



Agenda

District Licensing Committee

Date: Monday 8th August 2022

Time: 09.30am

Venue: Tauranga City Council
306 Cameron Road, Ground Floor Rm1 & 1b

Business: For the District Licensing Committee to consider an application by **MATASAWA HOLDINGS LIMITED** for an **New Off Licence** in respect of premises at **520 Gloucester Road Papamoa** to be known as **SUPER LIQUOR SANDHURST DRIVE**

For the purpose of this hearing the Committee will be made up of the following:

Chair:	Murray Clearwater
Committee Members:	Mary Dillon
	Bev Edlin

I hereby give notice that a meeting of the District Licensing Committee will be held to consider the business as set out herein.

M Grenfell
Chief Executive

District Licensing Committee(s)

Membership

MEMBERS

Murray Clearwater (Commissioner)
Mary Dillon (Commissioner)
David Stewart (Commissioner)
Bev Edlin (Commissioner)

QUORUM

Chairperson plus two members (for a Hearing)
Chairperson (where no objection to an application has been filed and no matters of opposition raised in respect of an application for a licence or manager's certificate of renewal of a licence or a manager's certificate)

- The Council will appoint and maintain a sufficient pool of members on the District Licensing Committee Members List to enable applications relating to liquor licensing under the Sale and Supply of Alcohol Act 2012 to be heard within the statutory timeframes wherever possible. This may include running three District Licensing Committees concurrently.

Role and Scope

- Hear and/or determine matters of a quasi-judicial nature in accordance with the Sale and Supply of Alcohol Act 2012.
- Undertake all functions, duties and obligations as set out in the Sale and Supply of Alcohol Act 2012 relevant to the District Licensing Committee.

Power to Act

- Conduct hearings and make decisions on behalf of the Council in a quasi-judicial manner pursuant to the Sale and Supply of Alcohol Act 2012.
 - Exercise the powers of a Commission of Inquiry under the Commissions of Inquiry Act 1908.
 - All responsibilities, duties and powers of a District Licensing Committee conferred by the Sale and Supply of Alcohol Act 2012.
-

- 1 WELCOME AND INTRODUCTION
- 2 APOLOGIES
- 3 DECLARATION OF CONFLICT OF INTEREST
- 4 OVERVIEW OF PROCEEDINGS
- 5 BUSINESS

5.1 The following papers are provided in relation to a **New Off Licence** application by **MATASAWA HOLDINGS LIMITED** for premises situated at **520 Gloucester Road Papamoa** to trade as **SUPER LIQUOR SANDHURST DRIVE**

	Pages
Application	1 - 36
Report by Licensing Inspector	37 - 44
Report by NZ Police	45 - 67
Report by Medical Officer of Health	68
Minutes of Tauranga DLC	69 - 70
Public Objections	
Objection 1 – Scott Parker	71
Objection 2 – Alan Lightbourne	72
Objection 3 – Graham Mauchline	73
Objection 4 – Antoinette and Beulah Botha	74
Objection 5 – Mel Bennett on behalf of Te Runanga O Ngai Te Rangi Iwi Trust	75
Submissions	
BOE – Applicant – Melissa Harvie on behalf of Matasawa Holdings LTD	76 - 101
BOE – Sandy Watkins (Super Liquor Franchise Manager)	102 - 110
BOE – Graham Mauchline (Objector)	111

6 PUBLIC EXCLUDED ITEMS

6.1 Deliberations

The public are excluded from this part of the Hearing pursuant to section 203(4) of the Sale & Supply of Alcohol Act 2012.

Information sheet for a new off-licence

SECTION 100 OF THE SALE AND SUPPLY OF ALCOHOL ACT 2012



This is an application form for a new off-licence to sell alcohol for consumption off the premises.

To complete this application, you will need to answer **all** the questions, supply all requested documentation and pay the prescribed fee.

This information sheet must be included with your application.

A. WHAT TO INCLUDE (PLEASE TICK):

- ☒ A completed and signed application form
- ☒ A copy of your pre-requisite 100F certificate (planning and building certificate)
- ☒ A copy of the floor plans for the premises, highlighting restricted or supervised areas and the principal entrance.
- ☒ A photo of the principal entrance
- ☒ A report that details your target market and says how your purposed business will reduce any risks of negative effect on the local community. Also include any other information you have that may help assess your application

You must also include any of the documents below that apply to your application:

- ☒ A copy of the Certificate of Incorporation (if applying in a company name).
- ☒ Where the applicant is not the owner of the premises - A written statement from the owner of the premises to the effect that the owner has no objection to the grant of a licence.
- ☒ A letter of authorisation for the consultant, if you use an alcohol licensing consultant.
- ☒ A statement of gross annual sales revenue, from a Chartered Accountant only, if you are a Grocery Store.

B. FEE ASSESSMENT

Your application must be accompanied by a fee. This is not refundable or transferable.

A fee calculator is provided at tauranga.govt.nz/alcohol to assist you in the process.

You can use the table overleaf to calculate your risk rating and application fee and then tick the appropriate box below.

Please ensure you have accurately assessed your fee. Incorrect application need to be resubmitted, which may incur additional fees. Your licence will not be issued until payment is received.

If you need help completing this form, contact Alcohol Licensing on 07 577 7000 for advice or visit tauranga.govt.nz/alcohol for more information.

Risk Category (based on Weighting)	Renewal Fee (including GST)	Annual Fee (including GST)	Total Fee (including GST)
<input type="checkbox"/> Very low (0-2)	\$368.00	\$161.00	\$529.00
<input type="checkbox"/> Low (3-5)	\$609.50	\$391.00	\$1,000.50
<input checked="" type="checkbox"/> Medium (6-15)	\$816.50	\$632.50	\$1,449.00
<input type="checkbox"/> High (16-25)	\$1,023.50	\$1,035.00	\$2,058.50
<input type="checkbox"/> Very high (26 plus)	\$1,207.50	\$1,437.50	\$2,645.00

To ensure your risk category is correct please use the risk category assessment tool in Section C.



C. RISK CATEGORY ASSESSMENT TOOL

Enter your points for:

P Your type of
licenced premises

15 Weighting

Type of on-licensed premises	Weighting points
Supermarket, grocery store, bottle store	15
Off-licence in a hotel or tavern	10
Remote sale premises and premises not otherwise specified	5
Winery cellar doors	2

T Your latest trading
time

0 Weighting

Type of premises	Latest trading time allowed by licence (during 24-hour period from 6am to 6am)	Weighting points
Premises for which an off licence is held or sought (other than remote sales premises)	10pm or earlier	0
	Any time after 10pm	3
Remote sales premises	Not applicable	0

Tick the risk rating that matches your total points to find your associated fee:

P + **T** = Total points

15 + **0** = **15**

Total points	Risk rating	Application fee (including GST)
<input type="checkbox"/> 0-2	Very low	\$368.00
<input type="checkbox"/> 3-5	Low	\$609.50
<input checked="" type="checkbox"/> 6-15	Medium	\$816.50
<input type="checkbox"/> 16-25	High	\$1,023.50
<input type="checkbox"/> 26+	Very high	\$1,207.50

To ensure your risk category is correct please use the risk category assessment tool in Section C.

D. PAYING YOUR ANNUAL FEE

You must also pay an annual fee before we can issue your licence. This fee is payable at the time of lodgement of your application. The table below shows the annual fee for each risk rating. Visit tauranga.govt.nz/services/alcohol for more information.

Total points	Risk rating	Annual fee (including GST)
<input type="checkbox"/> 0-2	Very low	\$161.00
<input type="checkbox"/> 3-5	Low	\$391.00
<input checked="" type="checkbox"/> 6-15	Medium	\$632.50
<input type="checkbox"/> 16-25	High	\$1035.00
<input type="checkbox"/> 26+	Very high	\$1437.50



E. ADVERTISING YOUR PUBLIC NOTICES (TICK ONE OPTION)

Advertise through the Tauranga City Council Website.

(Tauranga City Council will arrange the public notification on your behalf)

☐ Yes \$159.00 (GST inclusive)

I will arrange my own Advertising with either The Bay of Plenty Times or The Weekend Sun.

☐ Yes (I will arrange for payment to be made to either the BOP Times or The Weekend Sun).
Please note Tauranga City Council will send you the draft notices once your application is processed.

F. PUBLIC HEALTH QUESTIONNAIRE

The Medical Officer of Health must inquire into your alcohol application. To assist these enquiries please ensure that the Toi Te Ora Public Health Service questionnaire is completed. Go to tophs.govt.nz/alcohol_hospitality and follow the instructions.

G. TOTAL AMOUNT PAYABLE:

Total points		Amount payable
Application Fee (based on your Risk Category)		\$ 816.50
Annual Fee (based on your Risk Category)		\$ 632.50
Advertising with Tauranga City Council (optional)	<input checked="" type="checkbox"/> \$159	\$ 159.00
Total Amount		\$ 1608.00

H. PAYMENTS MAY BE MADE:

Electronically to: ANZ Tauranga

Account Number: 06 0433 0213474 00

Reference: Alcohol Form 5

Code: Applicant Name

In Person:

At Tauranga City Council, 91 Willow Street, Tauranga

Or posted to:

Tauranga City Council, Private Bag 12022, Tauranga 3143

All fees are payable at the time of submitting your application.

(for office use)

LIQL

Date received (date stamp)

Application.....27476.....

Receipt.....523869.....

Premises No.....

Contact ID.....596280.....



Application for a New Off-licence

SECTION 100 OF THE SALE AND SUPPLY OF ALCOHOL ACT 2012



To the Secretary

District Licensing Committee Tauranga

Application for new off-licence is made in accordance with the details set out below:

APPLICANT DETAILS

1. Full legal name to go on licence (individual or organisation)? **MATASANA HOLDINGS LIMITED**

2. Address: **PO Box 9028
GREELTON**

Postcode: **3142**

3. Mailing address (if different from above):

Postcode:

4. Email address: **harvieliquor@gmail.com**

5. Daytime contact - Name: **Dwight Harvie** Phone number: **07577 9733**

6. How would you like us to contact you? ☐ Phone ☒ Email

7. Are you applying as an individual? ☐ Yes ☒ No (skip to question 10)

8. Occupation:

9. When and where were you born?

Date of birth:

Place of birth:

Gender: ☐ Male ☐ Female

CRIMINAL CONVICTION DETAILS

10. Have you (the applicant) been convicted of any offences?

☒ Yes (supply details below) ☐ No (skip to details of managers section on next page)

(attach offence details on a separate sheet of paper if you need more space)

Nature of offence	Conviction date	Sentence
FAILED CLO	15 Dec 2017	48 hr suspension
FAILED CLO	17 Oct 2020	48 hr suspension



MANAGERS DETAILS

11. Do you have at least one manager who has a manager's certificate?

☐ Yes (supply details below)

☐ No (you need to have a manager with a manager's certificate before you can apply)

Full name of manager(s)	Certificate number(s) and expiry date(s)
Melissa Harvie	21 / CERT / 23953 / 2019

APPLICANT STATUS DETAILS

12. What is your status?

☒ Private Company (go to question 13)

☐ Partnership (go to question 25)

☐ Public Company (go to question 20)

(If you are applying under the following, go to question 26)

☐ Person 20 years and over

☐ Trustee

☐ Local authority

☐ Body corporate

☐ Government department or other instrument of the Crown

☐ Board, organisation or other body authorised by an Act other than the Sale and Supply of Alcohol Act to sell alcohol or hold a licence

PRIVATE COMPANY DETAILS

13. Name of company: MATASAWA HOLDINGS LIMITED

14. Date the company was incorporated: 31 July 2020

15. Where the company was incorporated: TAURANGA, NZ

16. Full details of each director and the secretary:

	Name	Address	Date of birth	Place of birth
Director	Douglas Leslie Robert HARVE			
Director	Glenys Marie HARVE			
Secretary				



17. What are the full details of each person who holds more than 20% of any shares issued by the company?
If there are more than three shareholders, attach their names and details separately

	Name	Address	Date of birth	Place of birth	Designation	Face value of shares held
Person 1	MATANISIA HOLDINGS LIMITED	1235 CAMERON RD, TAURANGA 3112	NA	NA	NA	100%
Person 2						
Person 3						

Now go to question 24.

PUBLIC COMPANY DETAILS

18. Name of company:

19. Date the company was incorporated:

20. Where the company was incorporated:

21. Full details of each director and the secretary:

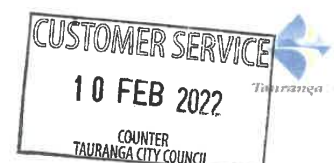
	Name	Address	Date of birth	Place of birth
Director				
Director				
Secretary				

22. What are the full details of each person who holds 20% or more of shares, or of any particular class of shares, issued by the company?

	Name	Address	Date of birth	Place of birth	Designation
Person 1					
Person 2					
Person 3					

Now go to question 24.

03 www.tauranga.govt.nz



PARTNERSHIP DETAILS

23. What are the full details of each partner?

	Name	Address	Date of birth	Place of birth	Signature
Person 1					
Person 2					
Person 3					

PREMISES DETAILS

24. Address of premises:

520 GLOUCESTER ROAD
PALAMOA

Postcode: 3118

25. Trading name of premises: SUPER LIQUOR SANDHURST DRIVE

26. What type of premises is it?

- ☐ Hotel or tavern
☒ Retail bottle store
☐ Grocery (please include a Statement of gross annual sales revenue from a Chartered Accountant)

- ☐ Supermarket
☐ Club
☐ Other

27. Is the premises under construction? ☐ Yes ☒ No

28. Do you (the applicant) own the premises? ☐ Yes (go to question 31) ☒ No (go to question 29)

29. Full name of the owner: FENTON DEVELOPMENTS LIMITED

Full address of the owner:



Postcode: 3110

30. Type of lease:

Lease expiry date:



31. What parts (if any) of the premises do you intend to designate as restricted or supervised areas?

Restricted area(s) – for those 18 years or older:

Supervised area(s) – where minors must be accompanied by a legal guardian

ALL RETAIL AREAS

BUSINESS DETAILS

32. Do you (the applicant) already hold a licence for the premises? ☐ Yes ☒ No

33. Is the sale of alcohol the purpose of the business? ☒ Yes (go to question 35) ☐ No (go to question 34)

34. What do you intend to be the main purpose of the business?

35. Do you sell or supply (or intend to sell or supply) any goods other than alcohol or food?

☒ Yes (supply details of those goods below) ☐ No (go to question 36)

Cigarettes, party accessories

36. Do you provide (or intend to provide) any services other than those directly related to the sale or supply of alcohol and food?

☐ Yes (supply details of those goods below) ☒ No (go to question 37)

37. Are you an auctioneer? ☐ Yes ☒ No (go to question 38)

38. Do you wish to have the licence endorsed under section 39 of the Act? ☐ Yes ☒ No

39. Are you a remote seller? ☐ Yes ☒ No (go to question 40)

40. Do you wish to have the licence endorsed under section 40 of the Act? ☐ Yes ☒ No

41. On which days and during which hours do you intend to sell alcohol under the licence?

☒ 7 days/week Hours: *9 Am To 10 Am.*

or tick and enter various days and hours below:

☐ Monday ☐ Tuesday ☐ Wednesday ☐ Thursday ☐ Friday ☐ Saturday ☐ Sunday

Monday hours	Tuesday hours	Wednesday hours	Thursday hours	Friday hours	Saturday hours	Sunday hours



4. CONDITIONS – STEPS YOU WILL TAKE TO MINIMISE HARM FROM ALCOHOL

The Sale and Supply of Alcohol Act 2012 aims to minimise harm from alcohol by managing the way it's sold, supplied and consumed. Please answer each section thoroughly.

42. What steps will you take to ensure that you observe the requirements of the Act relating to the sale of alcohol to prohibited persons, such as minors and intoxicated people?

See attached assessment report

43. What other systems (including training), and staff are in place (or to be in place) to make sure you comply with the Act?

See attached assessment report

44. What relevant experience and training do you have?

See attached assessment report

SIGNATURE OF APPLICANT

Applicant's signature:



Date:

8 February 2022

"Pursuant to the Privacy Act 1993 the following is brought to your attention:

The personal information contained in this form is being collected to assist Council and other agencies in processing your application and may be made available to the public as part of the process. You do have the right of access to, and correction of, this information subject to the provisions of the Privacy Act 1993"



8 February 2022

The Secretary
Tauranga District Licensing Committee
Tauranga City Council
Private Bag 12022,
Tauranga 3143

Dear Sir/Madam

APPLICATION FOR OFF-LICENCE – MATASAWA HOLDINGS LIMITED (SUPER LIQUOR SANDHURST DRIVE)

I wish to lodge an application on behalf of Matasawa Holdings Limited for a new off-licence under section 100 of the Sale and Supply of Alcohol Act 2012. The premises to which the application relates are at Tenancy One, 520 Gloucester Road, Papamoa. The trading name is to be Super Liquor Sandhurst Drive.

This application is organised in the following way:

Attachments: Information sheet for a new off-licence;

Tauranga City's application for new off-licence form has been filled out and is attached;

Public Health Questionnaire;

Section A: Additional Information (as requested in the Council application form);

Section B: Assessment of the application against the criteria in Section 105 of the Sale and Supply of Alcohol Act 2012;

The application fee of \$816.50 will be provided on invoice to Matasawa Holdings Limited, PO Box 9028 Greerton 3142. If there is any further information needed to process this application, I am happy to supply it on request.

For any further enquiries please contact the undersigned on 0276273606 or email steve@smcl.co.nz

Yours faithfully



Steve McDowell
Director, Ignition Group
Agent for Matasawa Holdings Limited



ATTACHMENT: TAURANGA CITY'S INFORMATION SHEET FOR NEW OFF LICENCE

See separate attachment

ATTACHMENT: TAURANGA CITY'S APPLICATION FOR OFF-LICENCE FORM

See separate attachment.

ATTACHMENT: PUBLIC HEALTH QUESTIONNAIRE

See separate attachment.



SECTION A: ADDITIONAL INFORMATION (as requested in the Council application form)

1. A copy of your pre-requisite 100(f) certificate

**CERTIFICATE PURSUANT TO SECTION 100(f) SALE AND SUPPLY
OF ALCOHOL ACT 2012 (RC28786)**



For the purposes of section 100(f) of the Sale and Supply of Alcohol Act 2012, Tauranga City Council certifies that the use of the premise is located within Unit 1, 520 Gloucester Road legally described as Lot 1 DP 537336, for the operation of an off-licence activity by the applicant, Matasawa Holdings Limited, meets the requirements of the Resource Management Act 1991 and the New Zealand Building Code.

This certificate is issued solely for the purposes of section 100(f) of the Sale and Supply of Alcohol Act 2012 and no other purpose.

Signed for and on behalf of the Tauranga City Council.

In respect to:

Resource Management Act 1991:

A handwritten signature in black ink, appearing to be "Daniel Smith".

Daniel Smith
Manager: Environmental Planning

Date: 01/02/2022

New Zealand Building Code:

A handwritten signature in black ink, appearing to be "Karl Blackwood".

