

SALE AND SUPPLY OF ALCOHOL ACT 2012

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

AND

IN THE MATTER of an application by TOWNILL and SHELTON LIMITED for a new off-licence pursuant to Section 100 of the Sale and Supply of Alcohol Act 2012 in respect of the premises situated at 13 Hakarau Road, Kaiapoi

BEFORE THE WAIMAKARIRI DISTRICT LICENSING COMMITTEE AT RANGIORA

Chairman: Commissioner Neville Atkinson

Members: Commissioners Jim Gerard and Philip Redmond

HEARING at the Waimakariri District Council Chambers, 215 High Street, Rangiora, on Monday, 26 January 2026.

APPEARANCES

For the Applicant:

Ms P Davies (Pervinder Davies Law)

Mr M D Brown (Townill and Shelton Limited)

Ms M S Robb (Townill and Shelton Limited)

Reporting Agencies

Mr R Turner	District Licensing Inspector
Senior Constable G Craddock	New Zealand Police – to assist
Ms P Williams	Medical Officer of Health – to assist

Objectors:

Dr G Hewison (The Salvation Army, A Bergman and C Beaumont)

Ms A Bergman

Ms B Fowler (via Audiovisual link)

CONFLICT OF INTEREST

Commissioner N Atkinson and Commissioner J Gerard declared that A Bergman was known to them, as A Bergman had previously been employed by the Waimakariri District Council. Commissioner N Atkinson also declared that M Brown was known to him as a fellow Kaiapoi resident.

1. INTRODUCTION – THE WAIMAKARIRI DISTRICT LICENSING COMMITTEE

- 1.1 Before the Waimakariri District Licensing Committee (the Committee) was an application from Townill and Shelton Limited for a new off-licence pursuant to Section 100 of the Sale and Supply of Alcohol Act 2012 (the Act) to sell alcohol at newly built premises situated at 13 Hakarau Road, Kaiapoi (*Thirsty Liquor Waimakariri Junction*).
- 1.2 The Waimakariri District Council had issued a Building and Planning Compliance Certificate confirming that the proposed building and use of the premises meet the requirements under the Building Code and Resource Management Act, 1991.
- 1.3 The premises are located within Waimakariri Junction, a Business 5 Zone retail business park in Kaiapoi, situated adjacent to State Highway 1 and Smith Street and bordered by the Kaiapoi River. The site has other retail tenants such as Woolworths Supermarket, Placemakers, and Chemist Warehouse.
- 1.4 The applicant applied on 6 June 2025 for a new off-licence pursuant to Section 100 of the Act. The principal purpose of the business and premises would be to sell alcohol and a small range of non-alcoholic beverages. It was envisaged that the premises would be open from 9 am to 10 pm, Monday to Sunday.
- 1.5 The reporting Agencies raised no opposition to the application; however, there were six public objections to the application.
- 1.6 A minute was issued to all parties by the Committee, seeking submissions on the application and advising them of the proposed hearing. An additional Minute was issued to all parties informing them of a proposed site visit, an objector's (*The Salvation Army*) request to postpone the hearing and the applicant's objection to evidence submitted by an objector (*B Fowler*).
- 1.7 The Chairperson confirmed that none of the parties wished to provide evidence in Te Reo Māori, and an interpreter would therefore not be required

2. THE APPLICANT

- 2.1 Counsel for the applicant, Ms P Davies, tabled a brief opening submission, noting that none of the reporting Agencies tasked with assessing suitability, amenity and good order had objected to the application. Ms Davies believed the applicant was qualified to run the premises based on their knowledge of the local area and extensive experience managing similar premises.
- 2.2 Ms Davies observed that only two objectors challenged the applicant's suitability, and neither advanced any probative evidence establishing that the applicant was unsuitable. A Beaumont's objection relied solely on the fact that one of the applicant's Directors had previously applied for an off-licence in Amberley, which did not, in itself, demonstrate any issue of suitability. The Salvation Army's concerns regarding the absence of a business plan or price list were noted; however, such documents were not statutory requirements under the Act and were irrelevant to the assessment of suitability. The Salvation Army also raised matters relating to extended suitability, but those considerations arose only where there was evidence that the premises were located within a vulnerable area. No such evidence, whether by data or analysis, was provided.

- 2.3 Ms Davies submitted that the assertion that the application was contrary to the Waimakariri District Council's Local Alcohol Policy (LAP) was misconceived. Ms Davies noted that the LAP relied on zoning categories in the District Plan 2005, which was no longer in force. Accordingly, the zoning referenced in the LAP could not be applied literally to a planning framework that no longer exists.
- 2.4 Ms Davies submitted that proliferation was not, in itself, an independent ground of objection. Rather, it was a statutory consideration that may assist in forming an opinion under sections 105(1)(h) and (i) of the Act and must be supported by evidence demonstrating adverse effects on amenity and good order. No such evidence was before the Committee.
- 2.5 Ms Davies further acknowledged that the availability of alcohol may inherently involve some degree of risk; however, the Act required the minimisation, rather than the elimination, of alcohol related harm. Ms Davies contended that granting an off-licence at this location was unlikely to significantly influence alcohol related behaviour, particularly given the existing availability of alcohol through nearby outlets, including the supermarket. Ms Davies emphasised that any precautionary approach must nonetheless be evidence-based, and no such evidence had been presented to the Committee.
- 2.6 Ms Davis called Ms M Robb, a director and shareholder of Townill and Shelton Limited, to give evidence. Ms Robb affirmed the contents of her Brief of Evidence dated 19 December 2025, which had been provided to the Committee and parties prior to the hearing. Ms Robb noted her association with the Kaiapoi community spanning more than 40 years and stated that she was very familiar with the area. Ms Robb outlined her extensive experience in the hospitality industry, including roles at the Kaikanui and Waimak Taverns and as the owner and operator of The Final Whistle Sports Bar.
- 2.7 Ms Robb further advised that she holds a Duty Manager's Certificate, first issued in 2014, and that she has managed Thirsty Liquor Waimak (Bridgend) for the past four years. During that period, no issues or concerns had arisen regarding the management of the premises. Ms Robb described her intended role and responsibilities regarding the proposed new off-licence, including day-to-day operational oversight.
- 2.8 The Committee queried the response of Kaiapoi High School during the meeting convened to discuss its opposition to the application. Ms Robb stated that the Principal, Mr J Reid, had appreciated her willingness to meet. They discussed the school's concerns, including the risk of alcohol being sold to young people wearing school uniforms. Ms Robb outlined the applicant's longstanding connection to the Kaiapoi community and undertook to remain accessible to address any future concerns raised by the school and undertook that alcohol would not be sold to any person in a school uniform, regardless of age.
- 2.9 The Committee sought clarification regarding the hours Ms Robb intended to work at the proposed off-licensed premises. Ms Robb confirmed that she would be employed on a part-time basis and would provide cover for leave and sick leave as required. Ms Robb anticipated being present at the premises daily between 2.00 pm and 4.00 pm.

