

Decision number: 053-2026

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

AND

IN THE MATTER of an application by **Lake Mahinapua Hotel Limited** pursuant to s120 and 127 of the Act for the renewal and variation of the ON Licence in respect of premises situated at 962 Ruatapu Road, Hokitika known as "**Lake Mahinapua Hotel** "

BEFORE THE WESTLAND DISTRICT LICENSING COMMITTEE

FIRSTLY, we advise that this renewal application is nearly 2 years old and should have been put before the DLC long ago once an impasse was reached.

From my reading of the public notice the conditions of the licence sought to be varied have not been itemised in sufficient detail in the public notice and the rights of the public at large to consider the application have been impugned. The request for variation will not be considered.

This licence will expire again on 20 July 2027 only 14 months away. The DLC intends to take a pragmatic approach to this renewal and determine the application now with refreshed conditions set by the DLC.

We expect the applicant to comply with the new regime, and the variations (if still desired) can be considered anew in 2027.

The Application

Lake Mahinapua Hotel Limited applies for the renewal of the ON Licence in respect of premises situated at 962 Ruatapu Road, Hokitika known as "**Lake Mahinapua Hotel**."

The business is an hotel that offers accommodation, food, and alcohol to locals and tourists. There is a bar and dining areas in the main complex and accommodation units adjacent to the main building.

The current days and hours are **Monday to Sunday 9.00am to 2.00am the following day. No changes are sought.**

These hours are within the default national maximum trading hours for ON licensed premises.

The applicant does seek to rationalise the definition of the licensed area and reduce the mandatory Supervised Area to a 6 square metre strip in front of the bar in the tasting room area.

The Spa Pool issue is outside the scope of the DLC, but we agree improved signage is required prohibiting alcohol from being taken into the spa pool.

The application was publicly notified on the council website from the 14th of June 2024. No objections were received from members of the public.

Reasons for the Decision

Neither the Police nor the Medical Officer of Health has raised any **final** matters in opposition after initially opposing the renewal for a variety of reasons.

The inspector reports that the amenity and good order of the area has not been reduced by more than a minor extent.

Re designations, in **Kim Ashton Williams LLA 2291/96**¹ at paragraph [46] the Liquor Licensing Authority said:

*We have come to the view that in assessing which parts of any premises should be designated, **our duty is to impose a designation on any bar or other area used principally or exclusively for the sale or consumption of liquor** “ (our emphasis).*

Section 119(3)(c) of the Act, requires that the DLC **must** designate a part of a hotel’s licensed area as a Supervised Area.

The applicant requests that that area be a 6sq metre strip to one side of the bar. This is **not sufficient** to meet the intent of the Act. The Act envisions that there is a **definable, usable, area that is used principally for the consumption of alcohol designated as the Supervised Area.**

¹ Kim Ashton Williams LLA 2291/96

We believe, to comply with the Act, that the whole of the Bar must remain as a Supervised Area and the rest of the licensed area will be undesignated.

The applicant has provided some Queenstown decisions applying 'token' Supervised Area designations. These are contrary to the spirit and intent of the Act and will not be followed.

The 'test' to be applied for hotels and taverns is that one or more areas must be designated as Supervised or Restricted **based solely** on whether the principal (highest ranked activity) is the sale, supply and consumption of alcohol. Not for the convenience of the applicant or the Inspector.

In the name of reasonableness, I am satisfied at this point in time as to the matters to which we must have regard as set out in 131 of the Act.

I deal with the 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 **Lake Mahinapua Hotel Limited** **applies for the renewal of the ON Licence in respect of premises situated at 962 Ruatapu Road, Hokitika known as "Lake Mahinapua Hotel"** subject to conditions.

We also refresh the licence conditions to reflect best practice including the removal of the restrictions around Easter, ANZAC Day and Christmas Day.

Conditions:

The ON licence is subject to the conditions listed below:

1. Alcohol may be sold and supplied for consumption on the premises only on the following days and hours: **Monday to Sunday 9.00am to 2.00am the following day;**
 2. Drinking water is to be provided to patrons free of charge from a water supply prominently situated on the premises.
 3. **The Main Bar is designated as a Supervised Area.** All other areas are undesignated.
 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.
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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 renewal will be for three years from the expiry of the current licence, and a replacement licence is to be issued. This licence expires on 20 July 2027.

DATED at Hokitika this 25th day of April 2026



Murray Clearwater
Chairperson/Commissioner
Westland District Licensing Committee

