide's alcohol license have had the appropriate effect.

It is clear to us through Hide's historic operations and the behavior of its owner, managers and staff, that it simply cannot sell alcohol after 9:30 or 10:00 p.m. without causing major disruptions to the nearby residents. Prior to the time that Hide's operations were restricted by the current license conditions, Hide's operations caused continual and significant disruption to ourselves and our neighbors who lodged numerous complaints at times when the disruptions became unbearable. We know that TCC also had separate issues that it raised with Hide during that time as well. Hide's physical layout with an open-air courtyard and no soundproofing remains inadequate for containing noise, and if the varied application is granted this will undoubtedly disrupt (i) the quiet enjoyment of our townhome during evenings and at night, (ii)

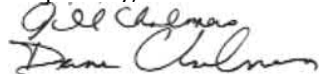
our ability to open our windows during the nighttime, and (iii) our ability to sleep. We are concerned about having to deal with unruly behavior and noise from those leaving Hide after drinking until midnight, and wandering down Shadelands Lane, just outside our door. We believe that it would be unfair to grant Hide the requested variants to its alcohol license which will undoubtedly disrupt the neighbors who will, once again, be forced to monitor and report the continual disruptions caused by Hide's activities if it is permitted to again operate as a bar late at night. Simply, we should not be disturbed by Hide's operations and, instead, should be able to enjoy our homes.

The proximity of Hide to the nearby residences that are just meters away has not changed. The physical layout of Hide, with its open-air courtyard and no soundproofing or ability to control noise has not changed. Further, Hide continues to flout the laws regarding alcohol sales and push the boundaries of the conditions contained in its current alcohol license. Despite the current condition No. 13, namely, "The back gate into Shadelands Lane is to be shut at 9:30 pm each night and no patrons are permitted to access or leave the premises via this gateway through 9:30 pm," Hide continues to allow patrons to access Hide after 9:30. In fact, the sign that Hide has posted on the back gate reads "Due to liquor licensing restrictions access via this gate is restricted after 10pm every night." The fact that Hide has posted a sign incorrectly indicating that patrons can use the gate until 10pm when its alcohol license restricts access after 9:30pm shows that Hide does not care about or comply with its alcohol license conditions. Despite condition No 12, namely, "the emptying of glass bottles into the outside bins must be performed between 8am and 8pm each day," we sometimes hear bottles being emptied into the bins outside Hide early in the morning. While Hide is meant to operate as a low risk restaurant, Hide pushes on with acting like a bar (Hide's social media posts often contain advertisements for alcohol specials including champagne Fridays/holidays, espresso martinis, happy hour drink specials, and alcohol competitions). It is frustrating to us that Hide does not even attempt to comply with all of the current conditions of its alcohol license and, instead, seems to choose to comply with only the requirements it wants to. As a result, we question the suitability of the applicant, who seems to have a complete disregard for the affected residents, and who seems to constantly push boundaries instead of attempting to mitigate disturbances.

Despite the statement in Hide's application that it intends to mitigate disruption by "continuing to work with the affected neighbors," this statement is disingenuous. The owner of Hide has not approached the affected neighbors for our input on the requested variations, or to offer any means of mitigating the disruptions that will surely arise if Hide is allowed become a Class 1 restaurant selling alcohol until midnight. The times where we and other neighbors have tried to articulate and discuss our views with Hide's owner, we have been ignored, threatened and berated.

We hope that TCC, the DLC and Hide realize that by objecting to this variance, it is not our intent to drive Hide out of business. Instead, we would like for Hide to continue its operations as a low level sit down restaurant, operating under the same Class 2 alcohol license with the same imposed conditions as in its current license.

Respectfully,



Jill and Dane Chalmers

Objector 05

From: Tauranga City Council <noreply@qemailserver.com>
Sent: Sunday, 23 May 2021 11:18 AM
To: admin DLC <adminDLC@tauranga.govt.nz>
Subject: Alcohol Licence Objection - Hide

Please find below an Alcohol Licence Objection form. Confirmation has also been sent to the applicant.

Alcohol Licence Objection Form

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You must make specific reference to these matters in your objection.

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[Sale and Supply of Alcohol Act 2012, Section 105 - Criteria for issue of licences](#)

[Sale and Supply of Alcohol Act 2012, Section 131 - Criteria for renewal](#)

[Sale and Supply of Alcohol Act 2012, Section 102 - Objections to Applications](#)
[Public Objections Factsheet](#)

Objector contact details

First name: *

: Isabel and Graeme

Surname: * Goodall

Address: *

[REDACTED]
[REDACTED]
[REDACTED]

If you are submitting on behalf of an organisation, please indicate your position and the organisation below:

Organisation (optional)

Position:

Details of Objection

I wish to object to the alcohol licence application by:

Name of applicant or business *

Hide Bar Limited

Address or proposed address of business *

147B Maunganui Road, Mt Maunganui

Grounds for your objection

Why you have an interest that is greater than the general public in the licence application

We are owners of [REDACTED] which has a boundary on Shadelands Lane. Our property is the closest neighbour Hide Bar. Our concern is that the request for Hide Bar to vary their existing license will once again have an effect on our property value and have effects to the amenity and good order of the neighbourhood

Reasons for objection *

Based on the criteria specified in section 105 (new licence applications) or section 131 (renewal applications) of the Sale and Supply of Alcohol Act 2012