- 2.10 In response to further questions from the Committee, Ms Robb explained that Waimakariri Junction had been selected as the location for the proposed premises because it was a newly developed trade and retail business park in Kaiapoi. Ms Robb noted that the site has become a significant commercial hub; however, due to the development's layout and the nature of neighbouring tenancies, no pedestrian foot traffic was expected in the vicinity of the proposed premises.
- 2.11 The Committee enquired whether the third Director of Townill and Shelton Limited, referred to as a silent partner, was aware of his obligations under the Act, notwithstanding that Mr A J Robb would not be working on the premises. Ms Robb confirmed that the third Director, Mr Robb, was familiar with his obligations under the Act.
- 2.12 The Committee asked why Ms Robb's Brief of Evidence did not refer to the Early Learning Centre located within Waimakariri Junction. Ms Robb responded that her evidence focused primarily on the other retail outlets within the development.
- 2.13 The Committee noted that there was limited parking directly outside the proposed premises and queried how staff would monitor any adverse behaviour occurring in the car park. Ms Robb advised that CCTV cameras would be installed both inside and outside the car park to enable staff to monitor activity.
- 2.14 In response to further questions from the Committee, Ms Robb outlined her experience managing Thirsty Liquor Waimakariri (Bridgend) and explained how she would apply that experience to the management of the proposed new premises at Waimakariri Junction.
- 2.15 Ms Davis called Mr M. Brown, a director and shareholder of Townill and Shelton Limited, to give evidence. Mr Brown affirmed the contents in his Brief of Evidence dated 19 December 2025, which had been provided to the Committee and all parties prior to the hearing. Mr Brown outlined his 21 years of experience in the hospitality industry, including ownership and operation of Thirsty Liquor Darfield, the Waimak Tavern, and Thirsty Liquor Rakaia. Mr Brown advised that Ms Robb would have primary responsibility for managing the proposed store, while he would continue to oversee the company's wider Canterbury operations. Mr Brown further noted that, following an incident at Thirsty Liquor Darfield involving the sale of alcohol to an underage person, Ms Robb assumed responsibility for staff training across all Townill and Shelton Limited premises.
- 2.16 With respect to the Early Learning Centre located within Waimakariri Junction, Mr Brown advised that the developer, Mr J Pearce, had contacted the centre owner on the applicant's behalf. The owner indicated that they had no objection to the proposed premises, and this position was subsequently confirmed in writing by the applicant's lawyer.
- 2.17 Mr Brown also described the proposed premises layout, security measures, CCTV systems, external lighting, and signage. Mr Brown advised that the Point of Sale (POS) system would be consistent with those used at the company's other premises and would incorporate mandatory age verification requirements for all alcohol transactions. The system would prompt staff with the precise date a purchaser must have been born on or before to lawfully buy alcohol and would prevent any sale from proceeding unless the required information was entered.
- 2.18 The Committee sought clarification regarding the proposed display of promotional material within the storefront, noting that the windows were to be whitened or otherwise obscured. Mr Brown explained that monthly specials would be displayed on the two sliding doors, which would not be frosted.
- 2.19 The Committee queried whether the use of a sandwich board or flag outside the proposed premises could constitute alcohol advertising. Mr Brown advised that any such signage

would display only Thirsty Liquor branding and would serve solely to indicate that the store was open.

- 2.20 The Committee asked whether the Alcohol Regulatory and Licensing Authority (ARLA) had issued a decision in relation to the incident at Thirsty Liquor Darfield. Mr Brown confirmed that the decision remained pending. Mr Brown explained that there had been two incidents. One occurred during a Selwyn District Council Controlled Purchase Operation (CPO) targeting the sale of alcohol to minors, during which two young people entered the premises. At the time, a junior staff member was undergoing training on the POS system. The staff member was serving the young people when the Duty Manager approached and enquired whether identification had been requested. The staff member confirmed that she had, and the transaction proceeded. Mr Brown maintained that, in his opinion, appropriate systems were in place and that, had the staff member not provided false information, the sale would not have been completed. The second related to the alleged sale of alcohol to an intoxicated person at Thirsty Liquor, Darfield, on 16 January 2023. The second matter was heard by the ARLA some months ago; however, the decision has not been released.
- 2.21 The Committee enquired as to what additional training measures had been implemented following the incident at Thirsty Liquor Darfield, to ensure that similar occurrences did not recur. Mr Brown advised that all staff at Thirsty Liquor Darfield have undergone further training. Mr Brown stated that Ms Robb had made staff training across all Townill and Shelton Limited premises a priority to ensure that employees understood their obligations under the Act and adhered to best practice. This training included staff quizzes, team discussions, and online courses. Mr Brown further noted that the company had instituted its own “undercover” monitoring operations to verify staff compliance with regulatory requirements.
- 2.22 The Committee again noted the limited parking directly outside the proposed premises and asked how staff would monitor any adverse behaviour occurring in the car park. Mr Brown advised that CCTV cameras installed outside the premises would enable staff to observe activity in the car park. Mr Brown added that staff would be able to secure the premises, display a “Back in 10 minutes” sign, and attend to any incident in the car park if required.
- 2.23 Regarding the premises layout, the Committee queried the ratio of storage space to retail space. Mr Brown confirmed that the premises would comprise approximately 60 percent retail space and 40 percent storage space.
- 2.24 The Committee sought clarification regarding the storage arrangements for high ABV-ciders, such as Scrumpy. Mr Brown advised that these products would be stored on a shelf at the rear of the cooler, located at the back of the premises, and that this area would be monitored by CCTV. Mr Brown further noted that high-ABV ciders accounted for approximately two percent of total sales, as the business primarily specialised in higher-end alcoholic products.
- 2.25 The Committee asked whether Mr Brown had attempted to meet directly with the Early Learning Centre located within Waimakariri Junction to discuss their concerns. Mr Brown confirmed that all communication had occurred through Mr Pearce and through Townill and Shelton Limited’s legal representatives.

- 2.26 In response to further questions from the Committee, Mr Brown stated that he considered the risk of children being exposed to alcohol through the proposed premises to be extremely low, as children would not pass the store on their way to school and the premises was not visible from the Early Learning Centre entrance. Mr Brown also confirmed that high-risk alcohol products, such as Nitro, would not be sold at the premises.
- 2.27 The Committee questioned the necessity for an additional alcohol retailer in Kaiapoi. Mr Brown responded that the population of Kaiapoi had increased by approximately 25 percent over the past eight to ten years, reaching an estimated 11,000 residents. Mr Brown therefore considered that there was a demonstrable need for an additional alcohol retailer in the locality.
- 2.28 The Chairperson thanked Ms Davis, Ms Robb and Mr Brown.

