Decision Number **LIQ-15048-OFF**

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

AND

IN THE MATTER of an application by **Great Value Accommodation Limited** for the renewal of an off-licence pursuant to s.127 of the Act in respect of premises situated at 1727 Matauri Bay Road, Kaeo trading as "**Matauri Bay General Store**."

BEFORE THE FAR NORTH DISTRICT LICENSING COMMITTEE

Chairman: Murray Clearwater
Member: Graeme Wright
Member: John Thorne

HEARING at Kerikeri on Friday 25 September 2026

APPEARANCES

Mr. Deryck Jonathan Shaw for **Great Value Accommodation Limited** ("the applicant")
Mr. Michael Bruce Douglas- witness for the applicant
Ms. Lilian Monga- witness for the applicant
Ms. Michelle Ashdown – Far North Alcohol Licensing Inspector ("the Inspector") to assist.
Mr. David Golding- for the Medical Officer of Health ("MOoH") – to assist.

Sergeant Michelle Row- for the Police (Alcohol Harm Prevention Officer) attendance excused

Objectors
Dr Grant Hewison-counsel for the objectors
Mr. Dave Hookway-Kopa
Ms. Rita Beckmannflay- no attendance apology received

RESERVED DECISION OF THE COMMITTEE

Introduction

1. By an application dated the 5th of November 2025, the applicant has applied for the renewal of the current off-licence that expired on 10 December 2025. It was duly advertised and reported on by the agencies.

2. Two public objections were received alleging a perceived non-compliance with Section 34 of the Act and that the business was more akin to that of a convenience store. Ms. Beckmannflay also raised the point that a vulnerable community existed in the surrounding area.

3. The Police report of 23 December 2025 carried no opposition. The delegated officer for the MOoH did not oppose the renewal.

4. The Inspector reported on the application on the 13th of February 2026 and believed that a Section 34 exception was still available for this store. There was no opposition form the Inspector.

Applicant's Evidence

5. Mr. Deryck Shaw appeared on behalf of his company and outlined his significant personal credentials and business interests. Notably he had previously been the Chair of the local District Health Board for 10 years.

6. He said that the store was a General Store and had been licensed since 2018. He was well aware of the local community members and the large influx of holiday makers that come in during the summer season.

7. He has five holiday parks around the country and employs qualified staff to perform the various duties required. He said this store has become the hub of the community, and they carry a vast array of merchandise depending on the seasons.

8. He said they contribute hundreds of thousands of dollars back to the landowners through their lease obligations and they support many local groups.

9. He believed that the business served the community well and he presented a breakdown of their sales revenue that clearly showed the general nature of the store, in that 44% of revenue came from camp fees and when fuel, alcohol and tobacco sales were added in, it amounted to over 70% of sales. He said these figures clearly indicate they are not a convenience store.

10. He confirmed that they still seek the 9.00am to 9.00pm licence so they can stay open for events at the Park, or in the high season, but generally they close at 5.00pm during winter and 6.00pm in the summer.

11. Next, we heard from Michael Douglas who told the Committee that he had been working for Great Value Accommodation Limited for 6 years. He and his wife had previously managed the store for Deryck Shaw. Now he covers all five holiday parks as Operations and Project Manager but is one of the certificated managers who works at Matauri Bay.

12. He also drives the tractor that offers boat launches and retrievals from the beach for campers. He was firmly of the view that the store operated as a General Store.

13. He was asked why there had been a significant increase in alcohol sales over the three year renewal period. He believed they had a good customer base who supported the store and that the closest off licence at the Blue Bar on the top of the hill had been closed for some time and maybe for good.

14. Next, we heard from Lilian Monga who told us she had been working there for 6 years and has lived in Matauri Bay for most of her life. She lives upstairs in the flat above the store.

15. She said the client base was locals, long term residents of the park, day visitors and transient contractors. During the summer more than 1000 persons come into the camp. She opens up a takeaway store across the road over the New Year period.

16. She told us that all products are PLU coded and she has more than 6000 product lines for sale. They sell everything from groceries, fuel, dive tank refills, tobacco, petrol, fresh, frozen and canned foods, fishing tackle, a huge range of bait and ice, crafts, ice creams, sweets and clothing.

17. She has held her Managers certificate since 2021and said they seldom have problems with potentially intoxicated or underaged customers. The last report in the incident book was in 2023.