Karl Blackwood
Acting Manager: Building Services

Date: 28/01/2022

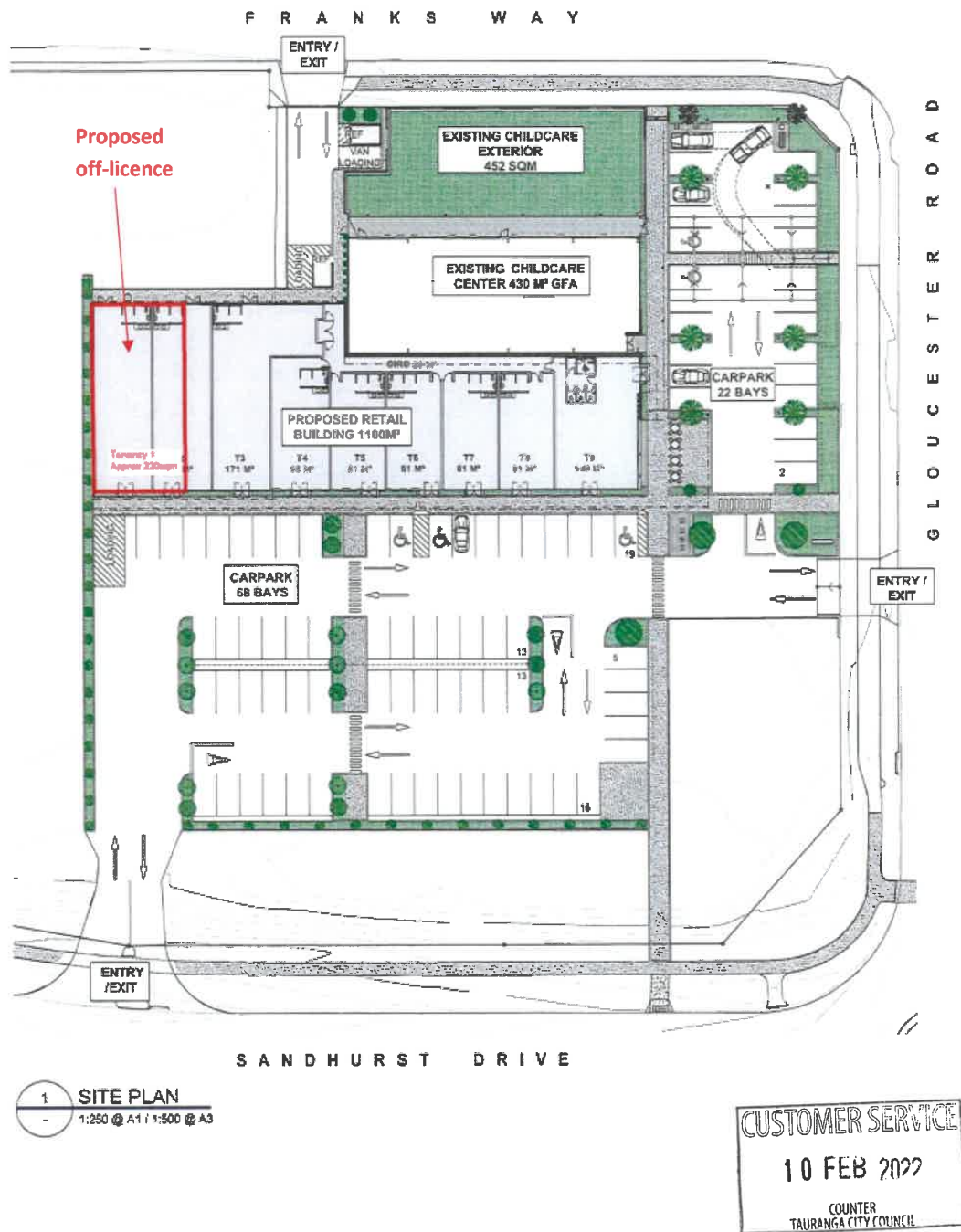
Advice Note:

This certificate shall only be relied upon for the purpose of Section 100(f) of the Sale and Supply of Alcohol Act 2012 where satisfaction of the requirements of both the Resource Management Act 1991 and the New Zealand Building Code are confirmed above by the authorised signatures of the respective Managers referred.

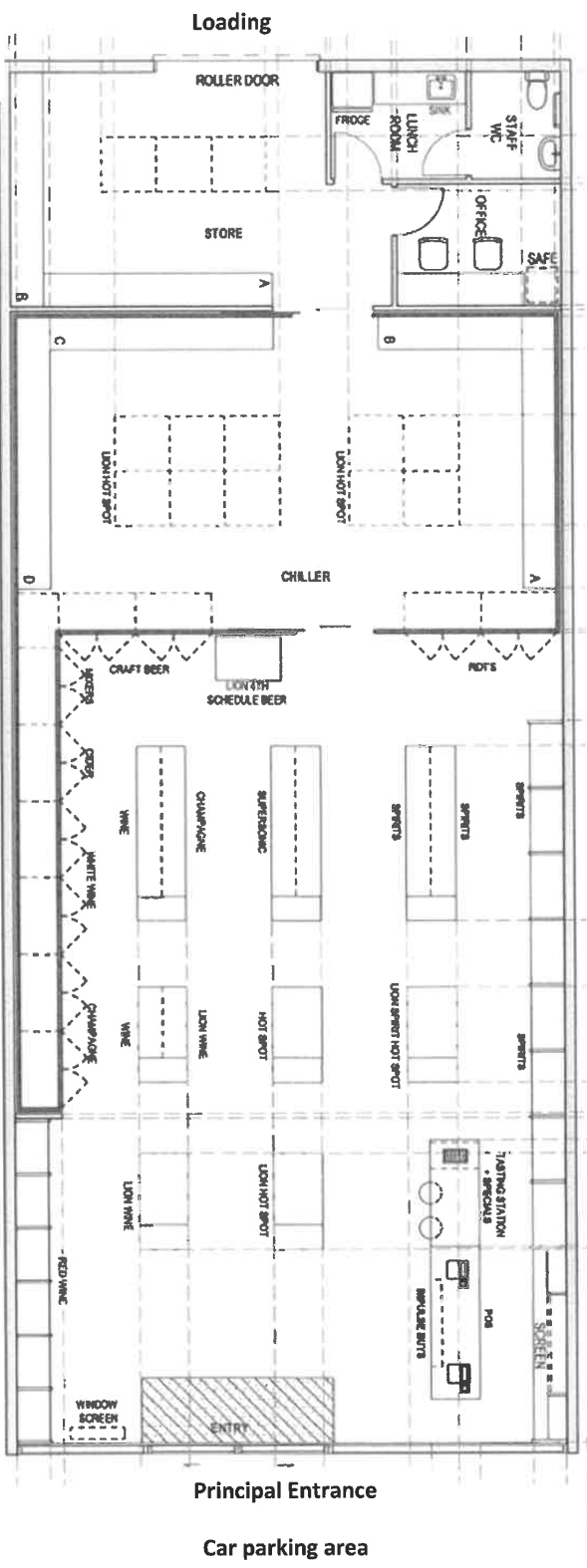


2. Copy of Proposed Floor Plan, and Site Plan

- All retail areas will be supervised.
- Site Plan – see below
- Floor Plan – see following page

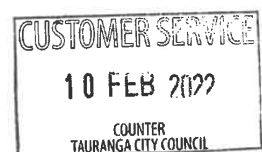


Floor Plan



CUSTOMER SERVICE
10 FEB 2022
COUNTER
TAURANGA CITY COUNCIL

3. Photograph of the principal entrance
(branding will occur once a licence has been granted)

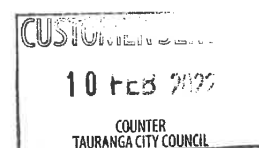


4. Target Market

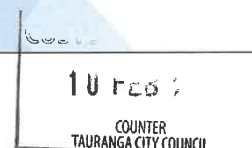
The target market is predominantly mature (generally over 30) customers, male and female, in the local community within a radius of 2km from the proposed store. The general locality is a developing suburb, contains largely new residential areas, and there are no liquor stores within a 2km radius of the proposed 520 Gloucester Road store. The target market is customers who do not wish to drive a significant distance to purchase their alcohol requirements. There may be some visitors to Papamoa who may visit the store, but they are likely to be a minority as such visitors are often attracted to the beach which is 1km from the proposed store.

How will the business reduce any risks of negative effects on the local community? The directors of the applicant company appreciate the role businesses have in supporting good community behaviour. The following are some of the initiatives Super Liquor Sandhurst Drive will undertake to reduce risks:

- Training of staff to recognise problem drinkers in the community who may frequent the store;
- Strict adherence to the law in declining service to minors and intoxicated persons;
- Surveillance of the parking area to ensure no customers are drinking in their vehicles;
- Ensure water is available during tastings;
- Providing posters on responsible drinking;
- Minimising external advertising – no large and highly visible product advertising will be attached to the outside of the building except two A0 or A1 posters with monthly Super liquor specials. This policy has been adopted to reduce the attractiveness of alcohol to non-target (especially young) audiences;
- RTDs and other drinks that young people drink will not be located so they are visible to young people from outside the building or in the car park area.
- Every effort will be made so all staff hold a manager's certificate to ensure they are experienced in upholding the requirements of the Sale and Supply of Alcohol Act 2012. A duty manager will be on site at all times the premises are open for business.
- The store will not engage in price cutting to attract customers – Super Liquor stores operate with advertising standards for alcohol; Super Liquor stores aim to attract customers based on customer satisfaction and loyalty;
- Licensed hours will be adhered to;
- The store will support local community initiatives through sponsorship;
- Feedback will be sought from the authorities, and in particular the Police when they carry out inspections, on any alcohol related community issues and how Super Liquor Sandhurst Drive may be able to assist in their work;



5. Copy of the certificate of incorporation



6. Written statement from the owner of the premises

Felton Developments Limited
c/- Holland Beckett
Solicitors
Private Bag 12011
Tauranga 3143

17 November 2021

The Secretary
District Licensing Committee
Tauranga

Dear Sir/Madam

RE: APPLICATION FOR APPROVAL OF A NEW OFF-LICENCE AT TENANCY 1,
520 GLOUCESTER ROAD, PAPAMOA 3118

I confirm that the owner of the above premises, Felton Developments Limited, has no
objection to the granting of a liquor licence for the premises to Matasawa Holdings Limited.

Yours sincerely



RICHARD JAMES
Felton Developments Limited



7. Letter of Authorisation for the consultant

PO Box 9028
Greerton,
Tauranga 3142

9 November 2021

The Secretary
District Licensing Committee
Tauranga City

Dear Sir /Madam

APPLICATION FOR OFF-LICENCE AT 520 GLOUCESTER ROAD, PAPAMOA

I hereby authorise Craig Shearer and Steve McDowell from Ignition Group Limited to act behalf of Matasawa Holdings Limited in any matters dealing with an off-licence application to the Tauranga District Licensing Agency at the above location.



Doug Harvie
Director
Matasawa Holdings Limited



6. Host Responsibility Policy

Super Liquor Host Responsibility Policy

Customer Statement

As good hosts it is our expectation is that you will enjoy your visit to our premises and we will make every effort to ensure your visit is pleasant and enjoyable. Our customers are expected to act in a responsible manner whilst on the premises and not disrupt or cause offence to other patrons or staff. Refusal of service should be viewed as an indication we are concerned for your welfare. It is pointed out that staff must comply with their legal obligations under the Supply of Alcohol Act 2012 (SASAA 2012).

Training

All staff are given comprehensive induction on commencing employment and all staff have alcohol service responsibilities included as terms in their employment agreements. Ongoing training is given and management policy is to give our staff the skills and support they need to do their job responsibly. We employ experienced managers whose duty is to ensure that all staff know the responsibilities of alcohol service. Management reviews training needs and consults on this regularly and makes appropriate adjustments to ensure that training is current, relevant and appropriate.

Minors

Signage is displayed on the premises stating minors will not be served. As part of the training and induction programme staff are made aware that it's against the law to serve minors. The acceptable forms of ID to prove age are:

- NZ photo drivers' license
- The HANZ 18+ card
- A current passport.

Staff are also made aware of the requirements and consequences as set out in the Sale and Supply of Alcohol Act 2012 (SASAA 2012) in respect of sale or supply to minors and the presence of minors on premises. Super Liquor has a "sales to groups" policy. Signage of this policy is displayed in store. All staff must follow this policy. If we are in any doubt as to a person's age, we will ask for identification. Any person considered to be 25 years old or younger will be required to produce identification. If a patron is not able to provide one of the accepted forms of identification that can be closely inspected for authenticity, the person is not served and asked to leave. This requirement is also included as an essential term of all employment agreements.

Intoxication

Signage is displayed on the premises stating intoxicated persons will not be served. Low and non-alcoholic beverages are available for sale. It is an offence to serve anybody who is intoxicated. Staff have been trained to identify signs of and assess intoxication through the Intoxication Assessment Tool. However, assessing intoxication can be difficult and because of this we regularly refresh staff in the signs to watch for as well as the consequences of intoxicated persons on premises. Staff are aware of the consequences in respect of Sale and Supply of Alcohol Act 2012 (SASAA 2012).

Assistance will be offered by the Manager to anyone on the premises who is intoxicated. This may include access to safe transport, coffee, or other means to ensure their safety.

Promotions

From time to time there may be promotions on premises. Where promotions are offered, they should not encourage or be likely to encourage the excessive consumption of alcohol. Water will be provided for all complementary tastings.

Super Liquor *The bottle store with something more*

CUSTOMER SERVICE
10 FEB 2022
COUNTER
TAURANGA CITY COUNCIL

SECTION B. ASSESSMENT OF CRITERIA IN SECTION 105 OF THE SALE AND SUPPLY OF ALCOHOL ACT 2012

The following assesses application against the requirements of section 105 of the Sale and Supply of Alcohol Act 2012 in applying for a new off-licence, and also addresses some of the requested information in the information sheet for a new licence.

1. The object of the Act (S105(1)(a))

See section 12 below.

2. The suitability of the applicant (S105(1)(b))

The directors, Doug and Glenyss Harvie, have held licences for retail stores for 23 years. They currently operate stores at Te Awamutu, Tokoroa, Rotorua Central, Rotorua Colonial, Whangamata, Papamoa, Greerton, and Putaruru (Super Liquor), and Ohauiti, Papamoa East, and Central Parade the Mount (Bottlezone). They effectively operate these stores, and a management structure is in place with the Managing Director being Doug Harvie, with and Operations Managers (including one as Human Resources Manager) reporting to him.

Doug Harvie sat on the Board of Super Liquor Holdings for six years which provided him a wide-ranging view of the operation of retail bottle stores within the Super Liquor Group. Doug and Glenyss attend regional and national conference of the Super Liquor Group and their stores have won Super Liquor Group store of the year in the past.

In the past five years, companies that the applicant directors own have failed two controlled purchase operations (CPO's) which the applicant did not dispute when the matters were considered by the Alcohol Regulatory and Licensing Authority. The failed CPOs occurred as follows with the site location and penalty also recorded as follows:

15 December 2017	Super Liquor Colonial Rotorua	Suspension 48 hours
17 October 2020	Bottlezone Mt Maunganui	Suspension 48 hours

Following both instances, additional training was put in place with staff to reinforce the importance of not selling alcohol to minors.

Mr Harvie's existing businesses are well established, respected and patronised by the local communities. He appreciates that holding an off-licence is a privilege and the responsibilities that go with such a privilege. He supports the local community, for example providing sponsorship and other support to sports clubs or other similar organisations in the Tauranga and wider district.

Any staff employed will be encouraged to either hold a manager's certificate, or to apply for one once they have sufficient experience. This will help ensure staff have a good knowledge of the legal responsibilities and understand the serious implications of not complying with the Sale and Supply of Alcohol Act. The owners are keen to employ staff from within the local community.

With the experience of the company's directors in managing stores, Matasawa Holdings Limited is a suitable applicant to own and operate an off-licence at Gloucester Road, Papamoa.



3. Any relevant local alcohol policy (S105(1)(c))

Tauranga and Western Bay of Plenty District have a combined Local Alcohol Policy. The one relevant policy to this application is the trading hours – the maximum licenced hours are to be between 7am and 10pm. This application complies with the Tauranga Local Alcohol Policy.

4. The days on which and the hours during which the applicant proposes to sell alcohol (S105(1)(d))

The proposed opening hours for the business are 9am to 10pm, Monday to Sunday.

5. The design and layout of any proposed premises (S105(1)(e))

The building and internal layout will be branded with standard Super Liquor branding and the internal layout designed to comply with Super Liquor standards.

The design and layout of the premises will minimise potential harm and ensure a safe environment for patrons by adopting many of the Crime Prevention through Environmental Design (CPTED) guidelines produced by the NZ Police and the Heath Promotion Agency as follows:

- **Windows:** There are large windows facing the road and carpark, including a glass door which will form the main entrance to the store (see photo above), providing excellent visibility to observe customers entering and leaving the premises. Staff will be able to determine what is happening in the car parking areas outside the store and anticipate any issues which may develop.
- **Lighting:** There will be good natural light at the front of the shop but this will be augmented by good lighting inside the premises; customers will be able to be seen as they enter the premises, and identification easily read. Outdoor lighting will be placed facing the car park areas at the front and to the side of the building for security reasons and to discourage loitering at night. The loading area will also be well lit;
- **Internal layout:** There will be two cash registers, positioned close to the entrance (see floor plan). There will be good visibility from this area to most of the store and also people immediately outside the store. There will be no safe in public view. Stock displays in the centre of the retail area will be limited to around 1.3m in height so that customers can be seen at all times. Customers will be able to be observed in the chiller through glass doors and CCTV camera located there.
- **Security:** There is to be two cash registers located close to the entrance. Good store-wide visibility will discourage opportunistic attempts to open it; there will be no recessed entry, and an alarm is to be installed. The windows and doors will be reinforced to prevent break-ins after hours.
- **CCTV:** A number of cameras will be located inside the store including in the main retail area, the chiller, the store, and outside the building. There will be one overlooking the loading bay. Staff will have monitors to watch when necessary and all will be trained to know how to use the system.
- **Staff:** Generally, there will be two working in the store, with more available in busy times such as during holiday periods or peak tourist season when there is anticipated to be an increase in customers. Staff will be visible to customers entering the store who will be greeted. The bright and open nature of the store, where all people can be seen is important for security of staff and other customers.



- RTDs and other drinks that young people drink will not be located so they are visible to young people from outside the building or in the car park area.

6. Whether the applicant is engaged in, or proposes on the premises to engage in, the sale of goods other than alcohol, low-alcohol refreshments, non-alcoholic refreshments, and food, and if so, which goods (S105(1)(f))

Limited additional goods will be sold, mainly small food items such as ice, chips, nuts, snack food, part accessories etc. In addition, a range of soft drinks and low alcohol drinks will be sold, as well as cigarettes, vaping products and party accessories.

7. 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 (S105(1)(g))

No other services are proposed. Remote sales will be available to customers.

8. Whether (in its opinion) 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 (S105(1)(h))

This is defined in the Act as meaning the extent to which, and ways in which, the locality in which the premises concerned are situated is pleasant and agreeable.

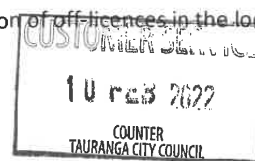
Section 106 of the Act requires in forming an opinion on whether the amenity and good order will likely be reduced, regard must be had to the following:

Current and possible future noise levels: There will be minimal noise generated from the store. The most obvious noise will be vehicles driving in and out of the parking area, but this is normal activity common to all of the wider retail area within the surrounding development and is expected. This will have no noticeable adverse effect.

Internal noise generated from the general operation of the business will not be audible from outside the premises.

Current and possible future, levels of nuisance and vandalism: The company's policy is to make the store and its surrounding area an attractive place to visit and to maintain a high level of customer service and experience. Regular checks will be carried out in the areas immediately outside the premises. The store is to be located within a new development, with high quality fittings and materials. Appearance is important for customers and the general vicinity of the store will be kept clean and tidy at all times. Any signs of vandalism will be quickly corrected, including graffiti removed. Nuisance behaviour will not be tolerated as this would detract from the experience of customers within the centre. Activities will be monitored by staff.

The number of premises for which licences of the kind concerned are already held: The closest off licence is held by Fresh Choice Supermarket at 20 Coast Boulevard, around 830m by road from the proposed new store. There are no other bottle stores, supermarkets, or grocery stores within a two-kilometre radius. The retail centre is surrounded by residential zones with ongoing development of undeveloped sites under way. This application will not contribute to the proliferation of off-licences in the locality.



A check of the population of the three statistical areas – Te Maunga South, Pacific View, and Palm Beach North - (Statistics NZ) closest to the proposed store, shows that there is a current (2018 census) population of 10,770. There is just one off-licence held in this area – by Fresh Choice Supermarket. With a new bottle store this would equate to one off-licence store for every 5,385 people. And this population is projected by Tauranga City to increase to 12,106 by 2023 (Tauranga Population and Projection Review 2021). Further there is no store within 3km by road of the proposed site that one can purchase spirits from, so the proposed new store is the only off-licence that would provide that service to the local community.

An additional off-licence will not contribute to an unreasonable proliferation of off-licences at the wider locality where the store will be located.

The compatibility with land near the premises concerned is used, and the compatibility with how the land is used if the licence is granted (including how the impact upon sensitive sites/facilities within the locality eg schools, preschools, accommodation facilities, parks or reserves will be minimised): The proposed store is located within the Suburban Residential Zone (Medium Rise Plan Area) in the Tauranga City Plan. The owner of the building applied for resource consent to establish a convenience retail centre at 520 Gloucester Road – RC26847 – which was granted in June 2019. The consent provides for general convenience retail activities including food retail, takeaway food premises, liquor store, and a childcare centre. The location of a bottle store here, from which customers purchase alcohol to consume elsewhere, will complement the range of other businesses and provide a service which will be utilised by residents in the wider area, and thus will be compatible with the use of land near the premises.

In terms of 'sensitive' sites there are few within proximity to the proposed off-licence. The nearest school is the Tahatai Coast School at 45 Evans Road, approximately 1.8km away from the proposed store.

There is an early childhood learning centre – New Shoots Children's Centre - within the Convenience Centre, located behind the retail shopping area. The owners of this learning centre were advised before taking the lease in their premises that a liquor store was proposed and agreed in writing not to oppose it. Best Start Childcare Centre at 15 Coast Boulevard, is some 950m away,

There are no churches close to the proposed store – the Anglican Church is opposite the Tahatai Coast School in Evans Rd, and opposite is the Bay Christian Centre. The Evans Road Community Church is 350m the north of these churches, being over 2km from the proposed new store. No churches will be impacted by the location of the store. As there are no close churches there can be no impact of the proposed store on them.