3. REPORTING AGENCIES

- 3.1 Mr R Turner, Licensing Inspector, was called and his report was taken as read. Mr Turner noted that his report (at page 3) stated that the new off-licence application complied with the Local Alcohol Policy (LAP) and clarified that this statement was not entirely accurate. Mr Turner explained that the current LAP was outdated and overdue for review, with the statutory review date having passed on 18 December 2025. Mr Turner advised that the LAP was based on the former Waimakariri District Plan, which identified only two business zones in which new off-licences could be granted. Those zoning provisions no longer align with the Partially Operative Waimakariri District Plan, which now contains several zones where retail activity was a permitted activity. Mr Turner further advised that the proposed premise was located within the Large Format Retail Zone. This zone expressly permits retail activities such as food and beverage outlets, large-format retail, bars, and taverns, provided that a minimum floor area of 450 square metres was met. Mr Turner reported that, following consultation with the Council's Planning Unit, it was anticipated that the reviewed LAP would be aligned with the Partially Operative District Plan. Under that revised framework, off-licences would be permitted within the Large Format Retail Zone, provided they satisfy the minimum floor-area requirements.
- 3.2 The Committee observed that the Large Format Retail Zone expressly provides for retail activities such as food and beverage outlets, large-format retail, bars, and taverns, but does not specifically refer to alcohol retail premises. Mr Turner agreed but stated that his view was that alcohol-related activities could be authorised within the zone, noting that bars and taverns were alcohol-related businesses capable of holding off-licences.
- 3.3 The Committee questioned whether, in Mr Turner's opinion, the LAP prevented this application from being granted, excluding other matters. Mr Turner believed that that was a matter to be determined by the Committee.
- 3.4 Responding to a question from the Committee, Mr Turner confirmed that the perspective of the Council's Planning Unit was derived from planning principles rather than from the LAP.
- 3.5 The Committee, along with representatives of the objectors, sought clarification regarding the statement in the Licensing Inspector's report asserting that the application complied with the LAP. The Chairperson queried whether that statement should be replaced with the explanation provided by the Licensing Inspector, or whether both statements ought to remain on the record.

- 3.6 The Committee adjourned from 11:50 am to 1:00 pm to allow the Licensing Inspector time to finalise a statement addressing whether the application complied with the LAP.
- 3.7 Upon reconvening the hearing, the Licensing Inspector, Mr Turner, submitted the following replacement wording for section 105(1)(c) on page 3 of his report:
- “The original statement was made following discussions with a Waimakariri District Council Planner, who advised that the Business Zone 1 and Business Zone 2 references contained in the LAP are no longer operative. That Business Zone 1 has been replaced by the following zones: Neighbourhood Centre Zone (NCZ), Local Centre Zone (LCZ), Large Format Retail Zone (LFRZ), Mixed Use Zone (MUZ), and Town Centre Zone (TCZ). Business Zone 2 has been replaced by the Light Industrial Zone (LIZ), General Industrial Zone (GIZ), and Heavy Industrial Zone (HIZ). Accordingly, while the original statement may be incorrect or misleading, the intent of the replacement zoning provisions is to allow alcohol-licensed premises as a permitted activity. This interpretation is supported by the “How to Interpret and Apply the Rules” section, which states, amongst other things, that ‘retail activities’ is the more general activity and includes food and beverage, large format retail, and bars and taverns as more specific activities. The licensing inspector apologises for any confusion arising from the earlier wording in the report.”*
- 3.8 Mr Turner also corrected and submitted replacement wording for section 105(1)(d) on page 3 of his report:
- “The proposed licensed hours are Monday to Sunday, 09:00 AM to 10:00 PM*
- The proposed days and hours for the sale of alcohol licences do not contravene the LAP or S43 Default national maximum trading hours. The licensing inspector has no concerns regarding the proposed days and hours for the sale of alcohol, which does not contravene the LAP or S.43 Default national maximum trading hours.”*
- 3.9 All parties present at the hearing, including the applicant and the objectors, accepted the revised wording submitted by Mr Turner.
- 3.10 In response to a question from the Committee, Mr Turner agreed with the applicant that the risk of children from the Early Learning Centre being exposed to alcohol due to the proximity of the proposed premises was low, given the premises would not be visible from the Centre’s entrance.
- 3.11 The Committee asked Mr Turner whether, in his opinion, children were more likely to be exposed to alcohol at supermarkets or at standalone alcohol retail premises. Mr Turner observed that, as children were more likely to accompany parents to supermarkets, they would consequently have greater exposure to alcohol in that environment.
- 3.12 The Committee questioned why Mr Turner considered that the applicant had not been entirely transparent in its application. Mr Turner explained that the image submitted by the applicant, depicting the premises’ external design, lacked detail. When queried, the applicant advised that the exterior design would be consistent with other Thirsty Liquor premises. Mr Turner also observed that the window configuration appeared to differ from the image provided. Notwithstanding these matters, he confirmed that he was satisfied with the applicant’s explanations regarding the proposed branding of the premises.

- 3.13 The Committee further enquired whether the Licensing Inspector would object to the use of a sandwich board or flag outside the proposed premises, noting that such signage would display only Thirsty Liquor branding and would simply indicate that the store was open. Mr Turner advised that he held no concerns regarding the use of a sandwich board or flag, provided that any such signage complied with the conditions of the relevant resource consent.
- 3.14 The Committee asked whether Mr Turner was familiar with the incident at Thirsty Liquor Darfield. Mr Turner confirmed that he was and expressed concern that the same POS system used at Thirsty Liquor Darfield would also be utilised at the proposed premises. Mr Turner noted that this raised a risk that the system could be manipulated in a manner that might fail to prevent the sale of alcohol to minors.
- 3.15 The Committee enquired whether the POS system in question was widely used by alcohol retailers within the Waimakariri District. Mr Turner advised that it appeared to be one of the most commonly used POS systems in the district.
- 3.16 The Chairperson thanked Mr Turner.
- 3.17 Senior Constable G Craddock of the New Zealand Police was called, and her report was taken as read. Senior Constable Craddock advised that the Police did not oppose the application; however, she wished to draw the Committee's attention to the ARLA's decision in *Malcolm Johnston (Selwyn District Licensing Inspector) v Townill Limited*. Senior Constable Craddock expressed concern regarding the explanation provided by the applicant, Mr Brown, in relation to the incident at Thirsty Liquor Darfield. Senior Constable Craddock noted that although ARLA accepted that the junior staff member had been undergoing training on the POS system and that the Duty Manager had been misled, it did not accept that these circumstances absolved the Duty Manager of responsibility.
- 3.18 The Committee asked whether the New Zealand Police were satisfied with the steps taken by the applicant following the Thirsty Liquor Darfield incident to ensure improved compliance with the Act. Senior Constable Craddock acknowledged that the applicant had implemented further staff training; however, she remained concerned that the applicant continued to assert that, had the junior staff member not lied, the CPO would not have failed.
- 3.19 The Committee asked whether the New Zealand Police held detailed information regarding the deprivation status of the Kaiapoi area. Senior Constable Craddock advised that matters relating to deprivation, including the contribution of alcohol to deprivation levels, fell within the remit of the Medical Officer of Health. Accordingly, Senior Constable Craddock was unable to provide that information.
- 3.20 The Committee observed that the data supplied by the New Zealand Police was based on a one-kilometre radius from the proposed premises. They asked whether Senior Constable Craddock considered that radius appropriate, given the natural barriers created by the river and the highway. Senior Constable Craddock explained that Police data was typically compiled using a one-kilometre radius and that the information was provided to the Committee as a general guideline only.
- 3.21 In response to the Committee's question, Senior Constable Craddock confirmed that the timing of alcohol-related incidents within a one-kilometre radius of the proposed premises could correlate with the closing times of licensed premises. Senior Constable Craddock noted that identifiable patterns may arise following the closure of venues or major events, when individuals may migrate between locations. Senior Constable Craddock further advised that most alcohol-related offending in the Waimakariri District did not typically

occur at, or in the immediate vicinity of, off-licensed premises. Many incidents involve alcohol purchased from off-licence premises but occur elsewhere. Senior Constable Craddock observed that offending directly associated with an off-licence was generally uncommon unless there was a nearby location, such as a park, where individuals may congregate to consume alcohol and potentially cause a disturbance.

