

Decision number:

061-2025

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

**AND**

**IN THE MATTER** of an application by **Waiho  
Investments Limited**  
pursuant to s120 and 127 of  
the Act for the renewal and  
variation of the ON Licence in  
respect of premises situated  
at 3 Wallace Street, Franz  
Josef Glacier  
now known as “**Legacy Te  
Waonui Hotel Franz Josef**”

**BEFORE THE WESTLAND DISTRICT LICENSING COMMITTEE**

**The Application**

**Waiho Investments Limited applies for the renewal and variation of the ON Licence in respect of premises situated at 3 Wallace Street, Franz Josef Glacier now known as “Legacy Te Waonui Hotel Franz Josef.**

The business is an upmarket hotel that offers accommodation, food, and alcohol to locals and tourists. There is a bar, dining areas in the main complex and mini bars in the accommodation rooms.

The current days and hours are **Monday to Sunday 10.00am to 3.00am 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 tiled strip in front of the bar in the Frond Bar and lounge.

The Supervised Area is described in the current licence as the “Ground Floor Lounge and Frond Bar”

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The application was publicly notified on the council website from the 13<sup>th</sup> of January 2025. 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 matters in opposition.

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

The request for the inclusion of the whole of the premises to which the guests have access to, is a wise move and will be approved by the DLC.

There is no need to “drill down” as suggested to eliminate small areas not accessible by guests. This is part of the ‘reasonable system of control’ as prescribed by the Act.

Re designations, in **Kim Ashton Williams LLA 2291/96**<sup>1</sup> 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).*

In addition to this, 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 7.3sq metre strip in front of the bar. This is **not sufficient** to meet the intent of the Act. The Act envisions that there is a **definable, usable, area designated as the Supervised Area**.

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

Overall, I am satisfied as to the matters to which we must have regard as set out in s.120 and 131 of the Act.

I deal with the application on the papers.

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<sup>1</sup> Kim Ashton Williams LLA 2291/96

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## **DECISION**

The District Licensing Committee Chairman, acting pursuant to the Sale and Supply of Alcohol Act 2012, **approves** an application by **Waiho Investments Limited** for the renewal and variation of the ON Licence in respect of premises situated at 3 Wallace Street, Franz Josef Glacier now known as “**Legacy Te Waonui Hotel Franz Josef**” subject to conditions.

**We also refresh the licence conditions to reflect best practice.**

### **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 10.00am to 3.00am the following day;**
  2. Any alcohol previously placed in an area or unit (commonly known as a mini bar) of a hotel room may, at any time on any day, be sold or supplied in that room to any guest who is entitled to occupy that room, or to a person whom that guest permits to be in that room.
  3. No alcohol is to be sold or supplied on the premises on Good Friday, Easter Sunday, Christmas Day or before 1pm on Anzac Day to any person other than a person who is present on the premises to dine or is residing or lodging on the premises.
  4. Drinking water is to be provided to patrons free of charge from a water supply prominently situated on the premises.
  5. **The Frond Bar is designated as a Supervised Area.** All other areas are undesignated.
  6. 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.
  7. 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;
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8. 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;
9. The licensee must provide information, advice and assistance about alternative forms of transport available to patrons from the licensed premises;
10. 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.

**DATED** at Hokitika this 1<sup>st</sup> day of June 2025



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

