

**IN THE MATTER**  
**AND**  
**IN THE MATTER**

of the Sale and Supply of Alcohol Act 2012

of an application by THE SURF SHACK (WAIHI BEACH) LIMITED for an on-licence pursuant to s.100 of the Act in respect of premises situated at 123 EMERTON ROAD, WAIHI BEACH known as "THE SURF SHACK".

**Before the Western Bay of Plenty District Licensing Committee**

Commissioner: M Jones  
District Licensing Committee Members

**Decision**

This is an application by THE SURF SHACK (WAIHI BEACH) LIMITED for an ON-Licence in respect of premises situated at 123 EMERTON ROAD, WAIHI BEACH known as "THE SURF SHACK".

The general nature of the business to be undertaken is that of a café/restaurant.

The application was duly advertised and no objection or notice of desire to be heard has been received. Accordingly we deal with the matter on the papers.

We are satisfied as to the matters to which we must have regard as set out in s.105 of the Act and we grant the applicant an on-licence authorising the sale and supply of liquor, for consumption on the premises, to any person who is present on the premises.

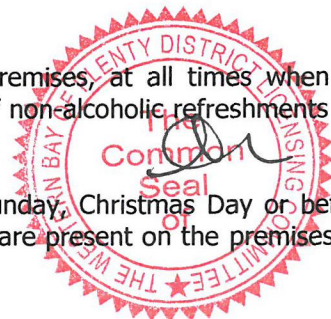
The applicant's attention is drawn to s.57 and 214(3) of the Act obliging the holder of an on-licence to display:-

1. A sign attached to the exterior of the premises, so as to be easily read by persons outside each principal entrance, stating the ordinary hours of business during which the premises will be open for the sale of liquor; AND
2. A copy of the licence, and of the conditions of the licence, attached to the interior of the premises so as to be easily read by persons entering through each principal entrance; AND
3. A sign prominently displayed inside the premises, which identifies by name the manager for the time being on duty.

The entrance from 123 Emerton Road is designated as the principal entrance.

The licence will be subject to the following conditions:

- (a) The licensee must have available for consumption on the premises, at all times when the premises are open for the sale of liquor, a reasonable range of non-alcoholic refreshments and low-alcohol beverages;
- (b) No liquor is to be sold or supplied on Good Friday, Easter Sunday, Christmas Day or before 1.00 pm on Anzac Day to any person other than persons who are present on the premises for the purpose of dining.



- (c) Liquor may be sold only on the following days and during the following hours:

Monday to Sunday 10:00am to 10:00pm

- (d) Food must be available for consumption on the premises as follows:

At all times when the premises are authorised to be open for the sale of liquor, food of a range and style similar to that shown on any menu submitted or a range of snack foods in the nature of pies, sandwiches, filled rolls, pizzas and the like, must be conveniently available for all patrons and the availability of those foodstuffs must be notified to them by appropriate notices throughout the premises.

- (e) The whole of the premises is undesignated.
- (f) The licensee must ensure that signs are prominently displayed within the licensed premises detailing information regarding alternative forms of transport from the premises.
- (g) The licensee must implement and maintain the steps proposed in the application for the licence aimed at promoting the responsible consumption of liquor.
- (h) The licensee must ensure that the provisions of the Act relating to the sale and supply of liquor to prohibited persons are observed and must display appropriate signs adjacent to every point of sale detailing the statutory restriction on the supply of liquor to minors and the complete prohibition on sales to intoxicated persons.

### **The Licensed Premises**

The premises, situated at 123 EMERTON ROAD, WAIHI BEACH are more precisely identified in a plan date stamped as received by the Western Bay of Plenty District Licensing Committee on 23rd November 2015.

**DATED** at Tauranga on the 22<sup>nd</sup> day of January 2016



Michael Jones

**Commissioner**

**Western Bay of Plenty District Licensing Committee**

Application No: 6257



## On Licence

(For Premises that are not a conveyance)

Sections 14 to 16, and 64, Sale and Supply of Alcohol Act 2012

**Pursuant** to the Sale and Supply of Alcohol Act 2012 (the **Act**), THE SURF SHACK (WAIHI BEACH) LIMITED (the licensee) is authorised to sell and supply alcohol on the premises situated at 123 EMERTON ROAD, WAIHI BEACH and known as "THE SURF SHACK", to any person for consumption on the premises and to let people consume alcohol there.

### Conditions

This licence is subject to the following conditions:

- (a) no alcohol is to be sold on the premises on Good Friday, Easter Sunday, Christmas Day, or before 1 pm on Anzac Day to any person who is not—
- (i) residing or lodging on the premises; or
  - (ii) present on the premises to dine.
- (b) alcohol may be sold only on the following days and during the following hours:  
**On such days and during such hours as the premises are being operated as a café/restaurant but not other than on the following days and hours:**

**Monday to Sunday 10:00am to 10:00pm**

- (c) The licensee must have available for consumption on the premises, at all times when the premises are open for the sale of alcohol, a reasonable range of non-alcoholic refreshments and low alcoholic beverages.
- (d) Food must be available for consumption on the premises at all times when the premises are authorised to be open for the sale of alcohol, food of a range and style similar to that shown on any menu submitted or a range of snack foods in the nature of pies, sandwiches, filled rolls, pizzas and the like, must be conveniently available for all patrons and the availability of those foodstuffs must be notified to them by appropriate notices throughout the premises.
- (e) The licensee must ensure that signs are prominently displayed within the licensed premises detailing information regarding alternative forms of transport from the premises.
- (f) The licensee must implement and maintain the steps proposed in the application for the licence aimed at promoting the responsible consumption of alcohol.
- (g) The licensee must ensure that the provisions of the Act relating to the sale and supply of alcohol to prohibited persons are observed and must display appropriate signs adjacent to every point of sale detailing the statutory restrictions on the supply of alcohol to minors and the complete prohibition on sales to intoxicated persons.
- (h) The whole of the premises is undesignated.

### 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, the licence expires on:

The 22<sup>nd</sup> day of January 2017

**DATED** at Tauranga on the 22 Jan 2016



Secretary

Western Bay of Plenty District Licensing Committee



Liquor Licence – SASA 2012

20/07/16

Application No. LL **6257** Land Parcel ID: **P/1024/24**

Name of Applicant: **THE SURF SHACK (WAIHI BEACH)  
LIMITED**

Premise: **THE SURF SHACK**

Type of Application:                      New                      Renewal

Licence Type: **ON LICENCE**

<b>REFERRALS</b>			
	Date Referred	Date Received	Objective #
Inspector	23/11/15	07/12/15	A2552075
Police WB	23/11/15	16/12/15	A2566034
MOH	23/11/15	04/12/15	A2547572
<b>HEALTH PROTECTION OFFICER</b>	N/A		
Planners	23/11/15	18/12/15	2A64401
Building	23/11/15	26/11/15	
Advertising	23/11/15	15/12/15	A2564334
Copy to DLC Commissioner			

Any enquires contact Debbie Coulter

Lic 317753  
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