There are no major parks or other destinations where children may congregate anywhere near to the proposed store, although it is acknowledged the wider area is under development and Council may develop areas for parks in the future. The surf beach is around 900m from the store location.

The applicant has considered the community make up in relation to the locality and used the NZ Index of Deprivation 2018. The map below is from Environmental Health Intelligence New Zealand, a research and consultancy service specializing in environmental health information, based at Massey University and primarily funded by the Ministry of Health.

The site sits in a deprivation index area of 3-4. Much of this statistical area unit is vacant land (although it is developing) and includes completely undeveloped coastal foreshore land on the seaward side of



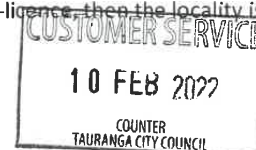
Maranui Street. This skews the deprivation score. The area to the east is 1-2, the least deprived, and reflects its development as a new housing area and being an area which is reasonably affluent. The industrial land over state highway 2 to the south contains few residential areas and that zoning reflects its low score.



The location of a bottle store here, from which customers purchase alcohol to consume elsewhere, will complement the range of other businesses and provide a service which will be utilised by businesses and residents in the wider area, and visitors to Papamoa, and thus will be compatible with the use of land near the premises. This is a fast growing area and the provisions of new retail services, such as a bottle store, is not unexpected. The conclusion is that the store is not incompatible with the use of land near the premises. The amenity and good order of the locality would not be likely to be reduced by the effects of the issue of the licence applied for.

9. **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 that—**
 - (i) they would be unlikely to be reduced further (or would be likely to be reduced further to only a minor extent) by the effects of the issue of the licence; but**
 - (ii) it is nevertheless desirable not to issue any further licences (S105(1)(i))**

The amenity and good order of the locality has been assessed as being high, with new homes, streets and infrastructure, and the convenience centre all being new. It is a very pleasant place, and the fast growth that is occurring demonstrates its attractiveness as a place to live. As there is only one supermarket, selling beer, wine and cider in the wider locality with an off-licence, then the locality is not badly affected by the effects of existing licences.



There is no reason to decline this application based on badly affected amenity and good order.

10. Whether the applicant has appropriate systems, staff, and training to comply with the law (S105(1)(j))

The directors of the applicant company understand the need to comply fully with the requirements of the Sale and Supply of Alcohol Act 2012, including ensuring there are no sales to prohibited persons, there is responsible promotion of consumption of alcohol, and ensuring that the store is a good and responsible host. These requirements are embedded in the Host Responsibility Policy included with this application – see above.

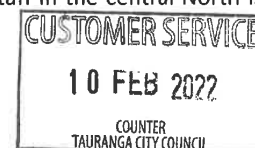


Posters will be located at the entrance and close to the till warning intoxicated people and minors will not be served.

Any person who looks to be 25 or years of age or younger will be requested to provide identification – see an example of the posters above requesting such identification. Signage will be used to display the name of the manager on duty, and a copy of the licence and the host responsibility policy will be on display. A point-of-sale system will be used in the cash register to verify the age of all customers who appear to be under 25 years of age. Staff will be required to enter the age of anyone who appears to be under 25 into the till system before products can be purchased.

The company endeavours to employ staff that are experienced in working in the alcohol industry, and if possible, people with an existing manager's certificate will be employed. If this is not possible staff will be encouraged to apply for a manager's certificate once they have sufficient experience to apply.

Staff will participate in the Alcohol.Og.NZ ServeWise programme which is a national e-Learning tool developed for sellers and servers of alcohol. This training is supported by training by Steve McDowell from Ignition Group who facilitates annual training for Super Liquor staff in the central North Island.



Super Liquor Holdings provides its own online learning programme (Super Liquor Academy) which all staff participate in at least annually.

Staff will be required to complete acknowledgement forms when they complete both the Super Liquor Academy and the ServeWise online programmes.

The applicant will meet with their staff regularly to discuss the conditions of the licence and the requirements to run a complying and effective business. Internal ideas exchanges and learning are also encouraged among staff. Training in customer service and legal responsibilities is also to be undertaken by the applicant company. The directors are conscious of promoting responsible consumption of alcohol and maintaining high standards to achieve high levels of customer satisfaction. Emphasis is placed upon cleanliness of the store, street frontage neat, tidy and clean, pricing signs consistent and clear, lights all working, signage is correct – licence and manager displayed, prohibited persons etc.

In respect of pricing, Super Liquor is committed to discounts of less than 25% for external advertising. The applicant recognises liquor stores are not able to compete on pricing in New Zealand with supermarkets elsewhere and the marketing approach for the Group is to compete on customer service and loyalty as opposed to attracting customers based on price. Provision of excellent service, including caring for customers will be an important part of the experience at Super Liquor Sandhurst Drive. External advertising will be kept to a minimum as part of the franchise agreement.

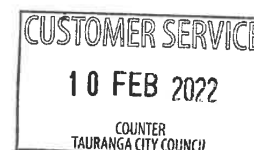
11. Any matters dealt with in any report from the Police, an inspector, or a Medical Officer of Health made under section 103 (S105(1)(k))

The applicant has no known issues with the Police, and there are no known issues for the Medical Officer of Health nor the Inspector, but these are matters those agencies will report on.

12. Section 4 - The Object of the Act

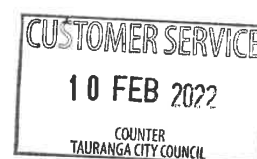
In summary, after undertaking the assessment above, it is concluded that on balance the object of the Act will be achieved for the following reasons:

- Super Liquor Sandhurst Drive will have good systems and procedures in place to ensure the responsible promotion and sale of alcohol on its premises, and in the community. Emphasis will be placed on ensuring all staff understand and implement the host responsibility policy, and this is to be reviewed regularly. Any issues with vandalism and crime are likely to be negligible and if they do occur will be dealt with promptly to protect the experience of shoppers at the store. Staff will be professional and well trained to ensure minors are not served and intoxication is not tolerated. The directors of Matasawa Holdings Limited are well aware and trained in their legal responsibilities and are suitable applicants.
- It is concluded that by granting an off-licence to Matasawa Holdings Limited the sale, supply, and consumption of alcohol will be undertaken safely and responsibly, and the harm caused by the excessive or inappropriate consumption of alcohol should be minimised.



13. The Purpose of the Act

Overall, it is concluded that the purpose of the Act will be achieved because the sale, supply and consumption of alcohol will be reasonable and help achieve the object of the Act.





TOI TE ORA
PUBLIC HEALTH
Bay of Plenty + Lakes Districts

Public Health Questionnaire for Off Licenses

The object of the Sale and Supply of Alcohol Act 2012 is

(1) The object of this Act is that—

- (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 minimised.*

(2) For the purposes of subsection (1), the harm caused by the excessive or inappropriate consumption of alcohol includes—

- (a) any crime, damage, death, disease, disorderly behaviour, illness, or injury, directly or indirectly caused, or directly or indirectly contributed to, by the excessive or inappropriate consumption of alcohol; and*
- (b) any harm to society generally or the community, directly or indirectly caused, or directly or indirectly contributed to, by any crime, damage, death, disease, disorderly behaviour, illness, or injury of a kind described in paragraph (a)..*

This questionnaire helps ensure that licensees meet the requirements of the Sale and Supply of Alcohol Act 2012 in relation to the public health consequences of alcohol use, such as alcohol- related health problems and preventable death or disability from alcohol-related motor vehicle crashes.

This questionnaire will enable the completion of the Medical Officer of Health report on you licence application. Your licence application cannot be processed without completion of this questionnaire.

This questionnaire should be completed by the licensee/applicant and not a consultant.

Please return to: liquor@bopdhb.govt.nz



Application Details

Name of Applicant	Matasawa Holdings Limited
Postal address	P O Box 9028, Greerton, 3142
Email	Melissa.harvie@superliquor.co.nz
Phone	07-577 9733
Name of Licensed Premises	Super Liquor Sandhurst Drive
Street address	Tenancy One, 520 Gloucester Road, Papamoa
Name of person(s) who is / are responsible for day-to-day management of the Sale of Alcohol for premises	Melissa Harvie
New or Renewal (please select)	New
Type of Premises	Bottle Store
	Other:



Social Responsibility

Do you have a written policy outlining how you will meet your responsibilities under the Act? If 'Yes' please attach.	Yes
Do you offer tasting to customers?	Yes
If 'Yes', is water freely available?	Yes

Amenity and Good Order

What steps will you take to ensure your business does not impact negatively on your neighbours? e.g. noise nuisance and vandalism?	Regular checks will be carried out in the areas immediately outside the premises. Any graffiti will be removed as soon as possible to discourage repeat offending and to maintain the ambience of the venue. Any vandalism on the site will be quickly corrected. The company policy is to make this bottle store and its surrounding commercial area an attractive place to visit, and it is important to keep the surrounding area clean and tidy. Nuisance behaviour will not be tolerated as this would detract from the experience of customers.
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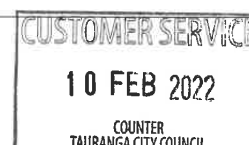
Staff Training

Are staff trained in their responsibilities under the Act?	Yes
If 'Yes' who provides this training?	Super Liquor Holdings and Ignition Group

Intoxication

How do you prevent intoxicated people from entering your premises?	CCTV cameras outside the premises will assist in identifying intoxicated persons before they enter the store. Windows at the front of the store will provide good visibility to the parking area outside the store from the counter. Staff will be trained to identify the signs of intoxication (speech, coordination, appearance, and behaviour). If person refuse to leave the premises the police will be called. The incident book will record such incidence.
Do you display signage stating that intoxicated patrons will not be served?	Yes

Signage can be provided free of charge by Toi Te Ora – Public Health Service



Minors

What steps do you have in place to prevent minors from purchasing alcohol?	Any person who looks to be 25 or years of age or younger is to be requested to provide identification. A point of sale system in the cash register will verify the age of all customers who appear to be aged 25 years or younger - staff are required to enter the age of anyone who appears to be 25 or under into the till system before products can be purchased. Alcohol will not be sold to minors or to persons in school uniform over the age of 18. Minors (under the age of 18) will only be allowed on the premises if accompanied by a parent or legal guardian.
Do you display signage stating that minors will not be served?	Yes

Signage can be provided free of charge by Toi Te Ora – Public Health Service

Alcohol Promotions

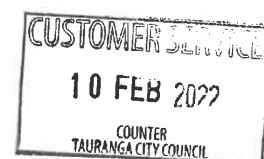
Do you run promotions offering discounted alcohol e.g. 2 for 1?	Yes
If 'Yes' please describe them	Discounts are in accordance with Super Liquor Holdings discounts that are distributed to franchise holders nationwide via the website and brochures.
Do the premises have external advertising of alcohol products?	Yes
Signage on the building	Yes
Footpath signage	No
Billboards	No
What percentage of your front window is covered with advertising?	5%
Which products are currently advertised on your windows?	The use of the A1 Super Liquor Holdings poster displaying current specials

Smokefree Environments

Do you sell tobacco products?	Yes
If yes, are they visible to the public?	No



For Supermarkets and Grocery Stores only	
In which area of your store is your alcohol display located? <i>Please attach the floor plan.</i>	
Are your in-store alcohol promotions confined to the designated alcohol area	Choose an item.
For Grocery Stores only	
Please identify the categories of products your store sells (indicate all appropriate actions)	
Fresh meat	Choose an item.
Processed meats and small-goods e.g. salami, ham	Choose an item.
Frozen meat	Choose an item.
Dairy products	Choose an item.
Breads, cereals, rice or pasta	Choose an item.
Flour, spices, sugar and other ingredients for baking etc.	Choose an item.
Health and beauty products	Choose an item.
Tinned foods	Choose an item.
Household non-grocery products e.g. cleaning products, rubbish bags etc.	Choose an item.



Undertaking from the applicant/licensee

I, Melissa Harvie (full name),

the applicant/licensee* for Matasawa Holdings Limited (Super Liquor Sandhurst Drive),

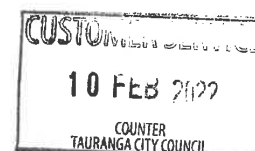
acknowledge that I have read and understood each of the above questions and I agree to comply with the host responsibility measures outlined here for the duration of the licensed period. I also acknowledge that a representative of the Medical Officer of Health may visit my premises from time to time in order to undertake a Sale and Supply of Alcohol Act 2012 compliance check.

Signed.......... Date 10/02/2022

Position/Title Operations Manager

**In the case of a corporation this application is to be signed by the operations manager responsible for the premises/outlet.*

The submission of this questionnaire is not complete until it has been signed by either the licensee or operations manager. The information supplied may be shared with the Police, District Licensing Committee and Alcohol Regulatory Licensing Authority for the purpose of their enquiries.



Super Liquor Host Responsibility Policy

Customer Statement

As good hosts it is our expectation is that you will enjoy your visit to our premises and we will make every effort to ensure your visit is pleasant and enjoyable. Our customers are expected to act in a responsible manner whilst on the premises and not disrupt or cause offence to other patrons or staff. Refusal of service should be viewed as an indication we are concerned for your welfare. It is pointed out that staff must comply with their legal obligations under the Supply of Alcohol Act 2012 (SASAA 2012).

Training

All staff are given comprehensive induction on commencing employment and all staff have alcohol service responsibilities included as terms in their employment agreements. Ongoing training is given and management policy is to give our staff the skills and support they need to do their job responsibly. We employ experienced managers whose duty is to ensure that all staff know the responsibilities of alcohol service. Management reviews training needs and consults on this regularly and makes appropriate adjustments to ensure that training is current, relevant and appropriate.

Minors

Signage is displayed on the premises stating minors will not be served. As part of the training and induction programme staff are made aware that it's against the law to serve minors. The acceptable forms of ID to prove age are:

- NZ photo drivers' license
- The HANZ 18+ card
- A current passport.

Staff are also made aware of the requirements and consequences as set out in the Sale and Supply of

Alcohol Act 2012 (SASAA 2012) in respect of sale or supply to minors and the presence of minors on premises. Super Liquor has a "sales to groups" policy. Signage of this policy is displayed in store. All staff must follow this policy. If we are in any doubt as to a person's age, we will ask for identification. Any person considered to be 25 years old or younger will be required to produce identification. If a patron is not able to provide one of the accepted forms of identification that can be closely inspected for authenticity, the person is not served and asked to leave. This requirement is also included as an essential term of all employment agreements.

Intoxication

Signage is displayed on the premises stating intoxicated persons will not be served. Low and non-alcoholic beverages are available for sale. It is an offence to serve anybody who is intoxicated.

Staff have been trained to identify signs of and assess intoxication through the Intoxication Assessment Tool. However, assessing intoxication can be difficult and because of this we regularly refresh staff in the signs to watch for as well as the consequences of intoxicated persons on premises. Staff are aware of the consequences in respect of Sale and Supply of Alcohol Act 2012 (SASAA 2012).

Assistance will be offered by the Manager to anyone on the premises who is intoxicated. This may include access to safe transport, coffee, or other means to ensure their safety.

Promotions

From time to time there may be promotions on premises. Where promotions are offered, they should not encourage or be likely to encourage the excessive consumption of alcohol. Water will be provided for all complementary tastings.



Super Liquor

*The bottle store
with something more*



Consultation details

Matasawa Holdings Limited

 **Event date:** 17/02/2022 8:30 a.m. - 10/03/2022 5:00 p.m. 

Matasawa Holdings Limited, a duly incorporated company, has made application to the Tauranga District Licensing Committee for a **New Off Licence** in respect to the premises situated at **520 Gloucester Road, Papamoa** and known as **Super Liquor Sandhurst Drive** .

The general nature of the business conducted under the licence is that of a **bottle store**.

The days on which and the hours during which alcohol is currently being sold under the licence are:

MONDAY TO SUNDAY 9:00am to 10:00pm
(Excluding Good Friday, Easter Sunday, Christmas Day and up until 1pm on ANZAC Day).

The application may be inspected by contacting either a Liquor Licensing Inspector or a Health & Licensing Technician, by phoning Tauranga City Council: Phone (07) 577-7000.

Any person who is entitled to object and who wishes to object may, not later than 15 working days after the date of publication of this notice, file a notice in writing of the objection with the Secretary of the Tauranga District Licensing Committee, Private Bag 12022, Tauranga 3143.

Objection period Closes: 10 MARCH 2022

[Current applications and objection timeframe](#)

Posted: Feb 17, 2022, Categories: [Public Notice](#), [Licensing Applications](#),

Report on an Application for Off-licence

under section 103(2) of the Sale and Supply of Alcohol Act 2012

To: District Licensing Committee

From: Te Oi Hamiora Rima Kemp (Sam) – Alcohol Licensing Inspector

Date: 22 June 2022

1. APPLICATION DESCRIPTION

1.1 Application and Property Details

Applicant's name: **MATASAWA HOLDINGS LIMITED**

Site address: **UNIT 1, 520 GLOUCESTER ROAD, PAPAMOA**

Trading name: **SUPER LIQUOR SANDHURST DRIVE**

Type of Premises: **Off Licence - Bottle Store**

Risk Rating: **Medium**

Application Number: **80003589**

Date Received by Council: **16/02/2022**

2. EXECUTIVE SUMMARY

This is a report for an application for a new off-licence. The criteria found at section 105 of the Sale and Supply of Alcohol Act 2012 (the Act) applies to this application.

The application has resulted from the recent construction of a new shopping centre off Gloucester Road and Sandhurst Drive, Papamoa.

The applicant is seeking conditions consistent with the style of off-licence for the area and as such the inspector considers that the sale and supply of alcohol under these conditions are consistent with the purpose of the Act and meets the criteria at section 105 of the Act.

The kind of licence the applicant has applied for is a

- Full Off-licence for a bottle store/retailer: s 16-19, 32(1)(b) and Reg 5.

The inspector agrees that the application meets the criteria for the kind of licence applied for because the premises is a hotel/ tavern as defined by s 5 - bottle store/retailer as defined by s 32(1)(b).

Public objections have been made. Neither of the reporting agencies have opposed this application.

The inspector does not oppose this application.

3. APPLICANT AND APPLICATION

3.1 Applicant

The applicant is a private company and is incorporated under the Companies Act 1993.

Police have identified that the applicant is part of the Harvie Group of OFF-Licensed premises and that over the past 9 years the group have failed 4 controlled purchase operations, 3 of which were upheld by ARLA and the 4th case being withdrawn as a result of covid delays.

The last controlled purchase operation incident occurred in October of 2020. *(refer to Police report attached)*

3.2 Comment

A number of general discussions have been held with the applicant and the inspector believes the applicant is aware of their responsibilities under the Act.

4. PREREQUISITE CERTIFICATES

4.1 Planning Certificate

A planning certificate has been issued. That certificate shows that the proposed use of the premises meets the requirements of the Resource Management Act 1991.

4.2 Building Certificate

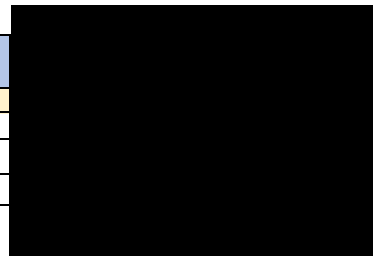
A building certificate has been issued. That certificate shows that the proposed use of the premises meets the requirements of the building code.

5. NOTIFICATIONS AND OBJECTIONS

5.1 Notifications and Objections

The application was publicly notified on the Tauranga City Council website and attract 5 public objections. The objectors are listed below

Objection No:	Name
1	Scott Parker
2	Allan Lightbourne
3	Graham Mauchline
4	Antoinette and Beulah Botha
5	Mel Bennett C/o Te Rūnanga o Ngāi Te Rangi Iwi Trust



The inspector has contacted 4 out of the 5 objectors and all (4) have indicated that they will be willing to appear for any hearing if the matter is to be determined in that manner. The 1 objector the inspector has not been able to contact, either by phone or email, is Scott Parker of [REDACTED] Rd. The inspector has gone to [REDACTED] and the address does not exist. The inspector believes that Scott Parker may not be a valid objector.

The grounds for the public objections are mostly related to the premises' location and the possible impact on the neighbouring environment and the suitability of the applicant. Each of the objections are attached to this report for the District Licensing Committee to consider.

5.2 Medical Officer of Health

The Medical Officer of Health has not opposed this application.

The report submitted by the Medical Officer of Health speaks to the deprivation scale for the area and states that no area is free from alcohol related harm.

5.3 Police

Police have not opposed the application however they have provided a report for the District Licensing Committee for their information and consideration in relation to the applicant.