Our concerns are that with extended hours of operating as a bar and selling alcohol until midnight we will experience the problems the same as prior to the issuing of the existing licence. Music and noisy patrons will once again flow out of the rear door facing our property and intoxicated patrons will once again turn our boundary fence into a urinal and broken bottles will once again end up on our boundary. Noise from rowdy patrons leaving the premises and music being played for extended hours will not enhance the neighbourhood at all. Our windows will need to be closed during the hot summer months to try and filter some of the noises. We have been through this with Hide Bar prior to their existing licence being granted. The building Hide Bar operates from has a large open air bar area and it impossible for them to contain their music and patron noise to their property. The building has little or no sound proofing on the wall facing our property. There are toilets and kitchen windows opening onto Shadelands Lane which are generally open so no way can this area be sound proofed. The rear door opens directly onto Shadelands Lane and this is often where the patrons exit the property from and once a few drinks have been consumed patrons do not usually have their noise filters on which makes them come out onto the street noisier than the person who is just walking by. The conditions which the current licence operates on has been working very well for the neighbourhood. Conditions were put in so that the neighbourhood did not suffer adverse effects. By allowing extended operating hours and alcohol to be sold until midnight will make it a bar with more drinking late into the night. Patrons will be leaving the premises later and have more alcohol in their systems so our sleep will be more interrupted into the early hours of the morning. We can see that the neighbours will all be back to having to phone in noise complaints again. Have the owners and staff been trained to prevent the noises and disturbances affecting neighbours and have new systems and measures been implemented to prevent disturbance to neighbouring properties?. Conditions were put in place at the previous hearing to suit the neighbourhood and maintain good order in the area. A place where we love living and investing in and not being upset by a business owner who is just thinking of himself. We would question that surely unless new systems and measures are in place then it will all just revert back to where we were prior to the issuing of the current licence and everyone is going to be upset again by this applicants application and it is going to lead to noise complaints. As things stand at present the Hide Bar is operating nicely with very few concerns from the neighbours and we are happy with the status quo!! It is not broken so don't let it be changed.

Signature of applicant - please type your full legal name

Typing your name is acceptable as a signature via online

Isabel and Graeme Goodall

Thank you for the information you have provided in relation to your objection, you will be contacted by a member of the Alcohol Licensing Team to discuss your objection and the District Licensing Committee hearing process

Objector 06

From: Tauranga City Council <noreply@qemailserver.com>
Sent: Sunday, 23 May 2021 1:10 PM
To: admin DLC <adminDLC@tauranga.govt.nz>
Subject: Alcohol Licence Objection - Hide

Please find below an Alcohol Licence Objection form. Confirmation has also been sent to the applicant.

Alcohol Licence Objection Form

*- indicates required field. No objection may be made in relation to a matter other than the criteria specified in section 105 (new licence applications) or section 131 (renewal applications) of the [Sale and Supply of Alcohol Act 2012](#).

You must make specific reference to these matters in your objection.

For information visit the below:

[Sale and Supply of Alcohol Act 2012, Section 105 - Criteria for issue of licences](#)

[Sale and Supply of Alcohol Act 2012, Section 131 - Criteria for renewal](#)

[Sale and Supply of Alcohol Act 2012, Section 102 - Objections to Applications](#)
[Public Objections Factsheet](#)

Objector contact details

First name: *

: Bruce and Nancy

Surname: *: Anniss

Address: *:

If you are submitting on behalf of an organisation, please indicate your position and the organisation below:

Organisation (optional)

Position:

Details of Objection

I wish to object to the alcohol licence application by:

Name of applicant or business *

Hide Bar Ltd (Trading as Hide Thirst and Hunger)

Address or proposed address of business *

147B Maunganui Road, Mt Maunganui

Grounds for your objection

Why you have an interest that is greater than the general public in the licence application

We live in a residential street behind the Hide Bar with our family home being in close proximity to the premises (80 Meters aprox). Proximity to Shadelands Lane which The Hide Bar back entrance opens out onto is 20 meters from our fence line where foot and vehicle traffic would increase late into the night if the license is extended.

Reasons for objection *

Based on the criteria specified in section 105 (new licence applications) or section 131 (renewal applications) of the Sale and Supply of Alcohol Act 2012

We have attended the last two application processes and felt the last one that reduced the hours of alcohol being sold and the music being contained to pleasant listening which enhances a Class 2 restaurant was very acceptable. Since this has been in place we have had no disturbed nights or unruly behavior or yelling above the music. Over the past summer we have been able to have windows open at night which was not possible with previous license. The premises is an open area and does not lend itself to being used as a tavern with late night drinking, loud music and voices that go with it, we therefore object very strongly to this happening.

Signature of applicant - please type your full legal name

Typing your name is acceptable as a signature via online

Bruce and Nancy Anniss

Thank you for the information you have provided in relation to your objection, you will be contacted by a member of the Alcohol Licensing Team to discuss your objection and the District Licensing Committee hearing process

Objector 07

From: Tauranga City Council <noreply@qemailserver.com>
Sent: Sunday, 23 May 2021 2:33 PM
To: admin DLC <adminDLC@tauranga.govt.nz>
Subject: Alcohol Licence Objection - Hide

Please find below an Alcohol Licence Objection form. Confirmation has also been sent to the applicant.

Alcohol Licence Objection Form

*- indicates required field. No objection may be made in relation to a matter other than the criteria specified in section 105 (new licence applications) or section 131 (renewal applications) of the [Sale and Supply of Alcohol Act 2012](#).

You must make specific reference to these matters in your objection.

For information visit the below:

[Sale and Supply of Alcohol Act 2012, Section 105 - Criteria for issue of licences](#)

[Sale and Supply of Alcohol Act 2012, Section 131 - Criteria for renewal](#)

[Sale and Supply of Alcohol Act 2012, Section 102 - Objections to Applications](#)
[Public Objections Factsheet](#)

Objector contact details

First name: *

: Alan and Angela

Surname: * Grace

Address: *

If you are submitting on behalf of an organisation, please indicate your position and the organisation below:

Organisation (optional)

Position:

Details of Objection

I wish to object to the alcohol licence application by:

Name of applicant or business *

Hide and Thrust

Address or proposed address of business *

147B Maunganui Road Mount Maunganui

Grounds for your objection

Why you have an interest that is greater than the general public in the licence application

We reside at [REDACTED], which is in close proximity to the Hide and Thirst bar. We are directly affected by the Hides operations due to the noise levels of music and patrons which disturbs our sleep and relaxation in the evenings. Our son is also residing at this address and as well as full time work he is completing part time study in the evenings.

Reasons for objection *

Based on the criteria specified in section 105 (new licence applications) or section 131 (renewal applications) of the Sale and Supply of Alcohol Act 2012

The licence premise's structure has no roof and as such is an open-air venue with no ability to contain noise levels. This has included music, patrons' loud voices and patrons singing. This is exacerbated by patrons leaving the premises by the rear door that exits onto Shadelands Lane. The applicant has proved himself to have no consideration or sympathy with residents and regularly flaunts the rules of his licence. We have no faith or trust in his ability to comply with liquor licensing rules. Details of prior noncompliance have been documented in previous hearings. We are strongly opposed to any increases in the hours that alcohol can be served as It is clearly apparent that the current running of the premises is not food orientated but the main focus being the service of alcohol. The majority of patrons do not consume food. Any increase in hours will cause problems with late drinking which will lead to increased noise levels, disturbance of patrons exiting via May Street and Shadelands lane which causes sleep disturbance and reduced ability to relax in our own homes. Due to the close proximity of the Hide premises and the location of our residence the noise travels along as if a long a tunnel, directly affecting our sleep. We have made numerous noise complaints to the Noise control at the TCC. Some of which have been actioned.