- 3.22 The Chairperson thanked Senior Constable Craddock.
- 3.23 The Medical Officer of Health, Ms P Williams, was called, and her report was taken as read. The Committee had no questions for Ms Williams.
- 3.24 The Chairperson thanked Ms P Williams.

4. THE OBJECTOR

- 4.1 Dr G Hewison confirmed that he appeared on behalf of the Salvation Army, Ms Bergman, and Ms Beaumont in support of their opposition to the application. Dr Hewison advised that he was the Secretary for Communities Against Alcohol Harm. However, Dr Hewison clarified for the record that the Salvation Army was not a member of Communities Against Alcohol Harm, nor were Ms Bergman or Ms Beaumont members of that organisation. Accordingly, Communities Against Alcohol Harm was not represented at the hearing.
- 4.2 Dr Hewison addressed the Committee regarding the nature and format of the objections received. Dr Hewison explained that objectors appearing before a District Licensing Committee were required to comply with the Act's statutory requirements. Where objections failed to meet those requirements, applicants frequently sought to have them struck out, and there were several instances in which objections had been dismissed for non-compliance with the Act's formalities. Dr Hewison emphasised that it was therefore essential that objections were presented in a manner that clearly addressed the statutory criteria. The software used by the objectors, Dr Hewison noted, simply assisted them in structuring their objections so that the necessary information was provided and the risk of procedural challenge was reduced. Dr Hewison referred the Committee to the High Court decision *Utikere v I S Dhillon and Sons* [2014], which considered the requirements for written objections. The Court held that written objections must be cogent and self-sustaining. It further observed that while written objections may be given weight, that weight may be diminished where objectors do not appear at the hearing to give evidence or respond to questions. In light of this authority, Dr Hewison submitted that the Committee should take account of all written submissions received.
- 4.3 Dr Hewison submitted that a further matter relevant to the Committee's deliberations was the Sale and Supply of Alcohol (Community Participation) Amendment Act 2023, which was enacted for the express purpose of strengthening community involvement in alcohol licensing processes. Dr Hewison explained that the Amendment Act introduced two significant changes: first, it removed the parties' ability to cross-examine one another; and second, and of greater relevance to the present application, it abolished the standing requirement. Under the previous legislative framework, an objector was required to demonstrate an interest in the application greater than that of the general public. Dr Hewison noted that this requirement had now been removed entirely, and there was no longer any threshold that objectors had to meet to participate. It was Dr Hewison's submission that there could therefore be no objection to a national organisation such as the Salvation Army lodging an objection to a local application. Dr Hewison further observed that, in any event, the Salvation Army maintained a direct local presence, including a family store in Kaiapoi and a range of services supporting residents in the Waimakariri District, reinforcing its connection to and interest in the community affected by the application.

- 4.4 Dr Hewison referred the Committee to *Auckland Council v Woolworths New Zealand* [2021], in which the Supreme Court noted the findings of the 2010 Law Commission Report. The Report concluded that alcohol related harm had worsened over time and that the proliferation of alcohol outlets was a likely contributing factor. The Law Commission considered that a new regulatory approach was required if New Zealand was to achieve a meaningful reduction in alcohol related harm. Among the reforms proposed were restrictions on opening hours and enhanced opportunities for local communities to influence licensing policy and decision-making. Dr Hewison observed that many of the Law Commission's recommendations were subsequently incorporated into the Sale and Supply of Alcohol Act 2012, including the statutory criteria contained in sections 105 and 106. Dr Hewison then elaborated on the relevant statutory framework and case law in support of the objections to the application.
- 4.5 Dr Hewison submitted that, having regard to the failed CPO at Thirsty Liquor Darfield, together with a further action brought by the New Zealand Police against Townill Limited alleging the sale of alcohol to an intoxicated customer in January 2023, the applicant was not suitable to hold an off-licence. Dr Hewison referred the Committee to *Smugglers Liquor Nawton – Aashi Ventures Ltd* [2023], in which ARLA expressed concern regarding failed CPOs and their implications for assessing suitability.
- 4.6 Dr Hewison urged the Committee to have regard to the concerns of the reporting Agencies. Although the Agencies had not opposed the application, the reporting periods for all the Agencies ended prior to the outcome of the alleged sale to an intoxicated customer at Thirsty Liquor Darfield.
- 4.7 Dr Hewison reiterated his submission that granting the application would be inconsistent with the LAP, which expressly restricts the location of new “standalone bottle stores.” The LAP provided that such premises may only be established on land zoned Business 1 or Business 2 under the Waimakariri District Plan. The proposed premises, however, was located within a Business 5 Zone. Although Dr Hewison acknowledged that a resource consent (RC205216) had been issued for the site, he submitted that the consent did not alter the underlying zoning classification and therefore did not render the application compliant with the LAP. Dr Hewison accepted the Licensing Inspector's view that the current LAP was outdated and based on the former District Plan; however, he emphasised that the current LAP remained operative and must be applied unless and until it was formally reviewed and amended.
- 4.8 In response to a question from the Committee, Dr Hewison advised that although Section 105 of the Act stated that the Committee may give regard to the LAP. The Committee should also take into consideration section 108 of the Act, which provided that a licensing authority or committee may refuse to issue a licence if, in its opinion, the licence would be inconsistent with the relevant LAP. In his submission, the present application was clearly inconsistent with the operative LAP, and the Committee should therefore decline to grant the licence.
- 4.9 Dr Hewison commented that Section 105(1)(h) required the Committee to have regard to whether the amenity and good order of the locality would be likely to be reduced, to more than a minor extent, by the effects of the issue of the licence. Section 106 required consideration of noise, nuisance, and vandalism, as well as the premises' density and their compatibility with nearby land uses. Dr Hewison submitted the following to support the objector's belief that the amenity and good order of the locality would likely be reduced:
- 4.9.1 The proximity of the Woolworths supermarket, which also sold alcohol.
- 4.9.2 The proximity of the Early Learning Centre, Ourkidz NZ, Oscar, and Kaiapoi Borough School to the proposed premises.
- 4.9.3 The proximity of three other stand-alone bottle shops to the proposed premises.