6. PREMISES

6.1 Details

- The principal entrance is accessed from: **Gloucester Road, Papamoa**
- Owner's consent is attached in support of the application.

6.2 Kind of Premises

An off-licence may be issued for this kind of premises because it appears to meet the description found at section 32(1) (b) of the Act.

6.3 Licensed Area

The licensed area is more defined more precisely on the plan dated as received by the Tauranga City Council on the **10th of February 2022**.

The premises is to hold a "**Supervised**" designation.

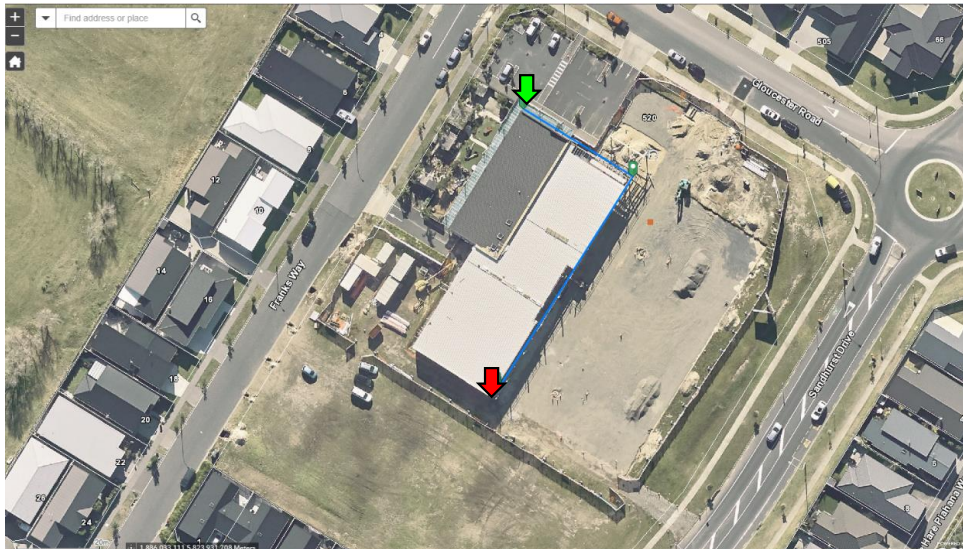
6.4 Previous History

The premises have not previously traded.

6.5 Site Inspection

On the 4th of April 2022 the inspector visited the premises to get a better understanding of the layout of the shopping centre and the proximity issue of "New Shoots" childcare centre to the intended Super Liquor Sandhurst premises

The premises was not open at this time. Should the application for the OFF Licence be granted by the District Licensing Committee the inspector will need to visit the premises prior to its opening to ensure that the applicant has all that is required to be compliant with the Act.



Aerial photograph of the shopping centre. Red arrow denotes the front entrance to the proposed Super Liquor Sandhurst premises. Green arrow denotes the entrance to "New Shoots"



Front Entrance to Super Liquor Sandhurst



Front Entrance to "New Shoots"

The inspector has provided further photographs of the premises on his inspection report. *(refer attached document)*

6.6 Comment

The inspector does not oppose the design and layout of the premises. The applicant appears from their application to have appropriate systems, staff, and training to comply with the law.

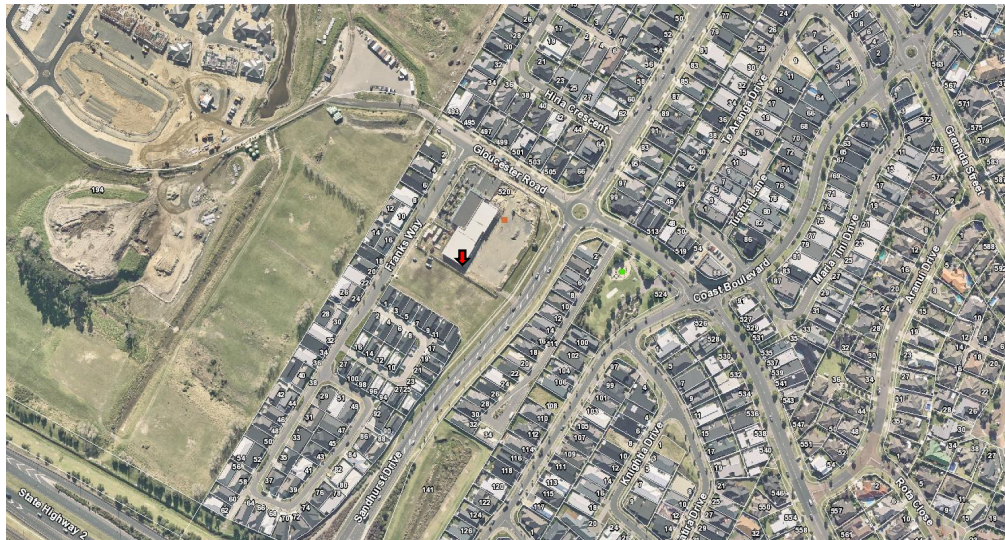
8. ENVIRONMENTAL SCAN

8.1 Neighbouring Land Use

The new premises is located within a newly built shopping centre at 520 Gloucester Road which is found at the intersection of Sandhurst Drive and Gloucester Road, Papamoa. To the rear of the shopping centre is Franks Way.

The premises is surrounded by residential address on all sides.

Aerial Photograph of 520 Gloucester Rd, Papamoa:



↓ Denotes the front entrance to the premise

The closest OFF-Licensed premises to this intend premises is at Fresh Choice Papamoa Supermarket, 20 Coast Boulevard, Papamoa Beach Papamoa.

This is approximately 633 metres from the premises

The inspector is not aware of any criminal activity in the area that may affect the premises being granted an alcohol licence.

8.2 Proximity to Sensitive Sites

The closest sensitive site is the "New Shoots" child care centre.

The front entrance to Super Liquor, Sandhurst Drive is approximately 92 metres from the front entrance to the "New Shoots" child care centre.



Approximately 92m from the entrance “New Shoots” to entrance of Super Liquor Sandhurst

The rear loading area for Super Liquor Sandhurst Drive is approximately 27 metres to the rear entrance to “New Shoots” child care centre



Approximately 27m from the rear entrance of “New Shoots” to the rear entrance of Super Liquor Sandhurst

The inspector has spoken to the Director of Risk, Facilities and HR with “New Shoots Child Care Centre”, Nick Webb-Shephard and he has stated that from the outset they were informed that an Off-Licence premises was intending to move into the shopping complex.

Mr Webb-Shephard stated that he doesn’t believe that the business would in any way hinder the operation of their child care facility and does not oppose the premises opening.

8.3 Current and Potential Levels of Noise, Nuisance and Vandalism

The inspector believes that the premises does not create any noise, nuisance or vandalism issues that would affect the general public.

8.4 Comment

There is no reason to believe 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 the issue of the licence.

9. CONCLUSION AND CONDITIONS

9.1 Conclusion

The inspector has inquired into the application and based on the information provided by the applicant the inspector believe it meets the criteria in the Act. Subject to no new or contrary evidence being presented, the inspector does not oppose this application.

The hours comply with the requirements of the Tauranga City Council Local Alcohol Policy, as it applies to the premises.

Both Police and the Medical Officer of Health have not opposed this application however public objections have been received.

The inspector asks that the report be forwarded to the District Licensing Committee to determine if a hearing is required.

The inspector requests that the following conditions be considered

9.2 Conditions

1. Alcohol may be sold on, or delivered from, the premises for consumption off the premises, or supplied free as a sample for consumption on the premises, only on the following days and hours:

Monday to Sunday 9:00am to 10:00pm

2. No alcohol is to be sold on, or delivered from, the premises on Good Friday, Easter Sunday or Christmas Day or before 1.00 pm on Anzac Day;
3. While alcohol is being supplied free as a sample, water is to be provided to patrons free of charge at the place where the samples are being supplied;
4. The whole of the premises is designated as a **Supervised Area**;
5. 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;
6. A properly appointed Certificated, or Acting or Temporary, Manager must be on duty at all times, within the licensed area, 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 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 sign prominently displayed at the premises, which identifies by name the manager for the time being on duty.

Prepared by

A handwritten signature in blue ink, appearing to be 'Z. K. D.', is written over a faint, light blue circular stamp.

Alcohol Licensing Inspector



**REPORT ON APPLICATION FOR 'OFF' LICENCE
SALE AND SUPPLY OF ALCOHOL ACT 2012**

12 May 2022

The Secretary
District Licensing Committee
Tauranga District Council
Private Bag 12022
TAURANGA

Dear Sir/Madam,

APPLICANT: Matasawa Holdings Ltd
APPLICATION NUMBER: 80003589
TRADING AS: Super Liquor Sandhurst Drive
ADDRESS: 520 Gloucester Rd, Papamoa
TYPE OF APPLICATION: New OFF
STATUS: NOT OPPOSED

An application for the issuing of an Off Licence for the above named applicant and premises was received by the New Zealand Police at the Western Bay of Plenty Liquor Licensing Unit.

Following a review of the application Police are not opposed but raise the following for the assistance of the DLC.

The site is in a small suburban based shopping centre consisting of seven units.

One is tenanted by the New Shoots Children's Centre.

There is a playground / reserve approximately 150 meters from the site.

The applicant company Matasawa Holdings Ltd is part of The Harvie Group.

Sergeant Dan ROSER - Licensing and Alcohol Harm Prevention Co-ordinator
Western Bay of Plenty Police - 11 Monmouth Street OR P O Box 144, TAURANGA
E-mail: Daniel.Roser@police.govt.nz

The following ARLA cases are from other off licence premises the Harvie Group operate.

- [2020] NZARLA 168-169 Matanivula Holdings Limited & Christopher Robert Croft
Re: Failed Controlled purchase operation (CPO) on 17 October 2020 at Bottle Zone Mount Maunganui.
- [2015] NZARLA 33-34 Maravu Holdings Ltd & Wayne Alexander ROSE
Re: failed Controlled purchase operation on 7 November 2014 at Super Liquor Papamoa
- [2014] NZARLA 253041 & 253043 Maravu Holdings Ltd & Anthony Goldie MONTGOMERY
Re: failed Controlled purchase operation on 17 December 2013 at Super Liquor Papamoa
- Police v Maravu Holdings Ltd & Michelle KING s280 and s285
Re: Failed CPO on 13 June 2019 at Super Liquor Papamoa.
Case withdrawn due to covid-19 lengthy delays.

Cases attached.

Should you require any further information in relation to this application, please contact the writer on the email or numbers listed below.

Yours faithfully,



Dan ROSER
Sergeant (DRI941)
Alcohol Harm Prevention Co-ordinator
WESTERN BAY OF PLENTY

Sergeant Dan ROSER - Licensing and Alcohol Harm Prevention Co-ordinator
Western Bay of Plenty Police - 11 Monmouth Street OR P O Box 144, TAURANGA
E-mail: Daniel.Roser@police.govt.nz

[2014] NZARLA 253041 & 253043

IN THE MATTER

of the Sale and Supply of
Alcohol Act 2012

AND

IN THE MATTER

of an application pursuant to s.280
of the Act for suspension of off-
licence number
021/OFF/16557/2013 issued to
MARAVU HOLDINGS LIMITED in
respect of premises situated at 20
Domain Road, Papamoa, known
as "Super Liquor Papamoa"

AND

IN THE MATTER

of an application pursuant to s.285
of the Act for suspension of
General Manager's Certificate
number 021/GM/7873/2005
issued to **ANTHONY GOLDIE
MONTGOMERY**

BETWEEN

NIGEL PETER MCGLONE
(Police Officer of Tauranga)

Applicant

AND

MARAVU HOLDINGS LIMITED

First respondent

AND

**ANTHONY GOLDIE
MONTGOMERY**

Second respondent

BEFORE THE ALCOHOL REGULATORY AND LICENSING AUTHORITY

Chairman: District Court Judge J D Hole
Member: Mr D E Major

DECISION (ON THE PAPERS)

We have before us applications by Sergeant N P McGlone of Tauranga Police dated 11 February 2014, for suspension of an off-licence and a General Manager's Certificate following a controlled purchase operation conducted on Tuesday 17 December 2013.



The grounds for the applications are: that the premises have been conducted in breach of the provisions of s.239 of the Act – sale of liquor to a person under 18 years of age; and that the manager has failed to conduct the licensed premises in a proper manner. The manager did not make the sale.

The respondents do not dispute the grounds for the applications and they have agreed to suspension of the off-licence and manager's certificate. Accordingly, we make the following orders by consent:

- (a) Off-licence number 021/OFF/16557/2013, issued to Maravu Holdings Limited, is suspended for 24 hours from 9.00 am on Tuesday 1 April 2014.
- (b) General Manager's Certificate number 021/GM/7873/2005, issued to Anthony Goldie Montgomery, is suspended for 21 days from Tuesday 1 April 2014.

DATED at WELLINGTON this 24TH day of MARCH 2014

A E Cannell
Deputy Secretary



[2015] NZARLA 33-34

IN THE MATTER

of the Sale and Supply of
Alcohol Act 2012

AND

IN THE MATTER

of an application pursuant to s.280
of the Act for suspension of off-
licence number
021/OFF/17694/2014 issued to
MARAVU HOLDINGS LIMITED in
respect of premises situated at 20
Domain Road, Papamoa, known
as "Super Liquor Papamoa"

AND

IN THE MATTER

of an application pursuant to
s.285 of the Act for suspension of
manager's certificate number
021/GM/7701/2005 issued to
WAYNE ALEXANDER ROSE

BETWEEN

MATTHEW JOHN MOOREHEAD
(Police Officer of Tauranga)

Applicant

AND

MARAVU HOLDINGS LIMITED

First respondent

AND

WAYNE ALEXANDER ROSE

Second respondent

BEFORE THE ALCOHOL REGULATORY AND LICENSING AUTHORITY

Members: Ms J D Moorhead
Mr D E Major

DECISION (ON THE PAPERS)



We have before us applications by Constable M J Moorehead dated 4
December 2014, for suspension of an off-licence and a manager's certificate,
following a controlled purchase operation conducted on Friday 7 November 2014.

[2] The respondents do not dispute the grounds for the applications and they have
agreed to suspension of the off-licence and manager's certificate. Accordingly, we
make the following orders by consent:

- a) Off-licence number 021/OFF/17694/2014, issued to Maravu Holdings Limited, is suspended for 48 hours from Thursday 12 February 2015.
- b) Manager's certificate number 021/GM/7701/2005, issued to Wayne Alexander Rose, is suspended for 21 days from Monday 9 February 2015.

[3] These orders are negative holdings in terms of ss.289 and 290 of the Act. If the licence or the certificate has not already been cancelled, three negative holdings incurred within a three year period will result in an application to the Authority for cancellation of the licence or the certificate.

DATED at WELLINGTON this 22nd day of January 2015




A E Cannell
Deputy Secretary

[2020] NZARLA 168 -169

UNDER

the Sale and Supply of
Alcohol Act 2012

AND

IN THE MATTER

of an application pursuant to s 280
of the Act for suspension of off-
licence number 21/OFF/22685/2018
issued to **MATANIVULA
HOLDINGS LIMITED** in respect of
premises situated at 525 Maunganui
Road, Mount Maunganui, known as
"Bottlezone"

AND

IN THE MATTER

of an application pursuant to s 285
of the Act for suspension of
manager's certificate number
21/CERT/23037/2018 issued to
CHRISTOPHER ROBERT CROFT

BETWEEN

DANIEL ROSER
(Police Officer of Tauranga)
Applicant

AND

**MATANIVULA HOLDINGS
LIMITED**
First respondent

AND

CHRISTOPHER ROBERT CROFT
Second respondent

BEFORE THE ALCOHOL REGULATORY AND LICENSING AUTHORITY

Members: Ms J D Moorhead
Mr R S Miller

DECISION (ON THE PAPERS)

[1] By applications dated 22 October 2020, Sergeant Daniel Roser of Tauranga Police seeks suspension of an off-licence and a manager's certificate following a controlled purchase operation conducted on Saturday 17 October 2020 during which alcohol was sold to a person under the age of 18 years in breach of s 239 of the Act. The applications are made pursuant to ss 280(3)(a) and 285(3)(a) of the Act.

[2] The respondents do not dispute the grounds for the applications and they have agreed to suspension of the off-licence and manager's certificate. Accordingly, we make the following orders by consent:



- (a) off-licence number 21/OFF/22685/2018, issued to Matanivula Holdings Limited, is suspended for 48 hours from 9.00 am on Saturday 21 November 2020 until 9.00 am on Monday 23 November 2020.

- (b) manager's certificate number 21/CERT/23037/2018, issued to Christopher Robert Croft, is suspended for 28 days from Saturday 21 November 2020 until Friday 18 December 2020 (both dates inclusive).

[3] These orders are negative holdings in terms of ss 288 to 290 of the Act. If the licence, or the certificate, or both, have not already been cancelled, three negative holdings incurred within a three year period will result in an application to the Authority for cancellation of the licence, or the certificate, or both.

DATED at WELLINGTON this 4th day of November 2020



District Court Judge K D Kelly
Chairperson

Alcohol Regulatory and Licensing Authority

Matanivula Holdings (Bottlezone) & Christopher Croft.doc(ab)



Case N°:

31 July 2019

The Secretary
Alcohol Regulatory and Licensing Authority
Private Bag 32001
Featherston Street
Wellington

Dear Sir / Madam

Application for Suspension/Cancellation of off licence under Section 280 Sale and Supply of Alcohol Act 2012

Attached is a signed copy of an application under Section 280 of the Sale and Supply of Alcohol Act 2012 following a failed controlled purchase operation at Super Liquor Papamoa.

Following a meeting with Melissa HARVIE an agreement regarding a Suspension by Consent has been reached. Melissa has agreed to have her off Licence number 21/OFF/21123/2017 suspended for a period of Two (2) days, with dates to be determined by the Authority. All relevant documentation is attached for this matter to be heard on the papers.

If you have any further questions in relation to this application, you may contact me as per details at the bottom of the page.

Yours faithfully

Trevor BROWN
Sergeant (TB6550)
Alcohol Harm Prevention
Western Bay of Plenty Police Area
021 1923504

Sergeant Trevor Brown (TB6550)
Alcohol Harm Reduction and Liquor Licensing Co-ordinator, Western Bay of Plenty
P O Box 144, TAURANGA or 11 Monmouth Street, TAURANGA
E-mail: Trevor.Brown@police.govt.nz DDI: 07-2130497 Mobile: 021 1923504

**APPLICATION FOR VARIATION, SUSPENSION,
OR CANCELLATION OF LICENCE**

OFF-licence,

Section 280, Sale and Supply of Alcohol Act 2012

To: The Secretary
Alcohol Regulatory and Licensing Authority
Wellington

Application for the variation (or suspension or cancellation) of a licence is made in accordance with the details set out below.

Details of applicant

Trevor Ernest BROWN

Tauranga Police Station,

021-1923504

Trevor.Brown@police.govt.nz

Sergeant

Details of licensee

Super Liquor Papamoa
20 Domain Road Papamoa
Melissa HARVIE
slgreerton@gmail.com

Details of licence

Type of licence: *OFF Licence*

Licence number: 21/OFF/21123/2017

Details of premises

Super Liquor Papamoa
20 Domain Road Papamoa

Maravu Holdings Limited

Off Licence

Action sought

Suspension

Feb.

Grounds of application

That the licensed premises have been conducted:

- The Sale and Supply of Alcohol Act 2012;
- Section 280
- (3)(a) that the licensed premises have been conducted in breach of any of the provisions of this Act or of any conditions of the licence or otherwise in an improper manner:
- (5) If the licensing authority is satisfied that any of the grounds specified in subsection (3) is established and that it is desirable to make an order under this section, it may, by order,—
- (a) vary or revoke any condition of the licence imposed by the licensing authority or a licensing committee: or
- (b) *impose any new condition (relating to any matter specified in section 110(1), 116(1), or 117(1)); or*
- (c) *suspend the licence for such period not exceeding 6 months as the licensing authority thinks fit; or*
- (d) *cancel the licence.*
- (6) Instead of making an order under subsection (5), the licensing authority may adjourn the application for any period it thinks fit to give the licensee an opportunity to remedy any matters that the licensing authority may require to be remedied within that period.
- (5) Subsection (3) applies irrespective of any liability that may attach to the licensee or any manager in respect of the same offence.

239 Sale or supply of alcohol to people under purchase age on or from licensed premises

(1)

A licensee or manager of any licensed premises who sells or supplies alcohol, or allows alcohol to be sold or supplied, on or from the licensed premises to any person who is under the purchase age commits an offence.

(2)

A person who is not a licensee or a manager of any licensed premises who sells or supplies alcohol on or from the licensed premises to any person who is under the purchase age commits an offence.