Signature of applicant - please type your full legal name

Typing your name is acceptable as a signature via online

Alan and Angela Grace

Thank you for the information you have provided in relation to your objection, you will be contacted by a member of the Alcohol Licensing Team to discuss your objection and the District Licensing Committee hearing process

From: Alan Grace <[REDACTED]>
Sent: Sunday, 23 May 2021 2:44 PM
To: admin DLC <adminDLC@tauranga.govt.nz>
Subject: Objection to Hide Bar Ltd renewal of Licence

Objector 07b

Dear Licensing committee and DLC member,

Please find our letter objecting to the request to renew and extend hours of operation and sale of alcohol at the Hide and Thirst licence premises on 147b Maunganui Rd, Mount Maunganui.

Alan and Angela Grace

We own and reside at [REDACTED] which is in close proximity to the Hide and Thirst bar. We are directly affected by the Hides operations due to the noise levels of music and patrons which disturbs our sleep and relaxation in the evenings.

This neighbourhood is one that we enjoy living and relaxing in particularly having family and friends to stay, which includes elderly parents and young grandchildren who stay often.

The licence premise's structure has no roof and as such is an open-air venue without soundproofing and therefore no ability to contain noise levels. This has included music, patrons' loud voices and patrons singing. This is exacerbated by patrons leaving the premises by the rear door that exits onto Shadelands Lane.

The applicant has proved himself to have no consideration or sympathy with residents and regularly flaunts the rules of his licence. We have no faith or trust in his ability to comply with liquor licensing rules. Details of prior noncompliance have been documented in previous hearings. It is disappointing that we are again having to object.

We are strongly opposed to any increases in the hours that alcohol can be served as It is clearly apparent that the current running of the premises is not food orientated but the main focus being the service of alcohol. The majority of patrons do not consume food.

Any increase in hours will cause problems with late drinking which will lead to increased noise levels, disturbance of patrons exiting via May Street and Shadelands lane which causes sleep disturbance and reduced ability to relax in our own homes.

Due to the close proximity of the Hide premises and the location of our residence the noise travels along as if a long a tunnel, directly affecting our sleep. We have made numerous noise complaints to the Noise control at the TCC. Some of which have been actioned.

thank you,

we look forward to hearing from you,

Yours faithfully,

Alan and Angela Grace
[REDACTED]

Objector 08

From: Tauranga City Council <noreply@qemailserver.com>
Sent: Sunday, 23 May 2021 10:31 PM
To: admin DLC <adminDLC@tauranga.govt.nz>
Subject: Alcohol Licence Objection - Hide

Please find below an Alcohol Licence Objection form. Confirmation has also been sent to the applicant.

Alcohol Licence Objection Form

*- indicates required field. No objection may be made in relation to a matter other than the criteria specified in section 105 (new licence applications) or section 131 (renewal applications) of the [Sale and Supply of Alcohol Act 2012](#).

You must make specific reference to these matters in your objection.

For information visit the below:

[Sale and Supply of Alcohol Act 2012, Section 105 - Criteria for issue of licences](#)

[Sale and Supply of Alcohol Act 2012, Section 131 - Criteria for renewal](#)

[Sale and Supply of Alcohol Act 2012, Section 102 - Objections to Applications](#)
[Public Objections Factsheet](#)

Objector contact details

First name: *

: Michelle and Shane

Surname: * Stent

Address: * [REDACTED]
[REDACTED]
[REDACTED]

If you are submitting on behalf of an organisation, please indicate your position and the organisation below:

Organisation (optional)

Position:

Details of Objection

I wish to object to the alcohol licence application by:

Name of applicant or business *

Hide Bar Limited

Address or proposed address of business *

147B Maunganui Road, Mt. Maunganui

Grounds for your objection

Why you have an interest that is greater than the general public in the licence application

We are a resident of [REDACTED], Mt Maunganui directly behind the current business of Hide Bar Limited, which is approximately 50 meters and we are directly affected by Hide Bar Limited's Operations. As we live so close to this business their operation adversely affects our lives, our property value, and our wellbeing [lack of sleep]. We are concerned that the requested license variation will have a massive negative impact on our lives and the neighbourhood.

Reasons for objection *

Based on the criteria specified in section 105 (new licence applications) or section 131 (renewal applications) of the Sale and Supply of Alcohol Act 2012

The current License Hide Bar Limited has, work's with residents and makes a happy and satisfied neighborhood and community. This has greatly reduced disturbances from past issues caused by Hide Bar. Allowing Hide Bar to sell alcohol until 12:00am will cause it to become a bar where people come to drink, rather than dine, later at night. The whole dynamics change. This will be problematic and will impact not only us but our family which children and guests who come and stay. 5 ½ years ago when we bought our property in May Street the purpose of this building was for an enclosed Restaurant. The Design and layout of Hide Bar Limited is not fit for the proposed license request for the location of this business, next to residential residences where Hide's Bar building is not enclosed and has an open-air courtyard that cannot contain noise. This is where the majority of there patrons gather and where they advertise to come gather. The building does not have any soundproofing. We currently hear the voices of mass gatherings and music from Hide Bar, which we have found at an acceptable level and hours of closing so we can get some sleep and leave our windows open and happy with the current status quo. However, with extended operations the noise levels of people and music is going to be unbearable, and we won't be able to leave our windows open and get sleep. The back door of Hide Bar exits directly onto Shadelands Lane behind our property block and is unsuitable to be used as a bar. With extended operations this will create mass gatherings on closing with the potential of drunken behavior and trouble. We already have this on the main road of May Street in the front of our property, with people walking the streets leaving the bars up to 3am and extending Hide's license will just add to the already unruly and/or inebriated persons on establishments closing.