- 4.9.4 The proposed premises would be close to residential suburbs, reserves, educational facilities and other community recreational assets.
- 4.9.5 The increase in alcohol related rubbish along the Kaiapoi River, close to the proposed outlet, as well as people drinking in local parks.
- 4.10 Dr Hewison noted that several areas within Kaiapoi were subject to alcohol bans, which, in his submission, indicated the presence of alcohol related issues within the locality. Dr Hewison submitted that this evidence supported the conclusion that Kaiapoi was experiencing a level of crime or disorder that could be exacerbated by the availability and consumption of alcohol in the area. On that basis, Dr Hewison contended that the amenity and good order of the locality would be likely to be reduced, to more than a minor extent, by the effects of issuing the licence. Dr Hewison referred the Committee to *Thirsty Liquor Wickman Way*¹⁸, in which the High Court determined that regard must be given to the object of the Act as a standalone criterion. The Court held that where there was a real risk of harm arising from the grant of a licence, the statutory object of minimising alcohol related harm was engaged, requiring that such harm be reduced to the smallest possible degree.
- 4.11 Dr Hewison submitted that the central question for the Committee, in assessing the object of the Act, was whether there existed a real risk of alcohol related harm arising from the grant of the off-licence. Dr Hewison emphasised that the statutory object required harm to be minimised to the smallest possible degree. In the objectors' submission, granting the application would be contrary to that object. Dr Hewison noted that, under section 105 of the Act, the Committee needed only to be satisfied that one of the statutory criteria was not met to decline the application. The objectors contended that the application was inconsistent with the operative LAP and that this inconsistency alone constituted a sufficient basis for the Committee to refuse the licence.
- 4.12 The Committee asked whether Dr Hewison believed, given that there were now no Business One and Business Two zones in the Waimakariri District, no off-licences could be granted in this district. Dr Hewison essentially reached that conclusion, noting that the LAP would need to be revised to reflect the zoning changes introduced through the Waimakariri Operative District Plan.
- 4.13 Dr Hewison called Ms A Bergman, an objector, to give evidence. With the Committee's consent, Ms Bergman delivered a Karakia prior to giving evidence. Afterwards, Ms Bergman affirmed the contents of her Brief of Evidence dated 5 December 2025, which had been provided to the Committee prior to the hearing.
- 4.14 Ms Bergman highlighted her roles within the community, particularly within Māori communities, and the voluntary work she undertook, much of which relates to alcohol harm. Ms Bergman noted her involvement as a kaiwhakamana, working with female inmates at Christchurch Women's Prison, where many of the stories shared focused on the significant harm caused by alcohol and the resulting domino effect on financial stability and the wellbeing of both the women and their wider whānau. Ms Bergman also spoke about her work with the Māori Women's Welfare League, where she focused on whānau wellbeing, which often intersects with alcohol-related issues as well as other contributing factors. Ms Bergman clarified that she was not attending as a representative of the Kaipā kūmanga or the Tuahiwi Kaumātua community, but as an individual speaking from her own perspective on the harmful effects of alcohol that she has witnessed through lived experience.
- 4.15 Ms Bergman raised several concerns regarding the ongoing sale of alcohol and the potential moral and community impacts. Ms Bergman noted the possible harm to the surrounding neighbourhood, including the nearby Early Learning Centre, noting that the parents of enrolled children had not been consulted. Regarding foot traffic and customer

volume, Ms Bergman disagreed with the claim that foot traffic would not increase, stating that the business was likely to rely heavily on motorway traffic. Ms Bergman suggested that Woolworths chose the location due to the high number of vehicles exiting the motorway. As a local resident, Ms Bergman observed significant vehicle traffic entering the retail centre, which she believed contributed to higher overall foot traffic. Ms Bergman noted that over many years, she had observed rubbish, bottles, and evidence of drinking around the clubrooms, stating that drinking still occurred but was often concealed. Ms Bergman challenged the idea that the motorway and Kaiapoi River acted as barriers. While Ms Bergman accepted that the motorway may function as a barrier, she argued that the river did not. Instead, Ms Bergman described the river area, particularly the unlit dirt track, as a convenient location for people of any age to hide and drink.

- 4.16 The Committee questioned why Ms Bergman did not object to the development of the supermarket at Waimakariri Junction, which has an off-licence. Ms Bergman explained that she did not object because the supermarket's main business was providing food to the community and that it did not sell hard liquor.
- 4.17 The Committee asked Ms Bergman whether, in her opinion, vulnerable and young people were more likely to be exposed to alcohol in supermarkets or at standalone alcohol retail premises. Ms Bergman noted that it would depend on a person's choice of drink.
- 4.18 The Committee sought clarity about Ms Bergman's concern that the proposed premises were close to the local Marae. Ms Bergman observed that although the proposed outlet may not be considered close to the local Marae, it was still easily accessible. Ms Bergman's experience as an active member of Tuahiwi Kaumātua Roopu, and Ōtautahi Māori Women's Welfare League had shown that many of the Wānanga were impacted by alcohol and drug use, hence her opposition to another alcohol retailer in the proximity of the local Marae.
- 4.19 The Committee noted that Ms Bergman considered the Kaiapoi River area a convenient location for people to hide and drink. They questioned whether Ms Bergman visited the proposed premises and was aware that the retail centre was fenced off from the Kaiapoi River. Ms Bergman stated that she did not see the need to visit the proposed premises site and was unaware of the security fence.
- 4.20 Responding to a question from the Committee, Ms Bergman noted that the proposed premises were visible from the motorway and the easy access to the motorway would contribute to drink driving.
- 4.21 The Committee enquired, in Ms Bergman's opinion, whether all members of the community had equal opportunity to oppose the application and make submissions to the hearing. Ms Bergman agreed that this was accurate.

- 4.22 Dr Hewison indicated that he wished to call Ms A Inga as a witness for the Salvation Army. However, Ms Davis raised a procedural concern regarding the Salvation Army's objection. In accordance with the Committee's evidence timetable, the Salvation Army had the opportunity to file witness statements and submit evidence from Ms Fowler and Ms Skinner; however, no evidence was filed from Ms Inga, nor was there any indication to the parties that Ms Inga would be appearing on behalf of the Salvation Army. Ms Davis requested that the applicant's concerns be recorded.
- 4.23 The Chairperson noted that the Committee would not be able to question Ms Inga on an objection which Ms Inga had not drafted. It would therefore be the expectation of the Committee that Ms Inga would only read the Salvation Army's objection for the record. It was agreed that the Committee would take the Salvation Army's objection as read, and Ms Inga did not address the Committee.
- 4.24 Dr Hewison called Ms B Fowler, an objector, to give evidence. Ms Fowler affirmed the contents of her Brief of Evidence dated 5 December 2025, which had been provided to the Committee prior to the hearing. Ms Fowler confirmed that her objection was based on the application being inconsistent with the LAP, which restricted standalone bottle stores to Business 1 or Business 2 zones under the Waimakariri District Plan. The proposed premises met the definition of a stand-alone bottle store and would be located within a Business 5 Zone as defined in the Waimakariri District Plan.
- 4.25 The Committee took note of the objection received from Ms Carol Beaumont, as contained in her Brief of Evidence dated 5 December 2025, who raised the following concerns:
- 4.25.1 Overprovision of alcohol retailers in a small town such as Kaiapoi, wider harm and lack of need.
 - 4.25.2 The proximity of the proposed premises to an Early Learning Centre.
 - 4.25.3 Community harm and impact on amenity and good order.
 - 4.25.4 Inconsistency with the object of the Act.
 - 4.25.5 Concerns About Applicant Suitability.
 - 4.25.6 Operational hours and compliance with the LAP.
- 4.26 The Committee also took note of the following objections from the objectors who were not represented at the hearing:
- 4.26.1 Estella Wainui-Mackle.
 - 4.26.2 Joanne Pera
 - 4.26.3 Jason Reid for the Kaiapoi High School
- 4.27 The Chairperson thanked Dr Hewison, Ms Bergman and Ms Fowler.