(3)

A person who commits an offence against subsection (1) is liable on conviction,—

(a)

in the case of a licensee, to either or both of the following:

(i)

a fine of not more than \$10,000;

(ii)

the suspension of the licensee's licence for a period of not more than 7 days:

(b)

in the case of a manager, to a fine of not more than \$10,000.

(4)

A person who commits an offence against subsection (2) is liable on conviction to a fine of not more than \$2,000.

(5)

Subsection (2) applies despite any liability that may attach to the licensee or any manager in respect of the same offence.

Allegation

That the licensed premises have been conducted in breach of the following provision of the Sale and Supply of Alcohol Act 2012 and in particular it is alleged as follows:

That on the 13th June 2019, Michelle KING, whilst being employed at the licensed premises known as Super Liquor Papamoa sold alcohol to a person under purchase age

Section 280(3)(a)

That on 13th June 2019 the Licensee, Maravu Holdings Limited , employed Michelle KING, as the Manager of the Licensed premises known as Super Liquor Papamoa, and while in the role of Manager breached the Provisions of this Act or of any conditions of the licence or otherwise in an improper manner: by not taking the necessary action to prevent the sale of alcohol to a person under purchase age

Section 258

That on the 13th June 2019 the Licensee, failed without reasonable excuse to ensure that the conditions of Section 214 is complied with.

Section 214

That on the 13th June 2019, Michelle KING, whilst being employed at the licensed premises known as Super Liquor Papamoa sold alcohol to a person under purchase age

She was responsible for the compliance with and enforcement of, the provisions of this Act and, the conditions of the licence in force for the premises and, the conduct of the premises with the aim of contributing to the reduction of alcohol related harm.

It is alleged that by selling alcohol to a person under the purchase age she failed to comply with those duties and by association contributed to alcohol harm.

Accordingly the Licensee is expected at all times when alcohol is being sold or supplied on a licensed premise the licensee must take all reasonable steps to enable the manager to comply with this section.

It alleged that the Licensee, Maravu Holdings Limited failed to take all reasonable steps to support the manager, Michelle KING, to comply with this section whilst working at Super liquor Papamoa.

Section 280(3)(b)

That the conduct of the licensee is such as to show that he or she is not a suitable person to hold the licence as he (or she) has failed in their obligation to the object of the Act in the minimisation of alcohol harm.

BACKGROUND

Maravu Holdings Limited is the holder of an OFF–Licence 21/OFF/21123/2017 for the premises known as Super Liquor Papamoa situated at 20 Domain Road Papamoa

The Licencee has previously appeared twice before the Authority for a similar offence.
[2014] NZARLA 163 and 164 refers -24 hour suspension for CPO failure (17th December 2013)
[2015]NZARLA 33-34 -48 Hour suspension for CPO failure (7th November 2014)

THE FACTS

Super Liquor Papamoa is situated at 20 Domain road Papamoa and is operated by Maravu Holdings Limited.

On Thursday 13th June 2019 New Zealand Police ran a Controlled Purchase Operation where a male aged 17 was used to visit a total of 13 premises in the Western Bay of Plenty District Licensing Agency's area with the respondent being the only premises to fail.

At about 8.30 p.m., on this date, having been given instructions by the Police Officer running the operation, the male volunteer went into Super Liquor Papamoa and selected a 4 pack of Jim Beam Bourbon cans from the store valued at \$12.99. This liquor item is sold in 250 ml can and is shown to contain 7 % alcohol per volume. The volunteer walked to the counter with the alcohol where he was served by a Michelle KING who is a certified Manager. The seller KING made no attempt to verify the age of the purchaser and the sale was completed.

Police returned to the store immediately after the sale.

Michelle accepted that she had made the sale without making the required check the establish age of the purchaser. In explanation she stated that she was distracted as she was focussed on cashing up the till.

The Licencee was spoken to by Police and accepted that she should have provided better support for her staff.

s214 (2) of the Act outlines the statutory responsibilities of a 'manager on duty on any licensed premises' and it is alleged that these responsibilities have not been met.

CONCLUSION:

S214(4) of the Act also states that 'at all times when alcohol is being sold or supplied on licensed premises the licensee must take all reasonable steps to enable the manager to comply with this section'.

The Applicant alleges that the Licencee has not complied with s214 of the Act and has therefore committed an offence against s258 (1) (b) of the Act by failing to ensure, without reasonable excuse, to ensure that s214 is complied with.

AND s280 (3)(b) - that the conduct of the licensee is such as to show that she is not a suitable person to hold the licence:

It is the view of the Applicant that:

- in respect of s280(3)(a) of the Act, the actions of the licensee show that she has failed to ensure the licensed premises were conducted in a proper manner; and

- that in respect of s280(3)(b) of the Act, the conduct of the licensee is such as to show that she is not a suitable person to hold the licence; and
- That a period of suspension of the Off-licence for Super Liquor Papamoa is an appropriate sanction in this case.

Dated at Tauranga this 31 st July 2019



Signature of applicant

Hearing details: Two witnesses (Police) 1 hour

NEGOTIATED SUSPENSION FORM

Off-licence Negotiated Suspension
Sale and Supply of Alcohol Act, 2012, Section 280

I am (the principal Director / ~~Shareholder of~~) or holder of the Off-Licence number.

21/OFF/21123/2017

in respect of the premises at 20 Domain Road Papamoa

known as Super Liquor Papamoa

I am aware of the Police application for a suspension of the licence.

280 Variation, suspension, or cancellation of licences other than special licences

- (1) Any constable or any inspector may at any time apply to the licensing authority for an order-
- (a) ~~varying or revoking any condition of a licence, other than a special licence, imposed by the licensing authority or a licensing committee, or imposing any new condition (relating to matters specified in section 110(1), 116(1), or 117(1); or~~
 - (b) suspending the licence; or
 - (c) ~~Cancelling the licence.~~
- (3) The grounds on which an application for an order under this section may be made are as follows:
- (a) that the licensed premises have been conducted in breach of any of the provisions of this Act or of any conditions of the licence or otherwise in an improper manner;
 - (b) That the conduct of the licensee is such as to show that he or she is not a suitable person to hold the licence.
 - (c) ~~That the licensed premises are being used in a disorderly manner so as to be obnoxious to neighbouring residents or to the public.~~

W I have been advised of my right to have the matter heard by public hearing and my right to engage counsel.

W I do ^{not} contest / dispute the grounds of the application, and do not wish the matter to proceed to a public hearing.

The grounds of the application are a breach of the Sale and Supply of Alcohol Act 2012 and in particular a breach of;

Section 239 Sale or supply of alcohol to people under the purchase age on or from licensed premises

- (1) A licensee or manager of any licensed premises who sells or supplies alcohol, or allows alcohol to be sold or supplied, on or from licensed premises to any person who is under the purchase age commits an offence.

I am aware that the Alcohol Regulatory Licensing Authority has made comment in respect of similar applications brought before it, and that a sanction in line with those previously applied by the Authority is appropriate. (Refer to the reverse side of this form for penalty guidelines).

I consent to the suspension of the licence for 48 hours inclusive of a Thursday.

I understand the period of suspension includes a Thursday and would prefer the other day/s to be Wednesday if the Authority is agreeable.

Applicant: Sergeant Trevor BROWN Initials: T.E BROWN TEB Date 16/07/2019

Respondent: Melissa Harvie Initials: MH Date 16/07/2019

NEGOTIATED SUSPENSION FORM

Off-licence Negotiated Suspension Sale and Supply of Alcohol Act, 2012, Section 280

I understand that if this Negotiated Suspension is accepted by the Licensing Authority it will count as a **negative holding** toward the licence.

PENALTY GUIDELINES

From the Blenheim Countdown Decision

[18] For a number of years the Authority and its predecessor has adopted general guidelines relating to sanctions which may be negotiated between parties where a period of suspension by consent has been agreed. The introduction of the Sale and Supply of Alcohol Act 2012 has caused the Authority to reconsider some of those penalties. The following guidelines are recommendations only and apply only where the breach constitutes a first (and only) offence. Obviously, aggravating or mitigating factors can justify either a greater or lesser sanction. Any suspension usually includes the day of the week upon which the offence took place.

[19] The guidelines in respect of licensees are as follows:

- (i) Stand-alone retail liquor premises – 48 hours suspension.
- (ii) Taverns, bars, hotels, and bottle stores – 3 days suspension.
- (iii) On-licensed premises – 48 hours suspension.
- (iv) Supermarkets – 5 days suspension
- (v) Grocery stores – 7 days suspension.

Respondent Signature



– Licensee

16/07/2019

Dated

Police Signature



Trevor Ernest BROWN

Sergeant – Alcohol Harm Prevention Officer

16/7/2019


Dated

Applicant: Sergeant Trevor BROWN

Initials: T.E. BROWN, 

Date 16/07/2019.

Respondent: melissa Harvie

Initials: 

Date 16/07/2019



Tauranga District Licensing Committee

Tauranga City

SALE AND SUPPLY OF ALCOHOL ACT 2012

21/OFF/21123/2017

OFF-LICENCE

Sections 17, and 64, Sale and Supply of Alcohol Act 2012

PURSUANT to the Sale and Supply of Alcohol Act 2012(the Act), MARAVU HOLDINGS LIMITED is authorised to sell or deliver alcohol on or from the premises situated at 20 DOMAIN ROAD, PAPAMOA and known as "SUPER LIQUOR PAPAMOA", to any person for consumption off the premises and to supply complimentary samples of alcohol on the premises.

The authority conferred by this licence must be exercised through a manager or managers appointed by the licensee in accordance with Subpart 7 of Part 2 of the Act.

CONDITIONS

This licence is subject to the following conditions:

1. Alcohol may be sold on, or delivered from, the premises for consumption off the premises, or supplied free as a sample for consumption on the premises, only on the following days and hours:
MONDAY TO SUNDAY from 09:00am to 10:00pm
2. No alcohol is to be sold on, or delivered from, the premises on Good Friday, Easter Sunday or Christmas Day or before 1.00 pm on Anzac Day;
3. While alcohol is being supplied free as a sample, water is to be provided to patrons free of charge at the place where the samples are being supplied;
4. The whole of the premises is designated as a Supervised Area;
5. The Licensee must have available for purchase 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;
6. A properly appointed Certificated, or Acting or Temporary, Manager must be on duty at all times, within the licensed area, 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. There is to be no external advertising of RTDs at this store.
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 inside of the premises so as to be easily read by people entering each principal entrance.

THE LICENSED PREMISES

The sale or delivery of alcohol is authorised in or from the premises generally. The premises, situated at 20 DOMAIN ROAD, PAPAMOA, is more precisely identified as outlined in a plan date stamped as received by the Tauranga District Licensing Committee on 17 January 2017.

DISPLAY OF LICENCE AND PRINCIPAL ENTRANCE/S

A copy of this licence must be displayed at the principal entrance to the premises. The entrance from the private car park off Gravatt Road is designated as the principal entrance.

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 until the close of the period for which it is renewed.

RENEWED at Tauranga 02 March 2017


Darrienne Daubney
SECRETARY
TAURANGA DISTRICT LICENSING COMMITTEE

Rating: MEDIUM

This licence expires on: 28 February 2020





Case N°:

31 July 2019

The Secretary
Alcohol Regulatory and Licensing Authority
Private Bag 32001
Featherston Street
Wellington

Dear Sir / Madam


**Application for Suspension/Cancellation of Managers Certificate and off licence
under Section 285 Sale and Supply of Alcohol Act 2012**

Attached is a signed copy of an application under Section 285 of the Sale and Supply of Alcohol Act 2012 following a failed controlled purchase operation at Super Liquor Papamoa

Following a meeting with certified Manager Michelle KING who sold to a minor an agreement regarding a Suspension by Consent has been reached. Michelle has agreed to have her Managers certificate 21/CERT/21424/2017 suspended for a period of 28 days, with dates to be determined by the Authority. All relevant documentation is attached for this matter to be heard on the papers.

If you have any further questions in relation to this application, you may contact me as per details at the bottom of the page.

Yours faithfully


Trevor BROWN
Sergeant (TB6550)
Alcohol Harm Prevention
Western Bay of Plenty Police Area
021 1923504

Sergeant Trevor Brown (TB6550)
Alcohol Harm Reduction and Liquor Licensing Co-ordinator, Western Bay of Plenty
P O Box 144, TAURANGA or 11 Monmouth Street, TAURANGA
E-mail: Trevor.Brown@police.govt.nz DDI: 07-2130497 Mobile: 021 1923504

APPLICATION FOR SUSPENSION OR CANCELLATION OF MANAGER'S CERTIFICATE

Section 285, Sale and Supply of Alcohol Act 2012

To: The Secretary
Alcohol Regulatory and Licensing Authority

DX: SX11159
Wellington

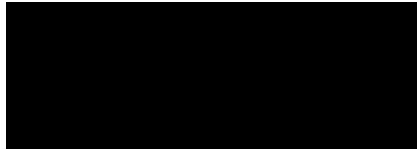
Application for the suspension (or cancellation) of a manager's certificate is made in accordance with the details set out below.

Details of Applicant

Trevor Ernest BROWN
Tauranga Police Station
PO Box 144
Tauranga 3140
Contact: 021 1923504
Email address:
Trevor.Brown @police.govt.nz
Sergeant

Details of Manager

Michelle KING



Details of certificate

- Number: 21/CERT/21424/2017

Details of employment

Super Liquor Papamoa
Name of licensee: Maravu Holdings Limited
21/OFF/211123/2017

Suspension ✓

Cancellation

Grounds of application

Ted Brown

- That the manager has failed to conduct the licensed premises in a proper manner – in breach of the following provisions of the Sale and Supply of Alcohol Act 2012; S285 3(a) and in particular it is alleged as follows:
- ***239 Sale or supply of alcohol to people under purchase age on or from licensed premises***
- (1)
- A licensee or manager of any licensed premises who sells or supplies alcohol, or allows alcohol to be sold or supplied, on or from the licensed premises to any person who is under the purchase age commits an offence.
-

INTRODUCTION:

Maravu Holdings Limited is the holder of Off-Licence 21/OFF /21123/2017 for the premises known as Super Liquor, situated at 20 Domain Road Papamoa.

The respondent Michelle KING was the working at Super Liquor Papamoa at the time of the incident. Michelle KING holds a Managers certificate 021/CERT/21424/2017 issued at Tauranga which expires on the 19th May 2020.

The respondent has not appeared before the Authority.

This application relates to a breach of The ACT namely:

- ***239 Sale or supply of alcohol to people under purchase age on or from licensed premises***
- (1)
- A licensee or manager of any licensed premises who sells or supplies alcohol, or allows alcohol to be sold or supplied, on or from the licensed premises to any person who is under the purchase age commits an offence.

CIRCUMSTANCES:

On Thursday 13th June 2019 New Zealand Police ran a Controlled Purchase Operation where a male aged 17 was used to visit a total of 13 premises in the Western Bay of Plenty District Licensing Agency's area with the respondent being the only premises to fail.

At about 8.30 p.m., on this date, having been given instructions by the Police Officer running the operation, the male volunteer went into Super Liquor Papamoa and selected a 4 pack of Jim Beam Bourbon cans from the store valued at \$12.99. This liquor item is sold in 250 ml can and is shown to contain 7 % alcohol per volume. The volunteer walked to the counter with the alcohol where he was served by a Michelle KING who is a certified Manager. The seller KING made no attempt to verify the age of the purchaser and the sale was completed.

Police returned to the store immediately after the sale. Michelle accepted that she had made the sale without making the required check to establish the age of the purchaser. In explanation she stated that she was distracted as she was focussed on cashing up the till.

It has been agreed that an appropriate sanction would be a Twenty Eight (28) days suspension Michelle KING's manager's certificate, between dates to be determined by the Authority. Signed copies of the Suspension by Consent form for the period is attached.

It is understood by all parties to this agreement that the terms of the suspension (or no suspension) are required to be ratified in writing by the Authority.

- It is the view of the Applicant that in respect of s285 (3) (a) of the Act, the actions of the Manager show that he has failed to conduct the licenced premises in a proper manner by allowing a person to become intoxicated person in breach of 239 (1) of the Act and that a period of suspension of Managers Certificate: 021/CERT/21424/2017 for Michelle KING is an appropriate sanction in this case.

Dated at Tauranga on the 31st July 2019



Signature of applicant

Hearing details:

ON THE PAPERS

NEGOTIATED SUSPENSION FORM

Manager's certificate negotiated suspension (Sale and Supply of Alcohol Act 2012)

(MWE872 2016)

285 Suspension or Cancellation of manager's certificates

- (1) Any constable or any inspector may at any time apply in accordance with this section for an order by the licensing authority –
- (a) Suspending a manager's certificate; or
 - (b) Cancelling a manager's certificate.
- (3) The grounds on which an application for an order under this section may be made are as follows:
- (a) that the manager failed to conduct any licensed premises in a proper manner.
 - (b) that the conduct of the manager is such as to show that he or she is not a suitable person to hold the certificate.

I am aware of the Police application for suspension of my General Manager's Certificate number;
CERT #21/CERT/21424/2017 Michelle KING

I have been advised of my right to have the matter heard by public hearing and my right to engage counsel.

I do not contest / dispute the grounds of the application, and do not wish the matter to proceed to a public hearing.

The grounds of the application are a breach of the Sale and Supply of Alcohol Act 2012 and in particular a breach of;

S.239 Sale or supply of alcohol to people under the purchase age on or from licensed premises

- (1) **A licensee or manager of any licensed premises who sells or supplies alcohol, or allows alcohol to be sold or supplied, on or from licensed premises to any person who is under the purchase age commits an offence.**

I am aware that the Alcohol, Regulatory Licensing Authority has made comment in respect of similar applications brought before it, and that a sanction in line with those previously applied by the Authority is appropriate. I consent to my manager's certificate being suspended for 28 days.

~~I accept the recommendation that my manager's certificate only be renewed for~~ Choose an item..

MANAGER

Name Michelle King
Signature M King
Date 11/7/19

POLICE

Name Sgt Trevor Brown
Signature T Brown
Date 11/7/19



Tauranga District Licensing Committee

SALE AND SUPPLY OF ALCOHOL ACT 2012

Certificate No. 21/CERT/21424/2017

NOTICE OF RENEWAL OF MANAGER'S CERTIFICATE

Section 226, Sale and Supply of Alcohol Act 2012

To, **MICHELLE KING**

Your manager's certificate is renewed.

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 Manager's Certificates, this Certificate.

expires on 19 May 2020

unless again renewed.

Renewed at Tauranga 04 May 2017


Damienne Dabney
SECRETARY
TAURANGA DISTRICT LICENSING COMMITTEE



From: Liquor <Liquor@bopdhb.govt.nz>
Sent: Wednesday, 15 June 2022 3:27 pm
To: admin DLC; daniel.roser@police.govt.nz; Liquor
Cc: Dawn Meertens
Subject: RE: Report Request - NEW - OFF - MATASAWA HOLDINGS LIMITED - 596280 - SUPER LIQUOR SANDHURST DRIVE - 80003589

CAUTION External Email.

Hi Admin
On behalf of the Medical Officer of Health I have inquired into this application and have no matters in opposition.

The premises will sit in a Dep 3 area and although no area is free from alcohol related harm, research shows more alcohol related harm occurring in high deprivation areas and where high Maori and Pacific populations live.

kind regards
Dawn Meertens
for Medical Officer of Health



Dawn Meertens
Technical Officer

Phone: 07 349 7260
Mobile: 021 473 524
Website: www.toiteora.govt.nz

From: admin DLC <adminDLC@tauranga.govt.nz>
Sent: Wednesday, 16 February 2022 2:23 pm
To: ROSER, Daniel (Dan) <Daniel.Roser@police.govt.nz>; Liquor <Liquor@bopdhb.govt.nz>; RiskReductionBayOfPlenty@fireandemergency.nz
Subject: Report Request - NEW - OFF - MATASAWA HOLDINGS LIMITED - 596280 - SUPER LIQUOR SANDHURST DRIVE - 80003589

Subject: Application for Off Licence - New - Application No. 80003589

Date: 14.02.2022 08:44:02 UTC

Applicant: NEW - OFF - MATASAWA HOLDINGS LIMITED - 596280 - SUPER LIQUOR SANDHURST DRIVE - 80003589

Required report date: 10 March 2022

Please consider this application and provide your report in accordance with the Sale and Supply of Alcohol Act 2012.

Thank you.

Health and Licensing Technician
For Tauranga District Licensing Committee
adminDLC@tauranga.govt.nz | www.tauranga.govt.nz

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Minute 21/OFF/80003589/2022.