Signature of applicant - please type your full legal name

Typing your name is acceptable as a signature via online

Michelle Karen Stent , Shane Alexandra Stent

Thank you for the information you have provided in relation to your objection, you will be contacted by a member of the Alcohol Licensing Team to discuss your objection and the District Licensing Committee hearing process

Objector 09

From: Tauranga City Council <noreply@qemailserver.com>
Sent: Sunday, 23 May 2021 10:31 PM
To: admin DLC <adminDLC@tauranga.govt.nz>
Subject: Alcohol Licence Objection - Hide

Please find below an Alcohol Licence Objection form. Confirmation has also been sent to the applicant.

Alcohol Licence Objection Form

*- indicates required field. No objection may be made in relation to a matter other than the criteria specified in section 105 (new licence applications) or section 131 (renewal applications) of the [Sale and Supply of Alcohol Act 2012](#).

You must make specific reference to these matters in your objection.

For information visit the below:

[Sale and Supply of Alcohol Act 2012, Section 105 - Criteria for issue of licences](#)

[Sale and Supply of Alcohol Act 2012, Section 131 - Criteria for renewal](#)

[Sale and Supply of Alcohol Act 2012, Section 102 - Objections to Applications](#)
[Public Objections Factsheet](#)

Objector contact details

First name: *

: Bruce

Surname: * Gardner

Address: * [REDACTED]
[REDACTED]
[REDACTED]

If you are submitting on behalf of an organisation, please indicate your position and the organisation below:

Organisation (optional)

Position:

Details of Objection

I wish to object to the alcohol licence application by:

Name of applicant or business *

Hide Bar Limited

Address or proposed address of business *

147B Maunganui Road, Mount Maunganui

Grounds for your objection

Why you have an interest that is greater than the general public in the licence application

I am a property owner and resident nearby to the Hide Bar premises. I live in a townhouse at [REDACTED] [REDACTED] My property is approximately 25 metres from the north-eastern boundary of the Hide premises. I have been an objector to two previous applications by Hide Bar Ltd and provided submissions at the associated hearings into those two applications.

Reasons for objection *

Based on the criteria specified in section 105 (new licence applications) or section 131 (renewal applications) of the Sale and Supply of Alcohol Act 2012

My objection to the application to vary conditions is on the same grounds as my previous objections to applications by Hide Bar Ltd. In particular, I do not consider that it is appropriate that the Hide Bar should be allowed to operate as a tavern or Class 1 Restaurant in this neighbourhood which has no significant buffer between the activity and residential properties in May Street. The Hide Bar has operated as a Class 2 restaurant since the grant of the current licence and during that time I have not personally experienced any of the nuisance conditions that I used to experience before the current limits were set on the licence. In summary the grounds set out in my previous objections were (and still are) as follows: Objection 1: Grounds for objection – Absence of a buffer between residential properties on May Street and Hide Bar Reasons for objection: The Hide Bar is located right on the boundary between residential and commercial zones, separated only by the very narrow Shadelands Lane. Because of this, there is no significant buffer to lessen the adverse effects of the Hide, especially for those of us who live very close to it. In my opinion where residential zones meet commercial zones there should be a buffer of compatible premises (such as retail premises, offices, cafes and restaurants) within the commercial zone to shield those on the edge of residential zones from adverse effects of businesses such as taverns. Objection 2: Grounds for objection – Noise during operating hours Reasons for objection: Because of the very close proximity of the Hide Bar Ltd to residential properties, I do not think that a closing time later than that set out in the current licence is appropriate, especially if there were to be live bands or DJ's or any form of heavily amplified music. My experience with the way that the Hide Bar has operated to date is that for me, most of the objectionable noise experienced in the past is caused by groups of people congregating around the back entrance to the Hide and talking loudly. This kind of noise is not easily controlled and this therefore is the main reason why I do not agree that a closing time later than 10.00 pm is acceptable in this neighbourhood. Objection 3: Grounds for objection – Noise outside operating hours Reasons for objection: Outside operating hours, my biggest concern is noise created by groups of people congregating in the carpark behind the TAB (shouting, chanting, laughing loudly, screaming and just general yahooping) or as they leave the premises by walking along Shadelands Lane. This can persist for up to 30 minutes after closing time. Objection 4: Grounds for objection – General neighbourhood disturbance Reason for objection: Many patrons of the Hide use the carparks at the rear of the TAB which is immediately adjacent to the southern side of the properties at 36B 36C and 36D May Street. The greater use of this carpark for Hide Bar Ltd patrons has increased the noisy, anti-social behaviour in the neighbourhood. The best way of limiting the effects of this type of behaviour is by limiting hours of operation.

Signature of applicant - please type your full legal name

Typing your name is acceptable as a signature via online

Robert Bruce Gardner

Thank you for the information you have provided in relation to your objection, you will be contacted by a member of the Alcohol Licensing Team to discuss your objection and the District Licensing Committee hearing process

Objector 10

From: Tauranga City Council <noreply@qemailserver.com>
Sent: Monday, 24 May 2021 6:50 AM
To: admin DLC <adminDLC@tauranga.govt.nz>
Subject: Alcohol Licence Objection - Hide

Please find below an Alcohol Licence Objection form. Confirmation has also been sent to the applicant.

Alcohol Licence Objection Form

*- indicates required field. No objection may be made in relation to a matter other than the criteria specified in section 105 (new licence applications) or section 131 (renewal applications) of the [Sale and Supply of Alcohol Act 2012](#).

You must make specific reference to these matters in your objection.

For information visit the below:

[Sale and Supply of Alcohol Act 2012, Section 105 - Criteria for issue of licences](#)

[Sale and Supply of Alcohol Act 2012, Section 131 - Criteria for renewal](#)

[Sale and Supply of Alcohol Act 2012, Section 102 - Objections to Applications](#)
[Public Objections Factsheet](#)

Objector contact details

First name: *

: Colleen and Michael

Surname: *: Taranaki

Address: *: [REDACTED]
[REDACTED]
[REDACTED]

If you are submitting on behalf of an organisation, please indicate your position and the organisation below:

Organisation (optional)

Position:

Details of Objection

I wish to object to the alcohol licence application by:

Name of applicant or business *

Hide Bar Ltd

Address or proposed address of business *

147b Maunganui Rd Mt Maunganui

Grounds for your objection

Why you have an interest that is greater than the general public in the licence application

We are residents of [REDACTED] which is meters away from Hide and directly affected by its operations.

