

Decision number:

56-2025

**IN THE MATTER**

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

**AND**

**IN THE MATTER**

of an application by **Nolan  
South Limited** pursuant to s.  
127 of the Act for an ON  
Licence in respect of  
premises situated at 37 Main  
Road, Hari Hari known as  
**"Rushes Cafe & Bar"**

**BEFORE THE WESTLAND DISTRICT LICENSING COMMITTEE**

**The Application**

Nolan South Limited applies for renewal of the ON Licence in respect of premises situated at 37 Main Road, Hari Hari known as "Rushes Cafe & Bar."

The applicant has indicated that this business will operate as a Class 3 restaurant/cafe and bar in the isolated township of Hari Hari.

In actuality it is a general store/café/takeaway, and we have approved a Section 34 uneconomic exception to allow limited off sales of alcohol from this site.

The current maximum days and hours for the ON licence are **Monday to Sunday 10.00am to 10.00pm.**

These hours are within the default national maximum trading hours for an on-licence of 8.00am to 4.00am.

The applicant has provided a list of substantive food options and the low alcohol and non-alcoholic refreshments that are available at all times when the premises is open for the sale and supply of alcohol.

Water jugs and glasses are available on request at all times, plus water is given to all seated customers as part of table service.

The application was publicly notified, and no public objections were received.

Neither the Police nor the Medical Officer of Health raise matters in opposition but not unsurprisingly the Police are concerned about the description of the business and its physical definition.

## **REASONS FOR THE DECISION**

The applicant has provided an acceptable menu together with a list of both low and non-alcoholic refreshments that satisfy the requirements of the Act.

Certificated managers are attached to the application and oversee the sale and supply of alcohol.

The Inspector reports that the amenity and good order of the area has not been reduced by more than a minor extent. He again suggests that the covered deck should be designated as a Supervised Area from 4.00pm to 10.00pm.

We have granted a waiver for the late filing of the application.

Notably the applicant has described the on-site consumption of alcohol is aligned to a Class 3 restaurant. As such alcohol can only be consumed on-site as part of a sit down meal. Whilst the business is operating as a restaurant/café some casual consumption of alcohol can occur as long as the principal activity **always remains sit down dining with alcohol on the side.**

Therefore, no designation is required as the business will never be other than low risk dining with table service of alcohol. No additional CCTV cameras should be necessary.

Overall, I am satisfied as to the matters to which we must have regard as set out in s.131 of the Act.

Accordingly, I deal with the ON Licence application on the papers.

## **DECISION**

The District Licensing Committee Chairman, acting pursuant to the Sale and Supply of Alcohol Act 2012, **approves** an application by **Nolan South Limited for the renewal of the ON Licence in respect of premises situated at 37 Main Road, Hari Hari known as "Rushes Cafe & Bar"** subject to conditions.

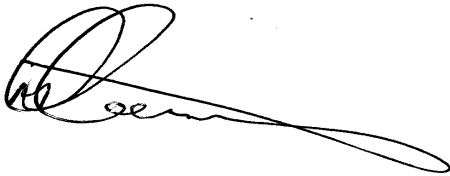
**Conditions:**

The licence is subject to the conditions listed as follows:

1. Alcohol may be sold or supplied for consumption on the premises only on the following days and hours:  
**Monday to Sunday 10.00am 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. 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;
6. **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;**
7. The licensee must provide information, advice and assistance about alternative forms of transport available to patrons from the licensed premises;
8. 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.

The licence renewed for three years from the expiry of the current licence and a Replacement Licence is to be issued.

**DATED at HOKITIKA** this 26<sup>th</sup> day of May 2025



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Murray Clearwater  
**Chairperson/Commissioner**  
**Westland District Licensing Committee**