IN THE MATTER

of the Sale and Supply of
Alcohol Act 2012(the Act)

AND

IN THE MATTER

of an application
by **Matasawa Holdings
Limited**
pursuant to s100 of the Act
for the GRANT of an OFF
Licence for premises situated
at 520 Gloucester Road,
Papamoa to be known as
**Super Liquor Sandhurst
Drive.**

MINUTE OF THE TAURANGA DISTRICT LICENSING COMMITTEE

THE APPLICATION

Matasawa Holdings Limited applies for the GRANT of an OFF Licence for premises situated at 520 Gloucester Road, Papamoa to be known as **Super Liquor Sandhurst Drive.**

The application has drawn 5 public objections, some of which appear to raise concerns around potential amenity and good order issues for the locality. They also raise the issue that there is a child care facility adjacent to the proposed premises. The objectors live nearby and appear to have a greater interest than the public at large.

The agencies do not oppose the application.

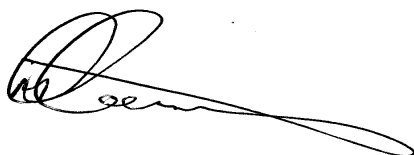
THE DIRECTION

The Committee needs to examine the issues raised and the application will be determined by a full quorum of the DLC at a public hearing.

Pursuant to Section 202(3) of the Act I direct that the matter be set down for hearing as soon as practicably possible.

Pursuant to Section 102(5) a copy of each objection is to be provided to the applicant.

DATED at TAURANGA this 2nd day of July 2022

A handwritten signature in black ink, appearing to read 'Murray Clearwater', with a long, sweeping horizontal stroke extending to the right.

Murray Clearwater
Chairperson/Commissioner
Tauranga District Licensing Committee

From: Tauranga City Council <noreply@qemailserver.com>
Sent: Thursday, 17 February 2022 8:13 pm
To: admin DLC
Subject: 1. Alcohol Licence Objection - Matasawa Holdings Ltd - Scott Parker

CAUTION: External Email.

Please find below an Alcohol Licence Objection form. Confirmation has also been sent to the applicant.

Alcohol Licence Objection Form

*- indicates required field. No objection may be made in relation to a matter other than the criteria specified in section 105 (new licence applications) or section 131 (renewal applications) of the [Sale and Supply of Alcohol Act 2012](#).

You must make specific reference to these matters in your objection.

For information visit the below:

[Sale and Supply of Alcohol Act 2012, Section 105 - Criteria for issue of licences](#)

[Sale and Supply of Alcohol Act 2012, Section 131 - Criteria for renewal](#)

[Sale and Supply of Alcohol Act 2012, Section 102 - Objections to Applications](#)
[Public Objections Factsheet](#)

Objector contact details

First name: *

: Scott

Surname: *: Parker

[REDACTED]
[REDACTED]
[REDACTED]

If you are submitting on behalf of an organisation, please indicate your position and the organisation below:
Organisation (optional)

Position

:

Details of Objection

I wish to object to the alcohol licence application by:

Name of applicant or business *

Matasawa Holdings Ltd

Address or proposed address of business *

520 Gloucester Road

Grounds for your objection

Why you have an interest that is greater than the general public in the licence application

My child attends the childcare facility that is next to 520.

Reasons for objection *

Based on the criteria specified in section 105 (new licence applications) or section 131 (renewal applications) of the Sale and Supply of Alcohol Act 2012

It is completely inappropriate to be selling alcohol right next to an Childcare. There is already drunk people using the playground across the street - we can't take the kids there as it is. This will make it far far worse. Plus there are already a large number of shops in the area, including a supermarket just down the road that sell alcohol. In additional the applying company who runs another Super Liquor has a terrible reputation in this neighborhood.

Signature of applicant - please type your full legal name

Typing your name is acceptable as a signature via online

Scott Parker

Thank you for the information you have provided in relation to your objection, you will be contacted by a member of the Alcohol Licensing Team to discuss your objection and the District Licensing Committee hearing process

From: Tauranga City Council <noreply@qemailserver.com>
Sent: Thursday, 17 February 2022 8:00 pm
To: admin DLC
Subject: 2. Alcohol Licence Objection - Matasawa Holdings Limited - Allan Lightbourne

CAUTION: External Email.

Please find below an Alcohol Licence Objection form. Confirmation has also been sent to the applicant.

Alcohol Licence Objection Form

*: indicates required field. No objection may be made in relation to a matter other than the criteria specified in section 105 (new licence applications) or section 131 (renewal applications) of the [Sale and Supply of Alcohol Act 2012](#).

You must make specific reference to these matters in your objection.

For information visit the below:

[Sale and Supply of Alcohol Act 2012, Section 105 - Criteria for issue of licences](#)

[Sale and Supply of Alcohol Act 2012, Section 131 - Criteria for renewal](#)

[Sale and Supply of Alcohol Act 2012, Section 102 - Objections to Applications](#)
[Public Objections Factsheet](#)

Objector contact details

First name: *

: Allan

Surname: *: Lightbourne

[REDACTED]
[REDACTED]
[REDACTED]

If you are submitting on behalf of an organisation, please indicate your position and the organisation below:
Organisation (optional)

Position

:

Details of Objection

I wish to object to the alcohol licence application by:

Name of applicant or business *

Matasawa Holdings Limited

Address or proposed address of business *

520 Gloucester Road

Grounds for your objection

Why you have an interest that is greater than the general public in the licence application

We live across the road from this development and there is a childcare facility as part of the same complex. The resource concern was originally for a medical centre. This appears to have been updated and was done as none notifiable.

Reasons for objection *

Based on the criteria specified in section 105 (new licence applications) or section 131 (renewal applications) of the Sale and Supply of Alcohol Act 2012

1. The will in in the same location as a child care facility 2. The sale of alcohol is already serviced through a supermarket 700m away 3. The sale of alcohol is already serviced through 6 other alcohol shops within a 4km area 4. There is a kids playground 200m away from the proposed site 5. The original development was for a medical centre and this appears to be updated through a none notifiable process 6. It is surrounded on all side by intense residential housing, most of which is young families 7. Trading hours 8. The size, location and design of the retail area does not appear to be designed well to accommodate this type of operation 9. Existing alcohol sales are already impacting the area, due to antisocial behaviour, broken glass, damage to property 10. This store is likely to sell associated products, such a vapping etc leading to further antisocial behaviour 11. Noise, traffic, light and behaviour are already a problem within the complex, before this additional shop has been opened

Signature of applicant - please type your full legal name

Typing your name is acceptable as a signature via online

Allan Lightbourne

Thank you for the information you have provided in relation to your objection, you will be contacted by a member of the Alcohol Licensing Team to discuss your objection and the District Licensing Committee hearing process

From: Tauranga City Council <noreply@qemailserver.com>
Sent: Friday, 4 March 2022 7:55 pm
To: admin DLC
Subject: Alcohol Licence Objection

CAUTION: External Email.

Please find below an Alcohol Licence Objection form. Confirmation has also been sent to the applicant.

Alcohol Licence Objection Form

*- indicates required field. No objection may be made in relation to a matter other than the criteria specified in section 105 (new licence applications) or section 131 (renewal applications) of the [Sale and Supply of Alcohol Act 2012](#).

You must make specific reference to these matters in your objection.

For information visit the below:

[Sale and Supply of Alcohol Act 2012, Section 105 - Criteria for issue of licences](#)

[Sale and Supply of Alcohol Act 2012, Section 131 - Criteria for renewal](#)

[Sale and Supply of Alcohol Act 2012, Section 102 - Objections to Applications](#)
[Public Objections Factsheet](#)

Objector contact details

First name: *

: Graham

Surname: *: Mauchline

A [REDACTED]
[REDACTED]
[REDACTED]

If you are submitting on behalf of an organisation, please indicate your position and the organisation below:
Organisation (optional)

Position

:

Details of Objection

I wish to object to the alcohol licence application by:

Name of applicant or business *

Matasawa Holdings Limited - Trading as Super Liquor Sandhurst Drive

Address or proposed address of business *

520 Gloucester Rd Papamoa

Grounds for your objection

Why you have an interest that is greater than the general public in the licence application.

I live in F [REDACTED] behind the Liquor Store

Reasons for objection *

Based on the criteria specified in section 105 (new licence applications) or section 131 (renewal applications) of the Sale and Supply of Alcohol Act 2012.

I feel it is quite unnecessary to open a liquor store so close to a child care centre, where there are young children living in the area and when there are two liquor stores only a short distance away. 1 at Bayfair Shopping Centre and 1 in Owens place. At the moment we don't have any trouble with people consuming too much alcohol in this area. This is going to invite trouble and down grade our good neighborhood. We have elderly people living in the Pacific Coast Lakes Retirement Village in Gloucester Rd who also will feel vulnerable if there is any trouble. Common sense should prevail here.

Signature of applicant - please type your full legal name

Typing your name is acceptable as a signature via online.

By completing this submission process, the submitter agrees that any personal information contained will be made available to the public.

Graham Mauchline

Thank you for the information you have provided in relation to your objection, you will be contacted by a member of the Alcohol Licensing Team to discuss your objection and the District Licensing Committee hearing process.

From: Tauranga City Council <noreply@qemailserver.com>
Sent: Monday, 7 March 2022 7:23 pm
To: admin DLC
Subject: Alcohol Licence Objection

CAUTION: External Email.

Please find below an Alcohol Licence Objection form. Confirmation has also been sent to the applicant.

Alcohol Licence Objection Form

*- indicates required field. No objection may be made in relation to a matter other than the criteria specified in section 105 (new licence applications) or section 131 (renewal applications) of the [Sale and Supply of Alcohol Act 2012](#).

You must make specific reference to these matters in your objection.

For information visit the below:

[Sale and Supply of Alcohol Act 2012, Section 105 - Criteria for issue of licences](#)

[Sale and Supply of Alcohol Act 2012, Section 131 - Criteria for renewal](#)

[Sale and Supply of Alcohol Act 2012, Section 102 - Objections to Applications](#)
[Public Objections Factsheet](#)

Objector contact details

First name: *

: Antoinette and Beulah

Surname: *: Botha

[REDACTED]
[REDACTED]
[REDACTED]

If you are submitting on behalf of an organisation, please indicate your position and the organisation below:
Organisation (optional)

Position

:

Details of Objection

I wish to object to the alcohol licence application by:

Name of applicant or business *

Matasawa Holdings Ltd

Address or proposed address of business *

520 Gloucester Road, Papamoa

Grounds for your objection

Why you have an interest that is greater than the general public in the licence application.

Whether amenity and good order of the area would be substantially reduced.

Reasons for objection *

Based on the criteria specified in section 105 (new licence applications) or section 131 (renewal applications) of the Sale and Supply of Alcohol Act 2012.

We have an interest in this application that is greater than the general public because we live less than 300 meters from the location. Reasons for objection: * The prevention of crime and disorder and the prevention of public nuisance: We are concerned that another licensed premises in our street would increase noise, crime, and disturbance. * The protection of children from harm and Public Safety: There is an existing Kindergarten (New Shoots) less than 100 meters from the proposed location. Intoxicated drivers increase the risk of harm to children and to the public in general. * There are other stores/bottle stores in the area: Liquorland Mt Maunganui is 3km from the proposed location, Countdown at Bayfair (3.5km away) and Fresh Choice that sells alcohol is 850 meters away. There are two more bottles stores 4km up the road at Papamoa Plaza.

Signature of applicant - please type your full legal name

Typing your name is acceptable as a signature via online.

By completing this submission process, the submitter agrees that any personal information contained will be made available to the public.

Antoinette Botha

Thank you for the information you have provided in relation to your objection, you will be contacted by a member of the Alcohol Licensing Team to discuss your objection and the District Licensing Committee hearing process.

From: Tauranga City Council <noreply@qemailserver.com>
Sent: Tuesday, 8 March 2022 11:44 am
To: admin DLC
Subject: Alcohol Licence Objection

CAUTION: External Email.

Please find below an Alcohol Licence Objection form. Confirmation has also been sent to the applicant.

Alcohol Licence Objection Form

*- indicates required field. No objection may be made in relation to a matter other than the criteria specified in section 105 (new licence applications) or section 131 (renewal applications) of the [Sale and Supply of Alcohol Act 2012](#).

You must make specific reference to these matters in your objection.

For information visit the below:

[Sale and Supply of Alcohol Act 2012, Section 105 - Criteria for issue of licences](#)

[Sale and Supply of Alcohol Act 2012, Section 131 - Criteria for renewal](#)

[Sale and Supply of Alcohol Act 2012, Section 102 - Objections to Applications](#)
[Public Objections Factsheet](#)

Objector contact details

First name: *

: Mel

Surname: *: Bennett

[REDACTED]
[REDACTED]
[REDACTED]

If you are submitting on behalf of an organisation, please indicate your position and the organisation below:
Organisation (optional)

Te Rūnanga o Ngāi Te Rangī Iwi Trust

Position

: Te Ohu Rangatahi Manager / CAYAD Manager

Details of Objection

I wish to object to the alcohol licence application by:

Name of applicant or business *

Matsawa Holdings, Super Liquor

Address or proposed address of business *

520 Gloucester Road, Papamoa

Grounds for your objection

Why you have an interest that is greater than the general public in the licence application.

Part of our mahi is to reduce alcohol and drug harm in our community, and to uphold the mana of our hāpori and Iwi. Our geographical boundary for the Iwi extends out to the Pāpāmoa area, however our contract deliverables include the Tauranga Moana region. Community Action on Youth and Drugs (CAYAD) is funded by the Ministry of Health to reduce the harm young people experience from alcohol and other drugs. The programme is guided by the National Drug Policy 2015-2020 and operates in 21 locations throughout Aotearoa New Zealand. CAYAD coordinators support leaders from communities, organisations and young people to collaborate and create lasting changes in their environment that will promote wellbeing and reduce the risk of harm. CAYAD projects are informed by local, cultural and academic evidence. Our work includes improving policies, systems and practices; community action to reduce supply of alcohol and other drugs; and increasing opportunities for young people to be healthy and reach their full potential.

Reasons for objection *

Based on the criteria specified in section 105 (new licence applications) or section 131 (renewal applications) of the Sale and Supply of Alcohol Act 2012.

Our objection to DLC will be based on the following: 1. Design and layout of the proposed premises: (new) Childcare Centre next door "New Shoots" - <https://www.google.com/maps/@-37.6872405,176.244564,19.69z> 2. The suitability of the applicant: Criminal Conviction x 2 (Failed CPO in 2017 / 2020)

Signature of applicant - please type your full legal name

Typing your name is acceptable as a signature via online.

By completing this submission process, the submitter agrees that any personal information contained will be made available to the public.

Mel Bennett

Thank you for the information you have provided in relation to your objection, you will be contacted by a member of the Alcohol Licensing Team to discuss your objection and the District Licensing Committee hearing process.

**BEFORE THE DISTRICT LICENSING COMMITTEE
AT TAURANGA**

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

AND

IN THE MATTER of an application by **MATASAWA HOLDINGS LIMITED** for
a new off-licence in respect of premises situated at **520
Gloucester Road, Papamoa.**

STATEMENT OF EVIDENCE OF MELISSA HARVIE
Dated: 28 July 2022

**BROOKFIELDS
LAWYERS**
J D Young
Telephone No. 09 979 2155
Fax No. 09 379 3224
P O Box 240
DX CP24134
AUCKLAND

BROOKFIELDS
LAWYERS

INTRODCUTION

1. My name is Melissa Harvie and I represent the applicant company. I have been authorised to present this evidence on behalf of Matasawa Holdings Limited (**MHL**). I have been involved with the company for 22 years. The directors are my mother and father, Doug and Glenyss Harvie.
2. My experience in the alcohol industry includes working in our family businesses for the last 22 years. I am the HR Operations Manager for MHL. My role is to ensure that the operation of our stores meet the requirements of the Sale and Supply of Alcohol Act 2012 (**Act**), and to meet the standards and audit requirements of Super Liquor Holdings.
3. We have lodged the required application form and have included an assessment report that we have prepared in conjunction with Steve McDowell of Ignition Group. This report provides additional detail about how we will meet the requirements of the Act and expands on the information required in the Public Health Questionnaire that we provided at the time of submitting this application. I am familiar with the content of the assessment report and assisted with its preparation and review.

TARGET MARKET

4. In the assessment report at section A 4., we provided an outline of the target market for this store. The reasons we have chosen this location are:
 - (a) There are very few off-licences in this area for the local community (no bottles stores within 2km).
 - (b) We anticipate our customers will generally be local people over the age of 30, with young families that are within walking distance of the store, working people that live in the locality but travel to and from work by vehicle (noting that the motorway off ramp is close to the store) and other residents that live locally.
 - (c) The store is in a new commercial development that is being developed to serve a growing local community. We see our store as complementing the other services that are provided to a growing community.

SECTION 105 CRITERIA

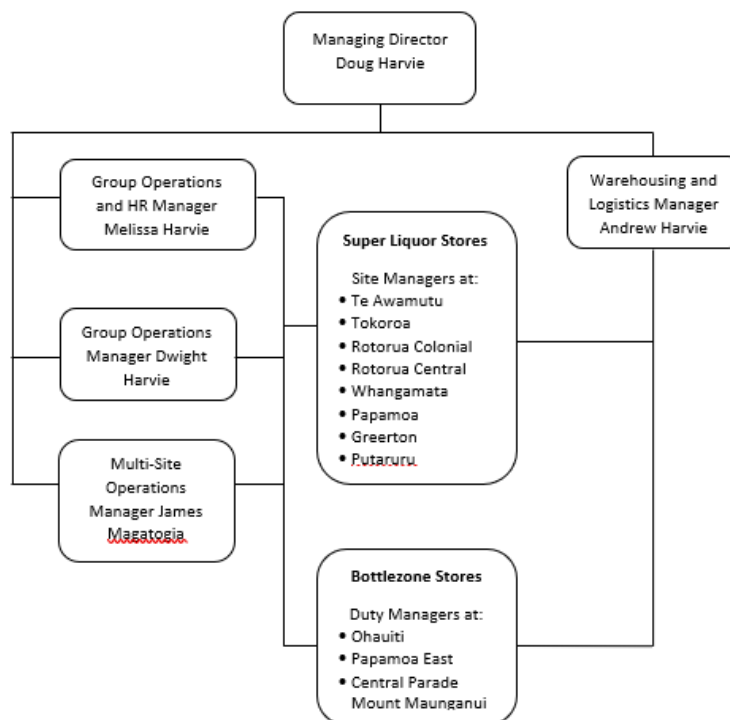
5. Both myself and MHL are aware of the requirements in section 105 of the Act. The assessment report has addressed the requirements of section 105 of the Act for a new licence. I comment further below.

Section 105(1)(a): the Object of the Act

6. I will cover the object of the Act at the end of my evidence, because achieving the object is dependent upon the rest of the criteria in section 105.

Section 105(1)(b): The Suitability of the Applicant

7. Our company has been involved in off-licence retail since 1998 through the ownership and management of Super Liquor and Bottlezone stores.
8. The following is a diagram that sets out the company structure that we have put in place to manage our stores:



9. My father, Doug, is the managing director that we report to on a regular basis, from the Greerton office. This site was the first bottle store that dad purchased in 1998. Dad was on the Board of Super Liquor Holdings for six years which provided him a good view of the operation of retail bottle stores across the Super Liquor Group. Mum, dad and store managers attend regional and national conferences of the Super Liquor Group and our stores have won Super Liquor Group awards in the past including store of the year and manager of the year. These awards include:
 - 2010: - Super Liquor Te Awamutu Runner up store of the year. Super Liquor Greerton Store of the year
 - 2011: - Skippy¹ award for franchisee of the year won by Doug Harvie
 - 2016: - Super Liquor Colonial Store - layout of the year
 - 2017: - Super Liquor Whangamata Regional store of the year, Super Liquor Papamoa Runner up for regional store of the year
 - 2017: - Skippy award for franchisee of the year won by Dwight Harvie
 - 2018: - Super Liquor Whangamata Regional store of the year
 - 2019: - Super Liquor Papamoa Regional store of the year
10. Dad was a founding member of the first Off Licence Alcohol Accord (OLAA) in the country, which was able to be established because of the belief of people like: -
 - Mike Mills (Safe City Tauranga)
 - Sergeant Nigel McGlone (Police)
 - Graham Cushing (Tauranga Inspector)
 - Paul Mason (Tauranga City Council)
 - Dawn Meertons (Bay of Plenty DHB)
 - Liz van Welie (Accident Compensation Corporation),

¹ Skippy was a staff member that this award is named after for service above and beyond expectations

and a small group of concerned licensees that believed could make a difference, which it did, until funding models of the various organisations (Safe City Tauranga in particular) changed.

