

ŌTOROHANGA DISTRICT LICENSING COMMITTEE

Decision

018/0639

IN THE MATTER

of the Sale and Supply of Alcohol Act 2012

AND

IN THE MATTER

of an application by

T.K. and F.M. Emmett 2021 Limited

for variation and renewal of an off-licence in respect of the premises at 4370 State Highway 31, Oparau, known as Oparau Roadhouse pursuant to sections 120 and 127 of the Act

DECISION OF THE DISTRICT LICENSING COMMITTEE

1. The off-licence 018/OFF/001/23 in respect of the premises situated at 4370 State Highway 31, Oparau, known as Oparau Roadhouse is varied and renewed for a further period of 3 years. The licence may issue upon payment of the annual fee.
2. The present conditions of the licence are replaced as follows:
 - (a) **Alcohol may be sold on the following days and during the following hours:
Monday to Sunday, from 7.00am to 10.00pm**
 - (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) The area where alcohol is to be sold is described in the plan date stamped as received by the District Licensing Committee on **9 June 2026**. The only area permitted within that plan, as an area for the display and promotion of alcohol pursuant to section 112 is in the right-hand rear corner of the store.
 - (d) The entire premises is undesignated.
 - (e) The holder of a Manager's Certificate or a properly notified manager shall be on duty and on the premises at all times alcohol is sold. If a duty manager is not present, then there must be no alcohol sales and a notice displayed advising the public of this fact.
 - (f) A Manager's Register (as required by s.232 of the Act) is to be maintained and available on site.

- (g) A Host Responsibility Policy must be maintained and displayed at all points of sale and the Licensee must ensure all staff receive training in their responsibilities and obligations under the Sale and Supply of Alcohol Act 2012
- (h) There must be no sale or supply of alcohol to minors or intoxicated persons. Appropriate signage outlining these restrictions must be clearly displayed at every point of sale.
- (i) Drinking water must be freely available and displayed whenever alcohol is being supplied by way of complimentary tastings.
- (j) The Licensee must ensure the following are displayed
 - i) A sign to be seen from outside the principal entrance stating the ordinary hours of business during which the premises will be open for the sale of alcohol.
 - ii) A copy of the original licence with all the conditions, just inside the principal entrance so persons entering can read it.
 - iii) A sign in a prominent place identifying the duty manager.

REASONS

1. This is an application by T.K. and F.M. Emmett 2021 Limited for the variation and renewal of an off-licence in respect of the premises situated at 4370 State Highway 31, Oparau, known as Oparau Roadhouse. T.K. and F.M. Emmett 2021 Limited seek a variation to remove the condition of the current licence limiting the sale of alcohol to beer, wine and mead products.
2. The application was advertised, and no objections were received from members of the public. The Licensing Inspector, Police and the Medical Officer of Health have provided reports and do not oppose the application. Accordingly, the matter is decided on the papers (s 134).
3. The object of the Act is to ensure that the sale and supply of alcohol is undertaken safely and responsibly, and the harm caused by excessive or inappropriate consumption of alcohol is minimised (s 4). In deciding whether to renew an off-licence, the Licensing Committee must have regard to sections 105 and 131 of the Act. Therefore, this Committee must consider the following questions within the framework of the purpose and object of the Act:
 - a) Is the applicant suitable?
 - b) Are the days and hours during which the applicant proposes to sell alcohol reasonable?
 - c) Is the design and layout of the premises suitable?
 - d) Does the applicant propose to engage in the sale of goods or provision of services other than those directly relating to the sale of alcohol, low-alcohol refreshments, non-alcoholic refreshments and food?
 - e) Does the applicant have appropriate systems, staff and training to comply with the law?
 - f) Have the police, inspector and medical officer of health raised any relevant considerations?
 - g) Will the amenity and good order of the locality be increased by more than a minor extent by the effects of a refusal to renew the licence?
 - h) Has the applicant sold, displayed, advertised or promoted alcohol in a responsible manner?
 - i) Does the application comply with the Ōtorohanga District Local Alcohol Policy?
4. Section 132 provides that the Licensing Committee may vary or cancel any conditions applying to the licence before its renewal.

Should the licence be renewed?

5. The Licensing Committee is satisfied that T.K. and F.M. Emmett 2021 Limited is a suitable applicant to hold an off-licence. The company has owned and operated the store since 2022 and has demonstrated compliance with the Sale and Supply of Alcohol Act 2012. T.K. and F.M. Emmett 2021 Limited seek a variation to remove the condition of the current licence limiting the sale of alcohol to beer, wine and mead products. The Oparau Roadhouse has sold a full range of alcohol since its first licence in 2022. This has created some confusion, and the Licensing Committee acknowledges that it is important to clarify these matters.
6. The previous owners purchased the business in 2002. A full liquor licence that included the sale of spirits was issued following the Liquor Licensing Authority decision [2002] NZLLA 418. The Licensing Authority viewed the business as a general store that sold a range of products including groceries, petrol and fuel along with a café and restaurant. The Licensing Authority was satisfied that the business was not a service station, a dairy, a supermarket or a grocery store.
7. Subsequent decisions have reaffirmed that the business remains a general store and can continue to hold a full off-licence under s34 on the basis that the sale of alcohol for a premises described in section 32(1) would not be economic. The premises is in a rural location, 14km from Kāwhia on State Highway 31 and serves a large rural community and travellers. There are no businesses of a similar kind nearby. There has been no evidence of any alcohol related harm associated with this premises in the years it has held an off-licence. The addition of the condition limiting the sale of alcohol to wine, beer and mead in 2023 was made in error and it is appropriate that this is remedied.
8. In addition, as the licence is granted under the remote access exemption, the premises is not required by the Act to restrict the display and promotion of alcohol to a single alcohol area. However, given that the general store is also frequented by children, we consider it appropriate to continue to include a condition on the licence restricting the display of alcohol to a specified area (single alcohol area). The single alcohol area is in the right-hand rear corner of the store and can be viewed from the check-out. This area has 1 CCTV camera that can be viewed from the office showing the entry to the chiller and the locked spirit cabinet. The designated area is small and discrete, which will reduce the exposure of shoppers to alcohol while still allowing T.K. and F.M. Emmett 2021 Limited to display its range of products. The condition is consistent with the object of the Act, which seeks to ensure that the sale, supply, and consumption of alcohol is undertaken safely and responsibly. T.K. and F.M. Emmett 2021 Limited continues to consent to this condition.
9. The Licensing Inspector reports that the application complies with the Ōtorohanga District Local Alcohol Policy.
10. The current licensed hours are reasonable and are shorter than the operational trading hours. It is noted that these are the maximum hours the operator uses and is dependent on the season. T.K. and F.M. Emmett 2021 Limited has an appropriate Host Responsibility Policy and staff training programme. There are three Duty Managers employed to ensure compliance with the Act. The Licensing Committee is satisfied that the premises has a suitable design and layout to meet the requirements of the Act. It is well appointed and able to be monitored effectively by the staff of the premises.

11. The Licensing Committee is satisfied that the renewal of the off-licence will not reduce the amenity and good order of the locality by more than a minor extent. There have been no reports, from the Police or members of the public living in this community, of any nuisance, vandalism or noise problems associated with this premises in the past three years. The Licensing Committee is satisfied that alcohol is sold, displayed and promoted in a responsible manner and in accordance with the requirements of the Act.

Conclusion

12. Therefore, the application for the variation and renewal of the off-licence is granted.

Dated at this 23rd day of September 2026



Tegan McIntyre
Commissioner
Ōtorohanga District Licensing Committee