5. SUMMING UP

- 5.1 Ms P Davis tabled a closing submission on behalf of the applicant. Ms Davis provided a summary of the applicant's case, focusing on the suitability of the applicant, the LAP, the proliferation and alcohol availability, and the object of the act. Ms Davis elaborated on the relevant legal principles which supported the applicant's application for an off-licence. Ms Davis submitted that:

- 5.1.1 The granting of the application would not be contrary to the object of the Act.
- 5.1.2 The applicant had appropriate systems, staff, and training in place to ensure that alcohol was sold, supplied and consumed at its premises safely and responsibly.
- 5.1.3 Ms Robb and Mr Brown were suitable operators and understood their responsibilities as sellers and suppliers of alcohol. They were committed to minimising any risk of potential alcohol-related harm.
- 5.1.4 The objectors have failed to provide substantial evidence in support of their objections.

In light of the above, Ms Davis, therefore, urged the Committee to issue an off-licence for the premises.

- 5.2 With the Committee's consent, Ms Bergman delivered a Karakia to close the meeting.

6. DISCUSSION AND CONSIDERATION

- 6.1 In deciding whether to issue a licence, the Committee must have regard to Sections 105 and 108, 109 and 204 of the Act. After having regard to the criteria set out in Section 105, the Committee should stand back to consider whether there was any evidence indicating that granting the application would be contrary to the object of the Act. It was held in *Re Venus NZ Ltd [2015]*, paragraph 20, that all criteria must be weighed against the object of the Act and the requirement to undertake an evaluative exercise.

105(1)(a) the object of the Act

- 6.2 The object of this Act is:
 - (a) *the sale, supply, and consumption of alcohol should be undertaken safely and responsibly; and*
 - (b) *the harm caused by the excessive or inappropriate consumption of alcohol should be minimized.*
- 6.3 The Committee, after considering the relative factors set out in Section 105(1)(b to k), then turned its mind to whether the issuing of an off-licence would be consistent with the object of the Act. The Committee was aware when considering the object of the Act that it had two limbs; sale, supply and consumption of alcohol should be undertaken safely and responsibly, and alcohol-related harm should be minimised.
- 6.4 In the Committee's opinion, having evaluated the evidence, stepped back, viewed the matter globally, and weighed the applicant and objectors' evidence, as well as the evidence and statements of the Reporting Agencies, on balance, it was the Committee's view that Townill and Shelton Limited would undertake the safe and responsible sale and supply of alcohol at the proposed premises.. In doing so, the Committee concluded that, given the Directors' extensive experience, the proposed systems to be implemented, and the Agencies' lack of opposition, harm caused by excessive or inappropriate alcohol consumption would be minimised. In the context of this application for this premise, the Committee considers that the issuing of the off-licence would meet the object of the Act.

105(1)(b) the suitability of the applicant

- 6.5 The Committee observed that the company's Directors had longstanding connections to the Kaiapoi community, more than three decades of combined experience in the alcohol industry, and a demonstrated history of successfully operating multiple licensed premises. It further noted that Ms Robb, responsible for the day-to-day management of the premises, had an exemplary compliance record. The Committee was also aware that two of the company's Directors currently hold Duty Manager's Certificates.
- 6.6 The Committee additionally recorded that none of the reporting Agencies, being the statutory experts tasked with assessing suitability, amenity, and good order, raised any concerns regarding the applicant's suitability. The Licensing Inspector advised that he had met with the applicants to discuss the application, and both Mr Brown and Ms Robb demonstrated a sound understanding of their obligations under the Act. He, therefore, considered the applicants both willing and able to comply with the Act.
- 6.7 The Committee noted that only Ms Beaumont and The Salvation Army expressed concerns regarding the applicant's suitability. However, Ms Beaumont's opposition was based solely on the fact that the applicant's Directors had previously applied for an off-licence in Amberley. As no evidence was provided to substantiate any allegation of unsuitability, the Committee found it difficult to give Ms Beaumont's concerns any weight. In any event, the Amberly decision was overturned by ARLA on appeal and an off-licence issued.
- 6.8 The Salvation Army's opposition relied primarily on the recent enforcement action concerning Thirsty Liquor Darfield, involving the sale of alcohol to a minor (*Johnston v Townhill Ltd [2023] NZARLA 188–189*), a premises owned by one of the Directors of Townill and Shelton Limited (Mr M. D. Brown). Reference was also made to *Smugglers Liquor Nawton – Aashi Ventures Ltd [2023]*. However, the Committee was satisfied that the applicant had taken appropriate remedial steps following the incident, including enhanced staff training and the implementation of internal CPOs, to ensure employees understood their statutory obligations and adhered to best practice. However, the Committee noted that in *Smugglers Liquor Nawton – Aashi Ventures Ltd* ALRA's finding that the applicant was not suitable was based on multiple failed CPOs and other circumstances.
- 6.9 The Salvation Army also referred to an action brought by the New Zealand Police against Townill Limited, alleging the sale of alcohol to an intoxicated person in January 2023. As ALRA had not released its decision on that matter at the time of the hearing, the Committee gave little weight to the matter.
- 6.10 In addition, the Committee noted that none of the reporting Agencies raised any objection to the applicant's suitability. ARLA had consistently held that the assessments of the reporting Agencies carried significant evidential weight in suitability determinations, and that the absence of Agency opposition was a strong indicator that no suitability concerns had been identified, refer to *Silk v DLC, Re Venus NZ Ltd, Re Super Liquor Holdings Ltd [2023]*. ARLA had also repeatedly confirmed that suitability must be determined on the evidence before the decisionmaker, not on speculation or generalised concerns about alcohol harm. Furthermore, the Licensing Inspector indicated that he met with the applicant to discuss the application, who showed understanding of their responsibilities under the Act and was regarded as willing and able to comply with the Act.
- 6.11 Applying these principles, and in the absence of compelling evidence, the Committee considered the Agencies' lack of opposition to be a material factor supporting the conclusion that the applicant was suitable to hold an off-licence.