11. Along with my brothers Dwight and James, we oversee the day-to-day operation of all the stores. We currently employ 70 staff which peaks to 80+ during the summer period.
12. Our company structure is to ensure that we have continuity of knowledge and management skills to enable us to meet our obligations under the Act and other Acts (for example employment legislation). We spend time each week at our stores and are in daily email and phone contact with the staff supervising each site. Our role is to ensure that all the stores meet our standards for presentation, customer service and compliance. Our stores are required to meet quarterly audits by Super Liquor Holdings which have a financial impact if the audit is not completed successfully. I will talk more about this when I address the systems, staff, and training later in my evidence.
13. Our application and assessment report referred to failed controlled purchase operations (**CPO's**). We are really disappointed that we have failed two CPOs in the last five years. They were:
 - 15 December 2017: Super Liquor Colonial Rotorua Suspension: 48 hours
 - 17 October 2020: Bottlezone Mt Maunganui: Suspension 48 hours
14. The Papamoa store failed a CPO in 2019 however, the proceedings were withdrawn by Police. In their email to ARLA, the Police included the following in their request to withdraw the proceedings:

“On review of both applications submitted by Police they accept these were flawed in the wording with the 280 application including Section 280 3(b) when it should have only been 280 3(a) and the 285 included 3(a) and 3 (b) when it should only be 3 (b) . Police could request an amendment if a hearing was to take place however due to the serious situation the country faces at present Police are not wishing to adjourn this matter any further.”
15. The Police referred to further CPO's at this store in their email:

“The respondents premises has been tested by Police on 4 separate occasions since the failure in June 2019 and have pass each one. The respondent premises is part of a National chain

(Super Liquor) and the failure and subsequent application has brought about a normal review of training and a reflection of ensuring that all measures have been taken to operate under the object of The Act. Police are confident that the respondent has taken the failure seriously and the fact they have pass the last 4 CPO's cements this."

16. We spend a lot of time working with our staff to ensure they understand the importance of meeting all obligations under the Act for off-licences, and in particular, ensuring staff are able to make an assessment on levels of intoxication using the SCAB² assessment tool, refusing sales to people failing that assessment and only selling to people over the age of 18 and that we have checked identity details so that underage patrons are not being served.
17. We have a formal training programme in place with staff to ensure that they receive the training they need to avoid selling to underage and intoxicated people, again this is referred to later in my evidence on staff training.
18. I note that the Inspector does not oppose our suitability as an applicant, and the Police and Medical Officer of Health have not raised any suitability issues.
19. One of the objectors, Mr Parker states in his objection that we "have a terrible reputation in this neighbourhood". I am not sure on what grounds Mr Parker makes this statement. We have operated stores in Tauranga and the South Waikato area for a long time with few incidents at those sites. We have explained the failed CPO's above and how we work to ensure they will not happen again. The Committee may be aware that we had applied for a store in Brookfield but withdrew that application after receiving numerous objections to it. We have also looked at other localities in Tauranga including the CBD but chose not to make applications for those locations because we did not think a bottle store in those areas would be a good fit for those specific locations.
20. We have many loyal customers that we know by first name at our stores, and we believe that we are good operators, understand the requirements of our licences and are able to train our staff and manage our stores so

² SCAB speech, coordination, appearance, and behaviour

that they are an asset to the local community. Our stores provide sponsorship to a range of local community organisations including golf, rugby, local schools, Impact Tauranga, Special Needs Xmas party, “Going Bananas” events, etc. Examples from the last year include Te Puna Rugby Club (\$1500), Tauranga Sports Rugby \$1000, Special Needs Christmas \$600, Going Bananas \$300, and Papamoa Surf Club provision of promotional gear that can be raffled.

Section 105(1)(c): Any Relevant Local Alcohol Policy³

21. The council has a current Local Alcohol Policy (**LAP**) with Western Bay of Plenty District Council. This application meets the off-licence policy form the LAP. The only specific policy is as follows:

Maximum licensed hours

- Maximum licensed hours for off-licences shall be 7am to 10pm.

Section 105(1)(d): Days and Hours

22. Should the application be approved we are seeking hours of 9.00am to 10.00pm seven days a week.

Section 105(1)(e): Design and layout

23. My evidence here expands on section B 5 of the assessment report we provided with the application. The premises is part of the development of a new commercial centre in Papamoa. The level of finishing of this block of shops is to a very high standard and we are going to fit the shop out also to a high standard. This will be a flagship store.
24. We have concepts drawing of the shop fitout which demonstrate designs that meet the crime prevention through environmental design (**attached** and marked “**A**”).
25. Good design and layout are important to minimise potential harm and ensure a safe environment for staff and customers.

³ Section B 3 assessment report

26. The application we submitted included detailed analysis of the design and layout of the premises. By way of summary, I note:
- (a) Windows: There are large windows facing the road and carpark, including a glass door which will form the main entrance to the store providing excellent visibility to observe customers entering and leaving the premises. Staff will be able to see what is happening in the car parking areas outside the store.
 - (b) Lighting: There will be good natural light at the front of the shop, and good lighting inside the premises. Customers will be able to be seen as they enter the premises, and identification easily read. Outdoor lighting will be placed facing the car park areas at the front and to the side of the building for security reasons and to discourage loitering at night. The loading area will also be well lit;
 - (c) Internal layout: There will be two cash registers, positioned close to the entrance. There will be good visibility from this area to most of the store and also people immediately outside the store. Stock displays in the centre of the retail area will be limited to around 1.3m in height so that customers can be seen at all times. Customers will be able to be observed in the chiller through glass doors and CCTV cameras.
 - (d) Security: The good store-wide visibility will discourage opportunistic attempts to steal and deter shoplifters. There will be no recessed entry, and an alarm is to be installed with panic alarms as per all our other sites. The windows and doors will be reinforced to prevent break-ins after hours. Bollards have been installed around the main entrance to the store.
 - (e) CCTV: A number of cameras will be located inside the store including in the main retail area, the chiller, the store, and outside the building. There will be one overlooking the loading bay. Staff will have monitors to watch when necessary and all will be trained to know how to use the system.
 - (f) Staff: Generally, there will be two staff working in the store, with more available in busy times such as during holiday periods or

peak tourist season when there is anticipated to be an increase in customers. Staff will be visible to customers entering the store who will be greeted. The bright and open nature of the store, where all people can be seen is important for security of staff and other customers.

- (g) Products and signage of alcohol that young people tend to drink will not be visible from outside the building or the car park area. All RTD's will be in the chiller.

- 27. There is no intention to cover the building with advertising or product branding. There will be no product advertising on the outside of the building. There will be Super Liquor branding on the exterior.
- 28. In my view the design and layout of the premises is in accordance with the CPTED principles that will support us to minimise potential harm and ensure a safe environment for customers and staff.

Section 105(1)(f): Sale of other goods⁴

- 29. Only limited additional goods are to be sold, such as food items (e.g., chips, cashews, peanuts, chocolate, gum), tobacco and vaping products, party requirements and soft drinks. Low alcohol drinks will also be offered for sale.

Section 105(1)(g): Other services⁵

- 30. No other services are to be provided. We will be operating remote sales from the site, as we do at our other stores.

Section 105(1)(h) and (i): Amenity and Good Order

- 31. In section B 8 of the assessment report, we described how we are going to manage any potential impact on amenity and good order. I will expand on that information now. The local area comprises residential properties to the north, east and south of the site which we described in some detail on page 15 of the assessment report. I won't repeat the demographic data we provided in detail, except to note that the site sits in a deprivation index

⁴ Section B 6 assessment report

⁵ Section B 7 assessment report

area of 3-4 which means it is at the lower end of being a deprived locality using the NZ Index of Deprivation 2018⁶. Residential development is under way to the west of the site. This is a growing community. There is a small reserve with a playground east of the site on the corner of Gloucester Road, Coast Boulevard and Te Hare Piahana Way. A café is across the road from the park.

32. Neither the Police nor the Inspector have raised any issues with alcohol related harm in the immediate locality and have not opposed the application. We are not aware of any issues with the sale of alcohol from other alcohol retail stores in Papamoa/Mt Maunganui that has resulted in a negative effect on the amenity and good order of the locality.
33. Section 106 of the Act sets out the relevant matters to be considered to guide the amenity and good order criteria of s105(1)(h) evaluation. Section 106 of the Act sets out the matters that this committee will need to consider. My responses to each of the matters in the is part of the Act are:

Current, and possible future, noise levels:

34. No significant noise levels will be generated by the proposed store that could adversely affect the amenity and good order of the locality. Generally, the only noise will be of vehicles arriving and leaving the store. The background noise generated by traffic entering and leaving the car park for the whole of the shopping centre will be very minor to the local community.

Current, and possible future, levels of nuisance and vandalism:

35. This is an issue which we take very seriously. We pride ourselves on the maintenance of high standards. To achieve these standards any signs of vandalism on or near the premises will be quickly corrected, including graffiti removed. Nuisance behaviour will reflect badly upon the store, potentially upset customers and neighbours, and will not be tolerated. Staff will be monitoring the environment close to the store including the

⁶ Section B 8 assessment report page 15

car parking area to ensure there are no issues with public nuisance behaviour arising in and around the store.

36. We are not aware of any issues from our other stores in the Papamoa/Mt Maunganui area relating to nuisance and vandalism and would not expect any from this site.
37. No opposition from the Police reinforces our observation that alcohol related nuisance and vandalism around the area of the proposed site are not an issue.

The number of premises for which licences of the kind are already held:

38. The closest off licence is held by Fresh Choice Supermarket at 20 Coast Boulevard, around 830m by road from the proposed new store. There are no other bottle stores, supermarkets, or grocery stores within a two-kilometre radius.

The extent to which the following purposes are compatible:

- (i) *The purposes for which land near the premises concerned is used, and*
 - (ii) *The purposes for which those premises will be used if the licence is issued:*
39. As referred to earlier, this is primarily a residential area with a small neighbourhood park some 150 metres from the store. The shopping centre includes or will include the following uses:
 - New Shoots day care
 - Mobility serves / hearing services
 - Hairdresser
 - Pizza shop
 - Turkish shop
 - Café
 - Two vacant tenancies
40. New Shoots day care has not objected the to the application and the inspector has noted in their report – “Mr Webb-Shepherd (Director of Risk, Facilities and HR for New Shoots) stated that he doesn’t believe that the

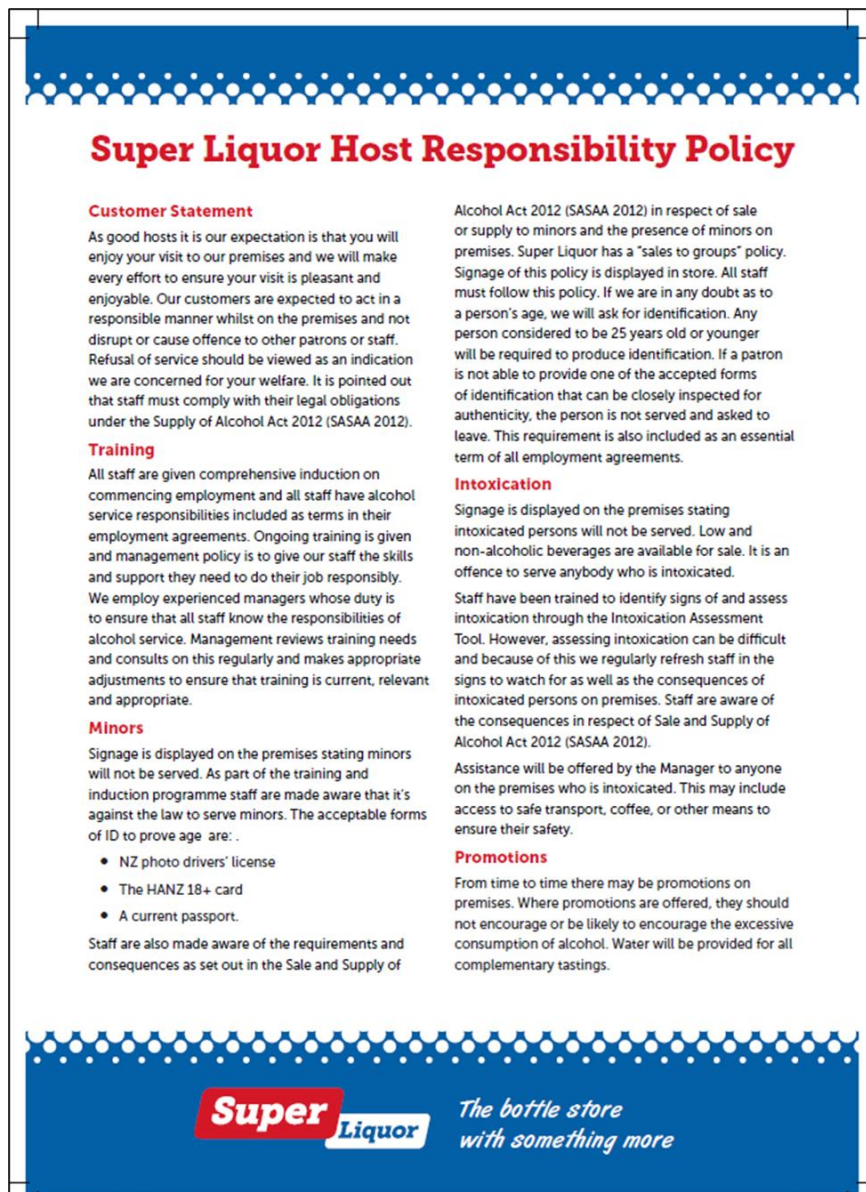
business would in any way hinder the operation of their childcare facility and does not oppose the premises opening.”

41. The nearest school is the Tahatai Coast School at 45 Evans Road, approximately 1.8km away from the proposed store.
42. There are no churches close to the proposed store – the Anglican Church is opposite the Tahatai Coast School in Evans Rd, and opposite is the Bay Christian Centre. The Evans Road Community Church is 350m the north of these churches, being over 2km from the proposed new store.
43. In summary, overall, it is my view the proposed store will be compatible with the purposes for which land near the premises concerned is used and will be compatible with the purposes for which those premises will be used if the licence is issued.
44. Overall, I do not believe that the amenity and good order of the locality will be reduced by more than a minor extent (if at all) by the effects of the issue of this licence.

Section 105(1)(j): Systems, staff, and training

Systems

45. I am conscious of the need to maintain high standards in our stores and understand this depends to a large extent of having good systems and processes in place. We have included our Host Responsibility Policy in the assessment report. That policy is set out here for reference:



Super Liquor Host Responsibility Policy

Customer Statement

As good hosts it is our expectation is that you will enjoy your visit to our premises and we will make every effort to ensure your visit is pleasant and enjoyable. Our customers are expected to act in a responsible manner whilst on the premises and not disrupt or cause offence to other patrons or staff. Refusal of service should be viewed as an indication we are concerned for your welfare. It is pointed out that staff must comply with their legal obligations under the Supply of Alcohol Act 2012 (SASAA 2012).

Training

All staff are given comprehensive induction on commencing employment and all staff have alcohol service responsibilities included as terms in their employment agreements. Ongoing training is given and management policy is to give our staff the skills and support they need to do their job responsibly. We employ experienced managers whose duty is to ensure that all staff know the responsibilities of alcohol service. Management reviews training needs and consults on this regularly and makes appropriate adjustments to ensure that training is current, relevant and appropriate.

Minors

Signage is displayed on the premises stating minors will not be served. As part of the training and induction programme staff are made aware that it's against the law to serve minors. The acceptable forms of ID to prove age are:

- NZ photo drivers' license
- The HANZ 18+ card
- A current passport.

Staff are also made aware of the requirements and consequences as set out in the Sale and Supply of Alcohol Act 2012 (SASAA 2012) in respect of sale or supply to minors and the presence of minors on premises. Super Liquor has a "sales to groups" policy. Signage of this policy is displayed in store. All staff must follow this policy. If we are in any doubt as to a person's age, we will ask for identification. Any person considered to be 25 years old or younger will be required to produce identification. If a patron is not able to provide one of the accepted forms of identification that can be closely inspected for authenticity, the person is not served and asked to leave. This requirement is also included as an essential term of all employment agreements.

Intoxication

Signage is displayed on the premises stating intoxicated persons will not be served. Low and non-alcoholic beverages are available for sale. It is an offence to serve anybody who is intoxicated. Staff have been trained to identify signs of and assess intoxication through the Intoxication Assessment Tool. However, assessing intoxication can be difficult and because of this we regularly refresh staff in the signs to watch for as well as the consequences of intoxicated persons on premises. Staff are aware of the consequences in respect of Sale and Supply of Alcohol Act 2012 (SASAA 2012). Assistance will be offered by the Manager to anyone on the premises who is intoxicated. This may include access to safe transport, coffee, or other means to ensure their safety.

Promotions

From time to time there may be promotions on premises. Where promotions are offered, they should not encourage or be likely to encourage the excessive consumption of alcohol. Water will be provided for all complementary tastings.

Super Liquor *The bottle store with something more*

46. We intend installing security systems throughout the store. This will include CCTV cameras in all main areas including the main retail area, the chillers, over the entrance and till, and out into the car park. We will run an incident book so that staff can record and report any untoward incidents that occur within the store or close to it. I will have a copy of an existing incident book that we use at one of our existing stores at the hearing for the Committee to view.

47. We will be using standard posters to remind customers they must be over 18 years of age, or they will not be served. Other signage will be to remind people that minors will not be permitted on the premises without a parent or legal guardian; another poster will relate to intoxication – intoxicated persons will not be permitted on the premises and will not be served.
48. This material will be placed in a prominent place where it can be seen by customers.
49. Signage will be used to display the name of the manager on duty, trading days and hours of the store, and a copy of the licence and the host responsibility policy will be on display.
50. We will not sell to people over the age of 18 in school uniform.
51. A point-of-sale system in the cash register will verify the age of all customers who appear to be under 25 years of age. Staff will be required to enter the age of anyone under 25 into the till system before products can be purchased on every transaction.
52. Our existing stores are audited on a regular basis by the Super Liquor Holdings to ensure it is maintained to a high standard and the same audit will occur with the proposed store if a licence is granted. This audit covers:
 - (a) External store presentation
 - (b) Internal store presentation
 - (c) Sale and Supply of Alcohol Act 2012
 - (d) Chiller presentation
 - (e) Ranging & pricing
 - (f) People
 - (g) Back of house
 - (h) Communication & marketing
 - (i) Critical questions

53. We have a good track record working with agencies. Our Fenton Street store in Rotorua is one example. Directly across the road from the store are motels that are being used as emergency housing and our staff have needed to be extra vigilant of customers and their behaviour, ensuring a good working relationship and understanding with the authorities. After a discussion with Dawn Meertens on behalf of the Medical Officer of Health we do not sell single sales other than craft beers from this store, recognising the potential issues of single sales. This is not a condition of our licence but a voluntary action.
54. We also manage the customers that choose to sit outside the building and consume their purchases by asking them not to drink in public areas and to move on. We work with the relevant agencies to ensure this happens. We have had to trespass a few customers because of their behaviour.

Staff

55. There will be a minimum of two staff on duty at all times, but this will increase during busy times. A certified manager will be on duty at all times. I will require all staff to either hold a manager's certificate, or else complete the training and apply for one as soon as reasonably possible after they commence employment with us should they be suitable to work for us long term.
56. We will be redeploying one of our long-term certified managers from the Papamoa store, Anthony Montgomery, to this store to ensure it is established and operating to standard. Anthony has been managing Super Liquor Papamoa for 10 years. He has won the Super Liquor manager of the year award in 2019 and 2021. I will also be at the premises frequently.

Training

57. Training is delivered to staff using the Super Liquor online training programme. The key elements of the Super Liquor online Sale and Supply of Alcohol Act programme are:
- (a) Overview of the Sale and Supply of Alcohol Act 2012
 - (b) Appointment and functions of duty managers

- (c) Minors
 - (d) Controlled purchase operations
 - (e) Hours of operation
 - (f) Intoxicated persons
 - (g) Restricted and supervised areas
 - (h) Standards
 - (i) Armed robbery information
 - (j) Glossary of terms
58. We capture the details of all staff training electronically. An example is **attached** and marked “**B**”.
59. Staff are formally presented with and talked through, the staff acknowledgement form (**attached** and marked “**C**”) which sets out obligations to comply with the law in relation to the sale of alcohol. This process is conducted quarterly with staff.
60. Staff will participate in the ServeWise programme which is a national e-Learning tool developed for sellers and servers of alcohol.
61. Mum, dad, and selected store managers attend the annual Super Liquor conference and attend regional meetings. These have had to be held online over the last two years but are back to face-to-face conferences this year. A key part of these conferences is the sharing of best practice ideas around retailing and compliance, including presentations on key risks such as selling to minors, dealing with intoxication and managing security.
62. In summary the systems, staff, and training in place at the store are thorough and ongoing.
- Section 105(1)(k): Matters dealt with by reports by the Police an inspector, or a Medical Officer of Health**
63. There are no matters raised by the reporting agencies.

