

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

AND

IN THE MATTER of an application for the renewal of an  
On-licence pursuant to s. 127 in respect  
of premises situated at 1128  
Woodstock-Rimu Rimu Road, Hokitika  
and known as The West Coast Treetop  
Walk and Café by Hokitika Rimu  
Treetop Walk Partnership.

**DECISION OF THE WESTLAND DISTRICT LICENSING COMMITTEE ON AN UNCONTESTED  
APPLICATION**

**Authority:**

Pursuant to section 191(2) of the Sale and Supply of Alcohol Act 2012 and a Council resolution dated 28 November 2013, the functions, powers and duties of the Westland District Licensing Committee are delegated to the committee chairperson where no objection has been filed, and no matters of opposition have been raised by the Police, the Medical Officer of Health or an Inspector. There is no Local Alcohol Policy in place for the District.

**Summary of Evidence**

The complete file has been made available to me.

No changes are sought to the existing licence conditions.

A report from the Inspector advises that the applicant is suitable to continue holding a licence.

The Police have no opposition to the renewal application.

The Medical Officer of Health has no opposition to the renewal application.

**Evaluation of Evidence**

I have considered the application on the basis of the uncontested reports received. The matter is able to be dealt with on the papers.

Hokitika Rimu Treetop Walk is a partnership involving Shane Abel and Neil Wade who live in Australia. A partnership is permitted to hold an on-licence. The application and the Inspector's report name the applicant as "Hokitika Rimu Treetop Walk limited partnership". There is nothing in the complete file that supports this contention so I will confidently assume that the applicant is a partnership. The Partnership is represented on the premises by Vonette Cherry who is the Site Manager and holds a Manager's Certificate. There is no question as to the suitability of the Applicant Partnership.

I am satisfied that there are no amenity and good order issues to consider.

The Treetop Walk and Café is a tourist venture that includes a treetop walk, a zip-line, the sale of souvenirs, a café with a substantial menu and the sale of alcohol complimentary to the café operation. The sale of alcohol is apparently a small component of the business. From time to time the premises are used for functions that include a food and alcohol service.

I understand that there are no existing designations. There is a plan associated with the application and dated as received by the Council on 29 November 2022 that shows a portion of the premises as "undesignated" and is included to show the extent of the licensed area. The plan is not really helpful and certainly does not include all of the area outside the building that is used by customers. However, I share the Inspector's view that designations are not required and that only the area of the building accessed by the public for dining should be identified as the *licensed area*. I am not so convinced that the Inspector's analysis goes far enough as the plan shows only about half of the exterior apron area being classified as part of the Licensed area. The Licensed Area will be defined as a condition to the licence and it will be for the licensee to ensure that alcohol sale, supply and consumption does not occur outside this area, in particular, when private functions are being hosted.

The existing days and hours, Monday to Sunday from 10.00AM to 10.00PM, are not subject to an application for variation. The nature of the business and the fact that from time to time "Functions" are hosted at the site leads me to the conclusion that the hours of operation are completely appropriate.

The renewal application is accompanied by a Host Responsibility Policy which is appropriate for the nature of the premises. I think that it is a good policy and consists of policy direction that is strong on commitment.

### **Decision and Reasons**

I am satisfied as to those matters provided for in s.131 of the Act.

The application is granted on the papers pursuant to s.202 (1) of the Act as Decision Number **050-2023** and I direct that renewed on-licence 56/ON/038/2020 be issued pursuant to s.64 of the Act.

The renewal is for a period of three years from the date of expiry and is subject to the following conditions:

- (a) Alcohol may be sold only on the following days and during the following hours:  
**Monday to Sunday 10.00am to 10.00pm.**  
except when the licensee also holds a special licence for the premises, no alcohol is to be sold on the premises on Good Friday, Easter Sunday, Christmas Day, or before 1 pm on Anzac Day to any person who is not—
  - (i) residing or lodging on the premises; or
  - (ii) present on the premises to dine.
- (b) The extent of the licensed area is to be all the floor area of the café and shop and the exterior concrete apron on the northern side of the shop/cafe building at 1128 Woodstock-Rimu Road, Hokitika.
- (c) The following steps must be taken to promote the responsible consumption of alcohol:
  - (i) There shall be a "Host Responsibility Policy", similar to that which accompanied the Renewal application dated 12 October 2022, in place at all times.
  - (ii) The Principal Entrance is to be described as "The entrance from the exterior closest to the café servery".
  - (iv) Pursuant to section 110(2)(c) of the Act, drinking water shall be freely available to all customers from the café servery at all times that the licence is being exercised.

Dated at Hokitika this 10 day of May, 2023



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**Richard Simpson**  
Chairman, Westland District Licensing Committee