Reasons for objection *

Based on the criteria specified in section 105 (new licence applications) or section 131 (renewal applications) of the Sale and Supply of Alcohol Act 2012

As previously expressed Hide currently operates as a dining establishment with unique food and ambience. This in turn attracts Patrons who are dining alongside their refreshments accompanied by subtle music. Concerns are a change of license with increased hours of alcohol sale will encourage late night drinking causing unruly behaviour in a residential area.

Signature of applicant - please type your full legal name

Typing your name is acceptable as a signature via online

Colleen Taranaki

Thank you for the information you have provided in relation to your objection, you will be contacted by a member of the Alcohol Licensing Team to discuss your objection and the District Licensing Committee hearing process

BEFORE THE DISTRICT LICENSING COMMITTEE.

IN THE MATTER of the Sale and Supply of Alcohol Act 2012.

AND

IN THE MATTER of an Application pursuant to section 127 of the Act for renewal and variation of conditions of an On Licence in respect of premises situated at 147B Maunganui Road, Mount Maunganui submitted by Hide Bar Limited known as Hide Thirst and Hunger.

**SUBMISSION OF JUANITA HOLLAMBY FOR THE
TAURANGA CITY COUNCIL.**

1. Hide Bar Limited has applied to the District Licensing Committee for the renewal and variation of an ON licence in respect of a Class 2 restaurant known as Hide Thirst & Hunger situated at 147b Maunganui Road, Mount Maunganui.
2. The application was initially received on 13 April 2021 and accepted for processing on 23 April 2021.
3. While I oppose this renewal and variation application submitted by Hide Bar Limited, my concerns are predominantly due to the request for a variation to current conditions.
4. I am opposed to the application on the basis of concerns regarding the potential adverse effects the operation of the premises could have on the amenity and good order of the locality.
5. Another concern I have is the nature in which this premises has been trading and managed. This relates to matters raised during inspections. Evidence will be given showing inspection reports / notes and requests for action to non-compliance.

¹. [\[2001\] NZLLA 391](#)

6. The applicant is seeking a variation to the current class 2 restaurant style on licence. This licence is subject to discretionary conditions imposed by the DLC after a previous hearing for the current licence.
7. The imposed conditions stipulate restrictions on entertainment provisions in order to control noise emitted from the premises and conditions to ensure the premise trades in the style of a class 2 restaurant.
8. In Saltwater Café and Bar¹ the authority at paragraph [27] of it's decision stated: *It is our view that no-one should have to put up with persistent interference with their sleep patterns. We do not think it is sufficient to submit that a true test is the number of calls to the licensed premise or the Noise Abatement Officer. We have heard enough evidence to suggest that making such calls in the early hours of the morning is unpleasant and often unrewarding.*

[28] 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 excessive noise, then it is the Authority's duty to monitor the hours of opening, if not the existence of the licence.
9. Ten (10) public objections have been received from neighbouring residents and the committee will hear from 8 of them today. They will outline their concerns that should a variation be granted to increase the hours and style of licence at the premise, this would result in increased noise and nuisance issues.
10. The general consensus of the objectors are that the current restrictions and conditions are working, so the licence should remain status quo.
11. The criteria to renew a licence is outlined in Section 131 of the Act, which the committee must have regard to when renewing a licence. This includes the matters contained in section 105 (1) (a) to (k) and section 106 (2) (a) and (b).
12. I will be giving evidence in relation to this application, and I will be calling Chloe Roper, Tauranga City Council Noise Specialist as a witness.
13. Those are my opening submissions.

¹. [\[2001\] NZLLA 391](#)

BEFORE THE DISTRICT LICENSING COMMITTEE.

IN THE MATTER of the Sale and Supply of Alcohol Act 2012.

AND
IN THE MATTER of an Application pursuant to section 127 of the Act for renewal and variation of conditions of an On Licence in respect of premises situated at 147B Maunganui Road, Mount Maunganui submitted by Hide Bar Limited known as Hide Thirst and Hunger.

BRIEF OF EVIDENCE OF JUANITA HOLLAMBY

1. My name is Juanita Hollamby. I am an Alcohol Licensing Inspector for Tauranga City Council. I have held this position since December 2021. My role is to inquire, assess, monitor and report on all alcohol licensing and manager certificate applications made in my geographical area of responsibility, pursuant to the Sale and Supply of Alcohol Act 2012.
2. This application lodged by Hide Bar Limited, for the renewal and variation of an ON licence in respect of a Class 2 restaurant known as Hide Thirst & Hunger which is situated at 147b Maunganui Road, Mount Maunganui. was received on the 13 April 2021 and accepted for processing on the 23 April 2021.
3. Pursuant to section 103 (2) of the Sale and Supply of Alcohol Act 2012, I submitted a report on the application on 14 April 2022 which is included in the agenda. In writing my report, I have considered the criteria at Sections 131, 105 and 106 of the Act.
4. I am opposed to this renewal and variation On Licence application, subject to sections 105(j), and 106(a)(i)(ii), (b)(ii).
5. The issues I have are predominantly around the request for a variation to current conditions, on the basis of concerns regarding the potential for

adverse effects the operation of the premises could have on the amenity and good order of the locality, particularly to nearby residents.

6. Ten (10) public objections have been received from the neighbouring residents and the committee will hear from 8 of these residents today. 1 of the residents will be speaking on behalf of another neighbour who is unable to attend.

7. I would like to expand on concerns raised during compliance inspections:

- a) **14 May 2021** (Inspection completed by previous Inspector) – *Refer Appendix 1*

Issues raised include:

Sections 101, 56, 57, 229, 232(2) breaches

- Public Notice to be visibly displayed so persons can conveniently read the notice as per s 101, Sale and Supply of Alcohol Act 2012 and Reg 39, of the Sale and Supply of Alcohol Regulations 2012 (**101 Notification Requirements**);
- Display and location of the current on licence (**Licence placement**);
- Trading hours (not) displayed at the principal entrance (**Section 56 Display of Signs: on-licences, off-licences**);
- Non notification of Temporary Manager (**Management of the premises**) – (an application for a manager's certificate was lodged by Mitchell Rush on 09/06/21 and a Temporary Manager appointment received 16/06/21)

- b) **25 November 2021** (Inspection completed by previous Inspector) – *Refer Appendix 2*

Issues include:

Sections 56, 57 breaches

- No issues have been recorded on the report however, I note from the photo's taken that the licence and trading hours are not displayed at the principal entrance.