Section 105(1)(a): Object of the Act

64. My evidence above demonstrates how we will meet the criteria set out in section 105 of the Act in relation to this application. All of the things I have outlined above are designed to ensure that alcohol is sold safely and harm is minimised. I accept that alcohol can cause harm and the alcohol we sell is consumed elsewhere. However, if we maintain high standards in what we do and how we present ourselves than I believe we reduce the risk of our customers consuming alcohol irresponsibly.
65. We train our staff to watch for changing purchase patterns (more frequent purchasing or greater quantities). In the past we have raised concerns with customers through a discrete discussion and usually they understand our concern. We advise that we will restrict purchases if we think we need too.
66. We also actively engage with the agencies and seek their feedback about any issues in the community. These are the things we can do to minimise harm.

OBJECTIONS TO THE APPLICATION

67. There were five objections to the application. The inspector has addressed the objections in section 5.1 of his report.
68. The grounds for objection and my response to those objections are set out below:

Issue	Our response
Selling alcohol next to a childcare facility	The childcare centre has not objected to the application. We will have a clear communication with the childcare including providing our cell phone numbers to management to contact us immediately if there are any issues they want to address with us. There is no line of sight between the childcare facility and the proposed premises.
Drunk people using the playground	We will strongly remind customers not to drink in public through signage, and if we observe people drinking outside the store, we will encourage them not to do so

	and may refuse service in the future. We note that the area around the site is not part of an alcohol-free area under the Tauranga bylaw.
Location of other off licenced premises	There is only one other off licence within 1km the proposed store which is a supermarket.
Location in a residential area	Resource consent was granted for the shopping centre which included retail activities. Alcohol retailing was part of this activity and council has issued a planning certificate that the use complied with planning requirements. We will not be a noisy business.
Trading hours	We have applied for hours of 9am – 10pm. Trading hours may well be less than that e.g., winter mid-week nights. These hours are less than those provided for in the Act and the LAP which are 7am – 10pm.
Design and layout	We have provided evidence on the use of CPTED for the design and layout. This will be a flagship store with a high quality fit out.
Sale of vaping products	Vaping products will be sold. Under 18-year-old people are not allowed to purchase from the store so will not be able to by vaping products from us.
Noise, traffic, light and behaviour in shopping centre	We have addressed these topics in our evidence as part of assessment of amenity and good order.
Elderly people living in Pacific Coast Lakes Retirement Village	This facility is some 750 metres by road. No objections have been received from the management or residents of this facility. Any issues that are raised by residents of this village will be addressed immediately. Given the systems and staff that we will put in place, we do not envisage any issues for the residents of this village.
Suitability of the applicant previous failed CPO's	We have addressed this issue earlier in my evidence – the Police and Inspector have not challenged our suitability.

CONCLUSION

69. I have provided an assessment against all the matters set out in section 105 of the Act. Our company has owned and operated stores for 24 years with minimal to no negative impact on the community we serve. We base this on the level of compliance we have achieved with Super Liquor Holdings through quarterly audits, feedback from the agencies, the small number of enforcement actions and feedback from our customers and communities.

Melissa Harvie

28 July 2022

A - Store Design

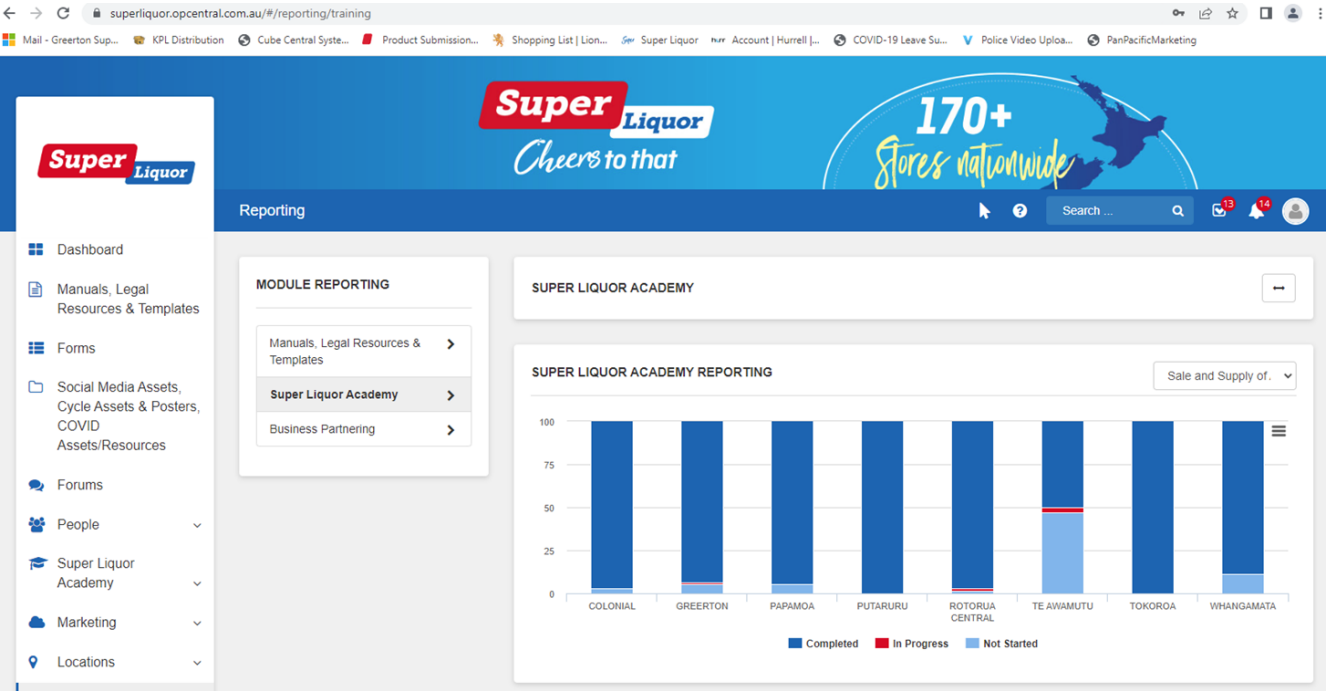








B - Staff Training Summary



C - Staff Acknowledgement Form



EXPORTED BY: MELISSA HARVIE

Staff Acknowledgement Form

Version 1.1

STAFF ACKNOWLEDGEMENT FORM

Sale and Supply of Alcohol Act 2012 – Acknowledgement of Responsibilities to Comply with the Law.

It is Super Liquor Policy that all staff need to sign this acknowledgement form every quarter.

Introduction

Super Liquor takes its legal responsibilities seriously. This document sets out actions and behaviours on our premises that are offences under the Act. We require you to acknowledge your responsibilities on behalf of the company in ensuring the law is complied with and these offences are not incurred in undertaking your duties. The offences are:

1. Sale and supply of alcohol to a minor

It is an offence under the Sale and Supply of Alcohol Act 2012 to sell alcohol to any person under 18 years of age (a "minor"). The penalties upon conviction of selling to a minor are:

- For a licensee, a maximum fine of \$10,000 and/or the suspension of the licence for 7 days;
- For a manager a maximum fine of \$10,000; and
- For any other staff member a maximum fine of \$2,000.

The Police can also apply to the Liquor Licensing Authority for the suspension or cancellation of our liquor licence and/or the suspension or cancellation of a Manager's Certificate.

In order to protect you and our liquor licence Proof of Age documentation **MUST** be requested where a person appears to be 25 years or younger. The only acceptable forms of photo identification are:

- A Current NZ photo driver's licence
- A Current NZ or overseas passport
- A Kiwi Access Card or a valid HANZ 18+ Card

In our premises there must be no exceptions, **No ID = No Service**. If someone cannot prove they are 18 years old or over, then they must not be served. If you are in any doubt, please contact the Duty Manager.

2. Group Sales Policy

When a group of people enter the store, and any member of the group that appears to be under the age of 25, the group must be asked for ID at the time of purchase. If any person in that group cannot supply ID, you may **NOT** supply **ANYONE** in the group with alcohol.

3. A minor in a restricted area or unaccompanied in a supervised area

Minors are not allowed to be in restricted areas or to be unaccompanied in a supervised area and it is an offence for a licensee or manager to allow such a situation to occur. The penalty upon conviction is a maximum fine of \$2,000.

4. Sale and supply of alcohol to intoxicated people



EXPORTED BY: MELISSA HARVIE

Alcohol cannot be sold to intoxicated people. The penalties upon conviction of doing so are:

- A maximum fine of \$10,000 for a manager or licensee;
- A suspension of the licensee's license for up to 7 days;
- A maximum fine of \$2,000 for other staff;

5. Unauthorised sale or supply

It is an offence to sell and supply alcohol for consumption on the premises or to let people consume alcohol on the premises unless it is permitted by provisions in the Act (eg tastings). The penalties upon conviction of doing so are:

- A maximum fine for the licensee or the manager of \$20,000;
- The suspension of the licensee's licence for up to 7 days

6. Intoxicated while on duty

No-one can be intoxicated whilst on duty. The penalties upon conviction are:

- A maximum fine of \$4,000 for a manager;
- A maximum fine of \$2,000 for an employee;

7. Permitting an intoxicated person to remain on licensed premises

An intoxicated person is not permitted to remain on licensed premises. The penalties upon conviction are:

- A maximum fine of \$5,000 for a licensee or manager;

8. Disorderly conduct

It is an offence for a licensee or manager to allow any violent, quarrelsome, insulting or disorderly conduct to take place on licenced premises. The penalties upon conviction is a maximum fine of \$10,000.

Acknowledgement:

I have read this document and understand my responsibilities in ensuring the law is complied with in my job. I agree to carry out my duties in a way which ensures the law as set out in this document is complied with.

Name:	
Date:	Signature:
Date:	Signature:
Date:	Signature:
Date:	Signature:
Date:	Signature:
Date:	Signature:
Date:	Signature:

**BEFORE THE DISTRICT LICENSING COMMITTEE
AT TAURANGA**

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

AND

IN THE MATTER of an application by **MATASAWA HOLDINGS LIMITED** for
a new off-licence in respect of premises situated at 520
Gloucester Road, Papamoa

STATEMENT OF EVIDENCE OF SANDY NORMAN WATKINS
Dated: 28 July 2022

**BROOKFIELDS
LAWYERS**
J D Young
Telephone No. 09 979 2155
Fax No. 09 379 3224
P O Box 240
DX CP24134
AUCKLAND

BROOKFIELDS
LAWYERS

INTRODUCTION

1. My name is Sandy Norman Watkins. I am the Super Liquor Holdings (**Super Liquor**) Franchise Manager for Waikato, Bay of Plenty, Taranaki and Gisborne regions based in Tauranga.
2. I report to the National Operations Manager. I have held this role for over five years. I have been associated with the liquor industry since 1998.
3. I have personally dealt with the applicant company since March 2003 when I was a Lion NZ employee working with licence holders for the company.
4. In my evidence I will discuss Super Liquor procedures and processes and explain how Super Liquor supports its franchisees to ensure they operate in accordance with the Sale and Supply of Alcohol Act 2012 (**Act**).
5. I am suitably qualified to give this evidence and have authority to present this evidence on behalf of Super Liquor.

SUPER LIQUOR

The Group and Brand

6. Super Liquor is a New Zealand franchisor with over 170 stores across New Zealand from Kaitia in the North to Invercargill in the South. Each store is a locally operated business which has entered into a franchise agreement with Super Liquor. Each franchisee receives the benefits of, and honours the obligations of participating in, the Super Liquor branded system. The Super Liquor franchisee offer is based on creating a long-term sustainable retail business.
7. Super Liquor franchisees represent a broad spectrum of small and medium sized businesses that are positioned in both urban and rural locations. Franchisees pride themselves on being part of the communities they serve, supporting local businesses, charities, and sports clubs. Super Liquor has a co-operative group culture.
8. Part of what makes Super Liquor successful is collaboration. We actively seek input from our franchisee members and provide opportunities for our

franchisee members to share insights and knowledge with each other. Our Board of Directors comprises of four Regional Directors and two Independent Directors. Regional Directors provide a local avenue for franchisees to talk to about their businesses on a one-on-one basis. Super Liquor has a number of committees that franchisees can be part of including our national marketing and IT committees.

9. Franchisees are required to stock a core range of products. Beyond this, franchisees tailor their products to their local market. While the core range is standard across all stores, the proportions of product categories sold vary depending on the characteristics of the local market and the preferences/interests of the store owner. Other than products that are involved in national advertising programmes, stores have the flexibility to promote products, providing they meet the requirements set down in the Act.

Super Liquor's Position in the Market

10. The Super Liquor consumer offer is based on convenience, service, and choice. This means that our customers for each store reflect a broad cross section of the population of each store's catchment area.
11. The Super Liquor brand story and proposition is connected to the lives of everyday kiwis and their communities attracting their support for our brand and our local franchisees.
12. We are continuously looking at ways to improve the shopping experience at our franchise members stores. In 2015 we introduced new store standards to improve the look and feel of our network, including new external signage. Prior to receiving new signage, each store owner was required to complete a maintenance programme to comply with the new standards. The standards included painting, lighting and ensuring that flooring, shelving and counters were to an acceptable standard. As part of our ongoing commitment to improving the shopping experience, Super Liquor Holdings launched Super Liquor 2.0 in July 2021 which is being rolled out at existing stores and should be completed this year. All new greenfield stores are required to meet the new standards on opening their store.

13. Melissa Harvie, in her evidence has provided copies of the interior and exterior renders of the proposed store.
14. Some key benefits of the rebrand program include:
 - (a) No external supplier branding.
 - (b) Ensuring that lighting within the store has a minimum illumination of 700LUX. Customer feedback indicates that female shoppers prefer bright stores and feel safer.
 - (c) Wider aisles for ease of shopping.
 - (d) Category signage to provide clear navigation in store.
 - (e) Floor plans have specific areas on the retail floor which leads to less clutter and a nice shopping experience.

Super Liquor's approach to the safe and responsible sale of alcohol and minimising alcohol-related harm

15. Super Liquor takes its obligation to minimise alcohol-related harm seriously. It is very selective about the people it accepts as franchisees. We receive many applications to become franchisees many of which are declined due to lack of suitability.
16. Super Liquor is committed to minimising risk to our members and alcohol-related harm in the communities where our stores are located. Extensive training and compliance resources, systems and processes have been developed by Super Liquor for its franchisees.
17. For example, we have retained the services of Lane Neave Lawyers to provide free and confidential advice to franchisees on a number of areas including:
 - (a) Employment Law;
 - (b) Health & Safety Law;
 - (c) ACC; and
 - (d) Immigration Law.

18. Super Liquor conducts two regional meetings and one conference per annum. At the regional meetings, training is conducted, and members are updated on latest requirements around compliance, standards, licensing, health & safety, together with other systems and processes, including measures to put in place to prevent robberies. Other presentations relate to licensing, compliance with licence conditions, and the Act.
19. All stores are required to use "Today's Software", a standard point of sale system, to assist with preventing sales to minors. All customers who appear to be under age 25 are requested to verify their age, and then the point of sale system prompts the staff member to ask for a customer's date of birth before a transaction commences.
20. Super Liquor has five Franchise Managers nationally. I will be the Franchise Manager responsible for the proposed Sandhurst premises.
21. The role of a Franchise Manager is to ensure franchisees maintain a high standard through a 9-step compliance system conducted on a quarterly basis. The 9 key areas are:
 - (a) External store presentation;
 - (b) Internal store presentation;
 - (c) Sale and Supply of Alcohol Act 2012;
 - (d) Chiller presentation;
 - (e) Ranging and pricing;
 - (f) People;
 - (g) Back of house;
 - (h) Communication and marketing; and
 - (i) Critical questions.
22. Any store that fails an audit on franchisee standards does not qualify for their compliance rebate. In other words, there is a financial incentive to comply.

23. I will produce a copy of the compliance audit at the hearing, but do not wish to attach it to this evidence because it is commercially sensitive.
24. Super Liquor took a leadership position in engaging with the Health Promotion Agency to produce an in-house (Super Liquor branded) set of social responsibly material, e.g. Host Responsibility and House Rules. These materials comprise posters for customers and staff.
25. As part of the rebrand programme, Super Liquor requires all stores to be “clean branded sites”. By this we mean that we do not allow suppliers brands to be painted or positioned on the exterior of our buildings. Some of the main objectives of clean branded sites is to improve the good order and amenity.

Super Liquor and Employment Law

26. Franchisees must meet all their employment law obligations. Super Liquor Holdings offers significant support to our franchisees and in the past 3 years we have introduced a number of enhancements to our systems and training, which we continue to review.
27. Super Liquor has zero tolerance for breaches of fundamental employment law obligations. Where we find evidence that the law has been deliberately broken our action will be fast, fair and firm. We will do everything that we reasonably can to ensure that we, our franchisee network and their staff, and the wider community, can have confidence in the workplace practices of our Super Liquor franchisees.

Pricing

28. The Super Liquor consumer offer is based on convenience, service and choice. Our price offers must be competitive, but we do not differentiate on price, and we do not set out to be cheapest.

Object of the Act

29. As all our franchisees are operating under the Super Liquor banner, it is extremely important that all our stores are operating in accordance with the object of the Act.

30. Super Liquor has systems in place to ensure that its stores sell alcohol safely and responsibly and alcohol related harm is minimised. These systems include:
- (a) Doing background checks on its franchisees;
 - (b) Providing training to our franchisees;
 - (c) Ensuring that all nationally advertised promotions are not sold at a price less than 25% of the average market price;
 - (d) Carrying out quarterly audits of its stores to support stores to operate in accordance with the Act; and
 - (e) Suitability.

Design and Layout of the Premises

31. In regard to premise layout, we have provided a revised store layout plan with an indication of the location of shelving, counter, and chiller.
32. I can assure the DLC that Super Liquor takes pride in both the look of their stores and security of their stores. As a minimum we would expect the Premises to exhibit the following features.
- (a) The counter is positioned so staff can see customers entering and leaving the store and also have a view of anyone in the store;
 - (b) CCTV cameras must be located in areas that are not visible from the front counter, such as the chiller area, and CCTV footage for the whole store must be able to be monitored from the front counter;
 - (c) The front and the rear of the store must be well lit to deter crime and loitering around the store at night.
33. I am confident that that the design and layout of the proposed Super Liquor store will meet the requirements of the Act.

Amenity and Good Order

34. Super Liquor requires all its franchisees to keep their shop fronts clean and tidy to attract customers including removal of rubbish outside of our stores.
35. In my experience bottle shops do not generate a lot of noise and noise complaints are very rare. I do not expect there to be any noise issues.
36. It is for these reasons that I consider that the amenity and good order of the of the locality will not decrease, by more than a minor extent, if the off-licence is granted.

Systems, Staff and Training

37. Super Liquor manages the national alcohol promotions across the network. As noted above, our promotions are not designed to be the cheapest.
38. Super Liquor has a comprehensive training programme for all persons that work in our stores.
39. To ensure that each Super Liquor franchise is meeting its requirements under the Act, Super Liquor carries out a compliance audit each quarter. Amongst other things, this audit confirms that:
 - (a) All manager's certificates are current;
 - (b) That the duty manager's name and manager's certificate is displayed; and
 - (c) The SSAA (2012) training that has been carried out by the staff every 6 months.

CONCLUSION

40. I have known the Harvie's for over twenty years. They own and operate a number of stores under the Super Liquor franchise and are extremely hard working, professional, successful and honest people, with high ethics and integrity. They operate their existing stores in an extremely professional way with strong systems and processes in place.

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41. The structured and disciplined approach detailed above ensures that Super Liquor is able to support its franchise holders to serve the communities in which they are located in accordance with the Sale and Supply of Alcohol Act and in particular to ensure that the sale and supply of alcohol is undertaken safely and responsibly and that the harm caused by excessive or inappropriate consumption is minimised.

Sandy Norman Watkins

28 July 2022



Graham Mauchline
[REDACTED]
[REDACTED]

The Tauranga District Licensing Committee
Tauranga City Council
Tauranga

27th July 2022

To whom it may concern,

Re: Matasawa Holdings Ltd (Super Liquor Sandhurst Drive) licensing application.

I wish to attend the hearing for the above licensing application on the 8th August 2022.

Brief of Evidence to be presented at the hearing.

I feel it is quite unnecessary to open a liquor store so close to a child care centre and where there are young children living in the area. There are 7 liquor stores in Papamoa and 5 supermarkets selling alcohol only a short distance away. These 12 outlets cover a 13km distance which means 1 outlet every 1083 metres on average. The concern is we are going to create another South Auckland here and overpopulate the area with liquor outlets. At the moment we don't have any trouble with people consuming too much alcohol in this area. This is going to invite trouble and downgrade our good neighborhood. On the 23rd July there was a ram raid at the Papamoa Plaza. The people involved in these ram raids don't care about or respect people's property, they do it for the notoriety and money. Will this outlet be a target and cause undue stress to our neighborhood? We have elderly people living in the Pacific Coast Lakes Retirement Village in Gloucester Rd who also will feel vulnerable if there is any trouble.

Common sense should prevail here.

Graham Mauchline
[REDACTED]