105(1)(c) any relevant local alcohol policy

- 6.12 The Committee accepted the Licensing Inspector's explanation that the current LAP, which identified only two business zones in which new off-licences may be granted, was developed with reference to the former Waimakariri District Plan. The Committee further accepted that those zoning provisions no longer align with the Partially Operative Waimakariri District Plan, which now provided for retail activity across a broader range of zones. Under the updated planning framework, Business Zone 1 had been replaced by Neighbourhood Centre Zones, and Business Zone 2 by the Light Industrial Zone.
- 6.13 The Committee agreed that the LAP required review to reflect the zoning changes introduced through the Partially Operative Waimakariri District Plan. However, it did not accept Dr Hewison's view that no off-licences could be granted until such time as the LAP was amended. In the Committee's assessment, the purpose of the LAP was to minimise alcohol related harm by guiding the location of licensed premises to appropriate commercial areas, not to impose a de facto moratorium on the granting of licenses.
- 6.14 The Committee was satisfied that it had given the LAP the regard required by Section 105(1)(b) of the Act. However, it was agreed that the LAP could not be applied rigidly or determinatively in this case due to subsequent changes to the planning framework. The application was consistent with the underlying policy intent of the LAP, as the proposed premises would be located in a Large Format Retail Zone, in which retail activity was expressly contemplated and would not undermine the Policy's harm minimisation objectives.

105(1)(d) the days and hours during which the applicant proposes to sell alcohol

- 6.15 The Committee accepted the applicant's proposed trading days and hours, namely that alcohol would be sold from the premises under the off-licence from Monday to Sunday between 9.00 am and 10.00 pm. These proposed trading hours were consistent with the LAP and do not contravene the default national maximum trading hours prescribed by Section 43 of the Act.

105(1)(e) the design and layout of any proposed premises

- 6.16 The Committee noted Ms Beaumont's suggestion that the off-licence trading hours be restricted to 9.00 pm. However, it also noted that the Licensing Inspector raised no concerns about the proposed trading hours. The Committee further recognised that the premises had not yet been fitted out and that alterations to the proposed layout or design may occur prior to opening. In these circumstances, the Committee concurred with the Licensing Inspector that a final inspection should be undertaken, in accordance with Section 105(1)(e) of the Act, before the licence was issued by the Committee Secretary.

105(1)(f) whether the applicant is engaged in, or proposes on the premises to engage in, the sale of goods other than alcohol, low-alcohol refreshments, and food, and, if so, which goods

- 6.17 The applicant intends to sell:
- 6.17.1 Tobacco and vape products.
 - 6.17.2 Low-alcoholic and non-alcoholic
 - 6.17.3 Limited food products

105(1)(g) whether the applicant is engaged in, or proposes on the premises to engage in, the provision of services other than those directly related to the sale of

alcohol, low-alcohol refreshments, non-alcoholic refreshments, and food, and if so, which services.

- 6.18 No evidence had been provided that the applicant would be engaged in the provision of services other than those directly related to the sale of alcohol, low-alcohol refreshments, non-alcoholic refreshments, and food.

S.105(1)(h) Will the amenity and good order of the locality likely be reduced, by more than a minor extent, by the effects of the issuing of this licence

- 6.19 It was the Committee's view that the proposed premises would be situated within the Waimakariri Junction retail park, adjacent to State Highway 1 and Smith Street and bordered by the Kaiapoi River. The surrounding environment comprises established commercial retailers, including Woolworths Supermarket, Chemist Warehouse, and Placemakers. The Committee also noted that the location would not generate incidental foot traffic; people would need to travel to the premises specifically to purchase alcohol. In the Committee's assessment, these contextual factors supported the conclusion that any impact on amenity and good order would be minimal.
- 6.20 The Committee did not accept Ms A Bergman's assertion that the proposed premises would rely heavily on motorway traffic and thereby encourage drinking and driving. The Committee considered that the premises would not be readily visible from the highway and noted that several existing off-licensed premises and other retailers in the surrounding area already provide convenient access for motorists seeking to purchase alcohol. While the Committee acknowledged Ms Bergman's concerns regarding the significant harm caused by alcohol and its wider social and economic impacts on local iwi, it did not accept that the proposed premises would be readily accessible from the local marae, which was located approximately 6.7 kilometres away. The Committee also observed that no objection to the application had been received from the Kaipā kūmanga or the Tuahiwi Kaumātua community.
- 6.21 The Committee noted that the proposed premises did not directly adjoin any residential areas, schools, childcare facilities, or places of worship. It is considered the objectors' submission that the amenity and good order of the locality would likely be adversely affected due to the premises' proximity to the Early Learning Centre, Kaiapoi High School and Kaiapoi Borough School. However, only the Early Learning Centre was located in the same retail centre as the proposed premises, and the Committee did not consider that children being dropped off or collected would be negatively affected, as the premises would not be visible from the Centre's entrance. The Committee also observed that the Early Learning Centre had not lodged an objection to the application. Although Kaiapoi Borough School was within walking distance of the proposed premises (approximately 900 metres), it was located on the opposite side of the Kaiapoi River, with vehicular access from Hilton Street. Although the footbridge over the Kaiapoi River was used by young people walking to and from school, the proposed premises would not be visible due to landscaping and the building's positioning. Kaiapoi High School was sufficiently separated from the proposed premises as it was located approximately three kilometres away. The Committee further noted that young people were more likely to be exposed to alcohol at the nearby Woolworths Supermarket, which already held an off-licence, than at the proposed premises.

- 6.22 With respect to concerns about increased alcohol related litter along the Kaiapoi River and the possibility of people drinking in nearby parks, the Committee noted the Licensing Inspector's evidence that he had found no indication of vandalism or similar issues at or near the proposed site. Furthermore, none of the objectors provided evidence of such issues. The Committee also considered the New Zealand Police's evidence that most alcohol related offending in the Waimakariri District did not typically occur at, or in the immediate vicinity of, off-licensed premises. While Senior Constable Craddock acknowledged that alcohol related offending may occur in nearby public spaces where individuals congregate, the Committee noted that the proposed premises were not located adjacent to any local park and were separated from the open area beside the Kaiapoi River by a security fence and extensive native planting."
- 6.23 The Committee further observed that none of the reporting Agencies raised any concerns that the amenity and good order of the locality would be reduced by the establishment of an off-licence at Waimakariri Junction. The concerns advanced by the objectors appeared to reflect broader aspirations for a general reduction in alcohol related harm at a national level, rather than matters specific to the locality in question. Having regard to the commercial nature of the site and the conditions imposed through the resource consent, the Committee was satisfied that the applicant had demonstrated that the proposed off-licence for Townill and Shelton Limited was unlikely to reduce the amenity and good order of the locality by more than a minor extent."

105 (i) whether (in its opinion) the amenity and good order of the locality are already so badly affected by the effects of the issue of existing licences

- 6.24 The Committee did not agree with Dr Hewison's submission that the various alcohol bans within Kaiapoi indicated the presence of alcohol related issues within the locality. The Committee noted that the alcohol bans in Kaiapoi were historic in nature and did not imply that Kaiapoi was experiencing a level of crime or disorder that could be exacerbated by the availability and consumption of alcohol in the area.
- 6.25 The Committee noted that no evidence had been presented to demonstrate any particular increase in risk arising from the grant of the licence. On the contrary, both the Medical Officer of Health and the New Zealand Police confirmed that they did not oppose the application, which the Committee regarded as a material indicator that no such risk had been identified by the statutory reporting Agencies.
- 6.26 Having regard to the commercial character of the Waimakariri Junction area, the lack of evidence of vulnerability, the absence of any concerns from the reporting Agencies, and the evidence that alcohol related disorder in the area was unlikely to occur in the vicinity of off-licensed premises, the Committee was satisfied that the locality was not presently affected to such an extent. Accordingly, the Committee concluded that granting the proposed off-licence would not exacerbate any existing adverse effects on amenity and good order beyond a minor level.