- c) **12 April 2022** - *Refer Appendix 3*

Sections 56, 57 breaches

- Site visit to the premises – I have noted the licence and trading hours are not displayed at the principal entrance. An email was sent to the licensee requesting the matter is rectified by

20/04/2022 (confirmation email from the licensee, that matters were rectified, was received on 22.04.2022).

- d) **29 April 2022** - evening monitoring was undertaken by Chloe Roper and myself - *Refer Appendix 4*

Issues raised:

Sections 230, 232(2) breaches, breach of licence condition 13

- Manager on duty (this was displayed as an Acting Manager – no certificated managers were on duty). An email was received from the licensee on 13 April 2022 with an update of managers for the premise (*Refer Appendix 5 for notification received*). This stated Maya Biddlecombe and Jack O'Shea were Acting Managers, however there are no details on what time period these appointments are for. Manager's Certificate applications were lodged with the Tauranga City Council on 22 April 2022, with payment received for the applications 03 May 2022.
 - No Manager's register
 - Restaurant Manager's general lack of knowledge around the conditions of the licence.
 - Music was louder than background levels however, when noise levels were recorded at a nearby property these did not exceed limits.
 - The back gate was not locked (at 09:30pm) as per condition 13 of current licence, and the lack of security of the gate.
8. Further to compliance with condition 13 of the licence, [*the back gate into Shadelands Lane is to be shut at 09.30pm each night and no patrons are permitted to access or leave the premises via this gateway from 09.30pm.*] I would like to expand on the ability of the licensee to comply with this condition. In a follow up meeting with the licensee after this evening visit, it was brought up by Mr Hayward that he could not lock the gate at 09:30pm as it was part of the lease agreement that he needed to allow the tenants of the building at the front of Hide, access through the alley way at all times. I asked Mr Hayward if he could send a copy of the lease agreement through to me as if this is the case then this condition could not be imposed, and we would be setting him up to fail. I have not received a copy of the lease agreement to date. It could also be questioned as to whether this area can form part of the licensed area if it

is considered a “public access way” as there is no security in place over who uses this gate - *Refer Appendix 6, Plans A - D*

That is my evidence.

APPENDIX 1

From: Gareth Young
Sent: Friday, 14 May 2021 2:57 PM
To: [REDACTED]
Cc: admin DLC <adminDLC@tauranga.govt.nz>; Sam Kemp <S[REDACTED]>; ROSER, Daniel (Dan) <[REDACTED]>
Subject: Display of Public Notice - renewal application

Good afternoon,

Attached

- notice of management change form
- six photos of a compliance inspection undertaken
- A copy of the renewal application lodged by Hide Bar Limited
- A copy of the public notice sent to Hide Bar Limited to display
- Email of that public notice explaining where the copy is placed
- The current application of Hide Bar Limited – in particular page 15 Principal entrance described in your own application and page 17 a copy of the current licence stating the display of licence and principal entrance location.
- Another copy of the licence as the copy provided in the application is problematic to read

Matters to raise – Public notification to be conspicuously (visible) displayed so persons can conveniently read the notice out of the premises as per section 101 of the Sale and Supply of Alcohol Act 2012 and Regulation 39 of the Sale and Supply of Alcohol 2012 Regulations. The management of the premises appointing a temporary manager. Display and location of the current On Licence. Trading hours displayed at the principal entrance.

101 Notification requirements

An applicant for a licence must,—

(a) within 10 working days after filing the application, ensure that notice of the application in the prescribed form is attached in a conspicuous place on or adjacent to the site to which the application relates;

Site notice – as of the 14 May 2021 the Public notice provided for the renewal of an on-licence for 147 B Maunganui Road, Mount Maunganui is not presented in a location that is conspicuously displayed for a person to conveniently read from outside the premises. It is approximately 25 metres away from the principal entrance of the premises as described on your licence and the area that you have highlighted in your current application. Please place the document at the site entrance as described and identified. The District Licensing Committee Secretary is now been made aware of the location of your current public notice. The public notice was to be displayed on the 3 May 2021 with the objection period ending on the 24 May 2021. As an inspector I believe the public in general have been unfairly informed of an application to renew and vary an alcohol licence.

Licence placement - DISPLAY OF LICENCE AND PRINCIPAL ENTRANCE/S

A copy of this licence must be displayed at the principal entrance to the premises. The entrance from Maunganui Road is designated as the principal entrance. This is quite clearly identified on your current licence that you must display the licence at the principal entrance. Section 56 of the Act stipulates;

Section 56 Display of signs: on-licences, off-licences

The holder of an on-licence issued for premises or an off-licence (other than an off-licence issued for premises for which a club licence is held) must ensure that for each principal entrance to the premises there is displayed at all times a sign attached to the inside or outside of the premises, so as to be easily read by people immediately outside the entrance, stating the ordinary hours of business during which the premises are open for the sale of alcohol (or, in the case of an on-licence endorsed under [section 37](#), open for the consumption of alcohol).

It is also noted there are no displayed trading hours at the principal entrance of this premises as required by legalisation. The Police Alcohol Harm Reduction Officer is now informed of this non-compliance, in fact there is no signage at the principal entrance of any required note. Please rectify these matters to adhere to the requirements of the Sale and Supply of Alcohol Act 2012. For reference you have also stated the principal entrance is identified on page 15 of your most recent renewal variation application.

Management of the premises – section 214 Manager to be on duty at all times and responsible for compliance

As identified in photograph 4 there was a stated appointment of Temporary manager Mitchell Rush at 11.13am on 14 May 2021. At this time the District Licensing Committee is no record of the appointment of Mitchell Rush as a temporary manager nor does Tauranga City Council have an application for a Manager's Certificate for this person.

Please can you rectify all matters and breaches identified to comply with the Sale and Supply of Alcohol Act 2012

Gareth Young | Chief Licensing Inspector

Tauranga City Council | 07 577 7000 | 0274041662 | Gareth.young@tauranga.govt.nz | www.tauranga.govt.nz



APPENDIX 2

**TYPE OF VISIT:** Monitoring

Premise No

DATE: 25/11/2021**AT RISK:** ✓**TIME:** 11:55 AM**LICENCE TYPE:** On**PREMISE NAME:** Hide Thirst & Hunger**DUTY MANAGER'S NAME:** Mitchell Rush

DISPLAYED Yes

hide.eateryandbar@gmail.com

STATUTORY REQUIREMENTS: YES NO

Duty Manager Present: ✓
 Displaying Trading Hours: ✓
 Display Copy Licence: ✓
 Suitable Range Non-Alcohol: ✓
 Provision of Food: ✓
 Free Drinking Water: ✓

PROHIBITED PERSON(S)/BREACH: YES NO

Minor: ✓
 Intoxicated: ✓
 Smoking: ✓
 Low Alcohol Beer: ✓
 Number of Gaming Machines: N/A
 Designated Areas complying with Principle Purpose:
 Yes - Class 2 Restaurant

DISPLAY OF SIGNS: YES NO N/A

Food: ✓
 Host Policy: ✓
 Intox: ✓
 Minors: ✓
 Safe Transport: ✓
 Street Use Compliance: ✓

Other Breaches:

Nil detected

COMMENTS:**DUTY MANAGER'S SIGNATURE:**
DLA INSPECTORS NAME: Michelle Fraser**DLA INSPECTORS SIGNATURE:****COMMENTS:**

Inspection completed with the applicant (Matthew Hayward), all compliance and regulation requirements were met. Some improvements were pointed out included a new retractable louvre and full plastic screens to reduce noise. Discussions were had in relation to the variation which I will outline in my report to the DLC.

MONITORING PHOTOS

If Photos are required, they will be in following pages. If no photos were taken then the pages following will be blank.



Accessway to Hide from Maunganui Road footpath



Alcohol Licence on display



Main dining area



Main dining area

MONITORING PHOTOS

If Photos are required, they will be in following pages. If no photos were taken then the pages following will be blank.



Bar



Inside dining area



Full clear screens and new retractable louvre system



Outside dining area

APPENDIX 3

From: Juanita Hollamby
Sent: Tuesday, 19 April 2022 10:01 AM
To: Hide Thirst and Hunger <[REDACTED]>
Subject: Display requirements

Good morning Matt,

As part of some inspections I was undertaking in the Mount last week, I called in to Hide on Tuesday 12th April at around 01:20pm and I noted the premise was not open however, I did notice that you still do not have your trading hours or a copy of your licence on display at the principal entrance (Maunganui Road). Please refer to the below sections of the Sale and Supply of Alcohol Act 2012 and the requirements to display both of these. As per section 259, you will see that it is an offence not to do so and an infringement notice can be issued for non-compliance.

56 Display of signs: on-licences, off-licences

The holder of an on-licence issued for premises or an off-licence (other than an off-licence issued for premises for which a club licence is held) must ensure that for each principal entrance to the premises there is displayed at all times a sign attached to the inside or outside of the premises, so as to be easily read by people immediately outside the entrance, stating the ordinary hours of business during which the premises are open for the sale of alcohol (or, in the case of an on-licence endorsed under [section 37](#), open for the consumption of alcohol).

57 Display of licence: all licences

(1) The holder of an on-licence or an off-licence (other than an off-licence issued for premises for which a club licence is held or a remote-sale off-licence) must ensure that at all times a copy of the licence, together with a statement of all conditions subject to which it is issued, is displayed—

- (a) **attached to the inside of the premises concerned; and**
- (b) **so as to be easily read by people entering each principal entrance.**

259 Failure to comply with certain requirements and restrictions imposed by or under this Act

(1) A person commits an offence who fails or refuses to comply with—

- (a) any of [sections 46 to 63](#), [150\(2\)](#), and [231\(1\)](#); or
- (b) any requirement or prohibition imposed by regulations of a kind described in [section 398\(2\)](#) or [401](#) made under [section 397\(1\)\(f\)](#).

(2) A person who commits an offence against subsection (1) is liable on conviction to a fine of not more than \$5,000.

I note that this has been brought to your attention in the past and requested that you have these on display.

Can you please ensure that this matter is rectified by the end of business tomorrow (Wednesday 20/04/2022).

Kind regards,

Juanita Hollamby | Alcohol Licensing Inspector

Tauranga City Council

| 07 557 6860 | [REDACTED]

www.tauranga.govt.nz



APPENDIX 4

File Note

Hide Hunger & Thirst – 29.04.2022 – 09.30pm

Attended Hide Hunger & Thirst with Chloe Roper (Tauranga City Council Noise Specialist) after conducting noise monitoring at May St.

Upon entering the premise Chloe and I sat at a table near the door to the bar. We found we couldn't have a normal conversation. We had to lean in to hear each other speak with raised voices noting that the music was definitely louder than background level. I observed several patrons in the premises and noted that most (if not all) had a beverage of some sort on the table, or empty glasses, but only 2 tables had evidence of food at them, 1 was 2 dessert plates and 1 was a pizza tray (almost empty) and the table appeared to have share plates on it. I acknowledge it is near the end of their trading for the evening.

After a couple of minutes we approached the bar and asked to speak to the duty manager.

Jack O'Shea was identified to us as the manager although he advised that he is the manager/restaurant manager but Maya Biddlecombe is the bar manager – and who's name was on display.

Jack confirmed that Maya was the Acting Duty Manager (who was working on the premises).

I queried how long Maya had been appointed as an Acting Manager and was told by Jack that Maya had "been acting manager a couple of weeks". I asked for the Manager's Register which Jack could not locate after checking in the office (only came out with copies of manager's certificates of staff (some of whom have left the business)).

Jack advised that himself and Maya have lodged manager's certificate applications.

I noted and commented there appeared to be an excessive number of used glasses in the bar area (as opposed to plates, cutlery etc).

I noticed the gate was still open at 9:44pm. When I queried Jack as to why it was still open he said it is a public access way and they don't shut it as the furniture gets put away out there after they close so it never gets shut at 9:30pm (as per the condition of the licence) .

While we were undertaking noise monitoring from the upstairs of the residence in May Street, I had observed a male who arrived via a vehicle in Shadelands Lane, enter Hide through the gate with a green bottle in his hand which in my opinion looked to be a beer bottle. I couldn't confirm if he entered into Hide or continued through to Maunganui Road. I queried this with Jack and as to what security they had for this type of scenario and he responded that he "can't monitor the gate all the time as it is a public access way, and we can't have security just sitting there monitoring the gate". We discussed whether it was in fact a public access way and Jack was adamant that it was such. I asked him then where the licensed area of the premises was and he said it was and included the alleyway area – to which I corrected him that it in fact starts at the entry table.