105 (1)(j) whether the applicant has appropriate systems, staff, and training to comply with the law

- 6.27 The Committee heard that Ms Robb, who has an exemplary record, would have primary responsibility for the management of the premises. It was satisfied with the list of proposed managers, including their qualifications and experience, provided by the applicant. The Committee also noted the Licensing Inspector's assessment that the induction and training programmes offered to staff were appropriate for a premises of this nature and sufficient to ensure compliance with the Act.

- 6.28 The Committee noted that the design and layout of CCTV cameras, security systems, and lighting could change once the installation had been finalised. Again, in these circumstances, the Committee concurred with the Licensing Inspector that a final inspection should be undertaken, in accordance with Section 105(1)(e) of the Act, before the licence was issued by the Committee Secretary.
- 6.29 However, the Committee also recorded the Licensing Inspector's concern that the same POS system used at Thirsty Liquor Darfield was proposed to be utilised at the new premises. The Licensing Inspector considered that this presented a potential risk, as the system could be manipulated in a manner that might fail to prevent the sale of alcohol to minors.

105(1)(k) any matters dealt with in any report from the Police, an Inspector or a Medical Officer of Health made under section 103

- 6.30 The Committee noted that the New Zealand Police did not oppose the application, as confirmed in their report dated 1 July 2025. It nevertheless took cognisance of Senior Constable Craddock's concern regarding the explanation provided by the applicant, Mr Brown, in relation to the incident at Thirsty Liquor Darfield.
- 6.31 The Committee also recorded that the Medical Officer of Health did not oppose the application, as confirmed in the report dated 27 June 2025.

108 Licence may be refused if contrary to the local alcohol policy

- 6.32 The Committee had regard to the LAP as required and noted that, while certain zoning references within the LAP no longer align with the Partially Operative Waimakariri District Plan, the underlying intent of the LAP, to ensure that off-licensed premises were located in appropriate commercial areas and to minimise alcohol related harm, remained relevant. The Committee was satisfied that the proposed premises were situated within a commercial environment consistent with that intent and that no provision of the LAP operated to prohibit or otherwise render the grant of this licence contrary to the Policy. Accordingly, the Committee was not satisfied that s 108(b) provided a basis on which the application should be refused, as it did not consider that the issue of a licence would be inconsistent with the policy.

109 Conditions may be imposed if required by the local alcohol policy

- 6.33 In considering s 109 of the Act, the Committee assessed whether any conditions were required to be imposed on the licence in order to give effect to the Local Alcohol Policy. The Committee noted that the LAP did not prescribe any mandatory conditions relevant to the type of off-licence sought, nor did it contain any provisions that would necessitate the imposition of additional or more restrictive conditions in this case. Having regard to the nature of the proposed operation, the commercial character of the locality, and the absence of any concerns from the reporting Agencies, the Committee was satisfied that the standard conditions ordinarily applied to off-licences were sufficient to ensure compliance with the Act and to promote the LAP's harm minimisation objectives.

204 Right of certain persons to appear in the proceedings

- 6.34 The Committee recorded the procedural history of the application and noted that all persons who appeared and made submissions were entitled to do so under Section 204 of the Act. The Committee was satisfied that each participant fell within the statutory categories of persons with a right of appearance, and no issue arose as to standing. The Committee further noted that the Licensing Inspector, the New Zealand Police, and the Medical Officer of Health, each of whom held an express statutory right to appear, did not

oppose the application and did not raise any concerns regarding the applicant's suitability. Consistent with established ARLA authority, the Committee regarded the absence of Agency opposition as a material indicator that no suitability concerns had been identified through the statutory reporting process. The Committee was therefore satisfied that the proceedings had been conducted in accordance with the procedural requirements of the Act and that all relevant parties had been afforded the opportunity to be heard.

DECISION

The District Licensing Committee issues TOWNILL and SHELTON LIMITED a new Off-licence pursuant to Section 100 of the Sale and Supply of Alcohol Act 2012 in respect of the premises situated at 13 Hakarau Road, Kaiapoi, to be known as *Thirsty Liquor Waimakariri Junction*, subject to the following conditions:

- (a) That a final inspection should be undertaken, in accordance with Section 105(1)(e) of the Act, before the licence is issued by the Committee Secretary.
- (b) No Alcohol is to be sold on the premises on Good Friday, Easter Sunday, Christmas Day, or before 1 pm on ANZAC Day.
- (c) Alcohol may only be sold or delivered on the following days and during the following hours:
Monday to Sunday from between 9.00 am and 10.00 pm.
- (d) Water must be freely available to customers, while alcohol is being supplied free as a sample on the premises.
- (e) The following steps must be taken to ensure that the provisions of the Act relating to the sale of alcohol to prohibited persons are observed:
 - Display of appropriate signs adjacent to every point of sale detailing the statutory restrictions on the supply of alcohol to minors and the complete prohibition of sales to intoxicated persons.
 - No sale of alcohol to anyone in a school uniform, even if they can prove they are over the age of purchase.
- (f) The following steps must be taken to ensure that the provisions of the Act relating to the management of the premises concerned are observed:
 - Alcohol must only be sold and supplied within the area marked on the plan submitted with the application.
- (g) The following step must be taken to promote the responsible consumption of alcohol:
 - The licensee must implement and maintain the steps proposed in their Host Responsibility Policy aimed at promoting the reasonable consumption of alcohol.
- (h) No sales of beer, cider, or RTDs as singles (i.e., only selling one can/vessel at a time): that have an alcohol / ABV percentage greater than 5.5%; and are priced at, or less than, \$6.00.
- (i) No sales of Nitro or similar products that: contain alcohol and also feature caffeine-based stimulants such as guarana; and no sales of Nitro 'liqueur'

- (j) No placards, A-boards, special promotions, or flyers are to be in use outside of the licensed area or on the outside of the premises.
- (k) No advertising of tobacco or vape products.
- (l) There will be no external advertising or signage apart from a sandwich board and/or flag advertising the brand.

OTHER RESTRICTIONS AND REQUIREMENTS

- Section 56 – Display of signs
- Section 57 – Display of licences
- Section 214 – Manager to be on duty at all times and responsible for compliance

THE LICENSED PREMISES

The premises situated at 13 Hakarau Road, Kaiapoi, is more precisely identified as outlined in a plan submitted with the application.

DISPLAY OF LICENCE AND PRINCIPAL ENTRANCE

A copy of this licence must be displayed at the principal entrance to the premises.


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 -

- (a) Until the close of the period of 1 year commencing with the date of its issue; or
- (b) If an application for the renewal of the licence is duly made, until the application is determined; or
- (c) If the licence is renewed, until the close of the period for which it is renewed.

DATED AT RANGIORA THIS 13TH DAY OF FEBRUARY 2026

Signed



Neville Atkinson
CHAIRPERSON
WAIMAKARIRI DISTRICT LICENSING COMMITTEE