Concerns in summary-

Class 2 Restaurant – in my opinion looked like a bar at that time of night (drinks vs food)

Lack of security or concern for the gate

Manager's Register – could not locate

Manager on duty – not certificated (nor appointed a Temporary Manager)

Music louder than background levels

Gate not shut at 9.30pm

Manager's lack of knowledge of conditions of licence

PHOTO's



29.04.2022 – 9:35pm



#1 - 29.04.2022 – 9:42pm



#2 - 29.04.2022 – 9:42pm



#3 - 29.04.2022 – 9:42pm



#4 - 29.04.2022 – 9:42pm



#5 - 29.04.2022 – 9:42pm



#6 – 29.04.2022 – 9:43pm



#7 – 29.04.2022 – 9:44pm



Gate – 29.04.2022 – 9:44pm



#Gate – 29.04.2022 – 9:44pm

APPENDIX 5

From: Hide Thirst and Hunger <[REDACTED]>
Sent: Wednesday, 13 April 2022 11:29 AM
To: Juanita Hollamby <[REDACTED]>
Subject: DM Update

CAUTION: External Email.

Hi Juanita,
I just thought I would send you an update on our DM records for both places.

Hide:
Dayna Comeskey - 21/CERT/24866/2019
Matthew Hayward - 21/CERT/26880/2021
Jack O'Shea - (Acting) DM Cert Lapsed recently, Applying for Renewal asap
Natalie Capo - (Acting) LCQ Complete, Applying for duty managers via TCC in the next week.
Maya Biddlecome - (Acting) LCQ Complete, Applying for duty managers via TCC in the next week.

Brew Co:
Joshua Jenkins - 21/CERT/26732/2021
Dayna Comeskey - 21/CERT/24866/2019
Matthew Hayward - 21/CERT/26880/2021
Dakota Eade - (Acting) LCQ Complete, Applying for duty managers via TCC in the next week.

If you have any further questions or requirements please let me know.

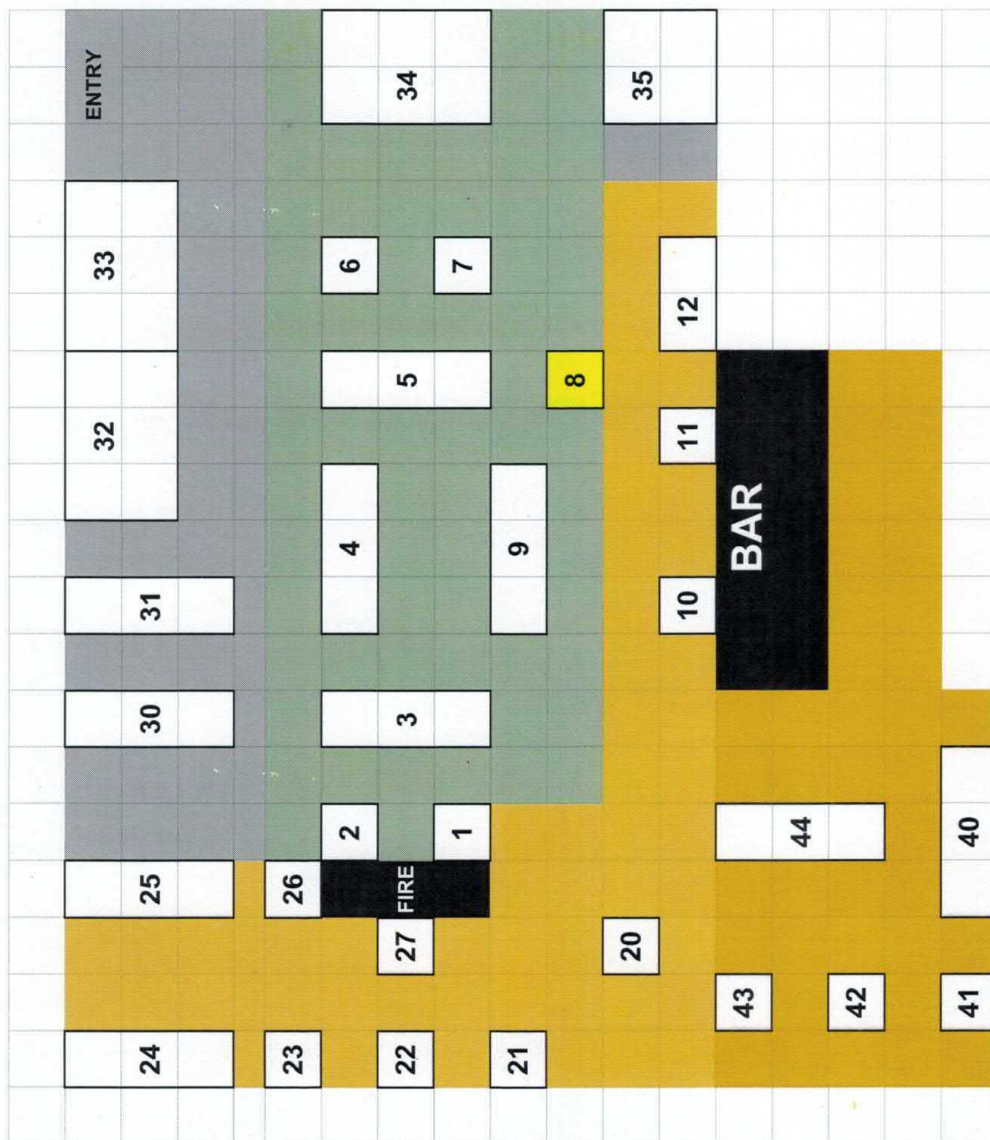
Kind regards,
Dayna

H I D E
T H I R S T & H U N G E R

147B Maunganui Road
Mount Maunganui
07 - 5720532
hidebar.co.nz

**APPENDIX 6
PLAN A**Received 23/04/2021
with application

Outside Licensed Area



Received 23/04/2021
with application



Received 23/04/2021
with application

The map displays the location of 147B Maunganui Road, which is highlighted with a red outline and diagonal hatching. The property is situated on a corner lot. Surrounding streets include Maunganui Rd to the west, The Mount Mainstreet to the north, and Gladstone Ln to the east. Nearby businesses and landmarks are marked with icons: Adore Hair Design, Downtown Pharmacy, and Mane. The map also shows the Uluwatu area and the 147B Maunganui Road intersection.