Inspector's Evidence

18. The Inspector reported that the application was complete, and she believed the section 34 exception was still available to the store due to its location and now with the Blue Bar closed it was even more remote. It was nearly 30 kilometres to the next nearest off licence at Kaeo or Waipapa.

19. Even if the Blue Bar did reopen it would not affect the consideration as an 'across the bar' off licence is not captured in Section 34 (1)(a).

20. She said the store had actually been licensed since 1997, some 29 years with a Section 34 exception.

Medical Officer of Health Evidence

21. Delegated Officer for the MOoH, David Golding confirmed the MOoH stance was still unopposed.

Objector Evidence

22. Dr Hewison succinctly opened for the Objector and said it was their view that the store operated as a convenience store and could not be granted a section 34 exception.

23. We asked why he had not mentioned Section 3 and its prescription that the Act must be administered in a 'reasonable' manner in order to help achieve the Object of the Act. He agreed that our decisions must be reasonable in order to fulfil that requirement.

24. He helpfully outlined a 'flowchart' for the Committee to navigate the provisions of section 34.

25. Mr. Dave Hookway-Kopa spoke to his objection and was of the view that the store was more akin to a convenience store and therefore section 36 was in play and an OFF Licence could not be granted.

26. He submitted that the premises did not meet the 'remote' criteria normally associated with section 34 exceptions.

27. He said he had lodged an Official Information Request on the Police seeking records of alcohol related incidents attended by Police in the locality. He lodged the request on the 4th of August but had not received a reply by hearing date of 25 September 2026.

28. We suggested to him that if there was significant alcohol related harm emanating from the store and the local community then surely the Police would have opposed the renewal. In fairness to his stance there will, no doubt, be evidence of alcohol related harms in the community. But we queried, would it reach the "significant increase " required in Section 34 (1)(b)?

29. We also asked him whether it would not be preferable for locals and campers to get their alcohol from the store instead of driving up the narrow access road and then 30 kilometres into town for their alcohol supplies. He said, "No it wouldn't".

30. Rita Beckmannflay was the second objector who raised similar issues to those raised by Mr. Hookway-Kopa. Unfortunately, she was scheduled for a medical procedure and was unable to attend the hearing and speak in support of her views. Consequently, we apply less weight on her views as they were unable to be tested under questioning.

The Law

31. Section 3 of the Sale and Supply of Alcohol Act 2012 ("the Act") states the purpose of the Act as follows:

> ***(1) The purpose of Parts 1 and 3 and the schedules of this Act is, for the benefit of the community as a whole, –***
>
> ***(a) to put in place a new system of control over the sale and supply of alcohol, with***

the characteristics stated in subsection (2); and

(b) to reform more generally the law relating to the sale, supply, and consumption of alcohol so that its effect and administration help to achieve the object of this Act.

(2) The characteristics of the new system are that–

(a) It is reasonable; and

(b) Its administration helps to achieve the object of this Act.

32. Section 4 states the object of the Act as follows:

(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 and indirectly contributed to, by any crime, damage, death, disease, disorderly behaviour, illness, or injury of a kind described in paragraph (a).

33. Section 131 of the Act provides the criteria that the licensing committee must have regard to in deciding whether to renew a licence as follows:

(a) the matters set out in paragraphs (a) to (g), (j), and (k) of section 105(1):

(b) whether (in its opinion) the amenity and good order of the locality would be likely to be increased, by more than a minor extent, by the effects of a refusal to renew the licence:

(c) any matters dealt with in any report from the Police, and inspector, or a Medical Officer of Health made by virtue of section 129:

(d) the manner in which the applicant has sold (or, as the case may be, sold and supplied), displayed, advertised, or promoted alcohol.

34. Section 34-Exception for certain areas where some licensed premises are uneconomic

(1)The licensing authority or licensing committee concerned may direct that an off-licence should be issued for premises not of a kind described in section 32(1) if satisfied—

(a)that, in the area where they are situated, the sale of alcohol in premises of a kind described in section 32(1)(b), (d), (e), or (f) would not be economic; and

(b)that the granting of the licence would not cause any significant increase in alcohol-related harm.

(2)Subsection (1) overrides section 32(1) but is overridden by section 36.

Criteria to be considered.

35. The Act requires that when deciding whether to renew a licence, the licensing committee must have regard to the matters contained in section 131 and 132 of the Act. These are:

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

36. Section 105(1)(a) of the Act requires that the licensing committee must have regard to the Object of the Act. The decisions of the higher courts have said that we must measure the application against the criteria for renewal with the aim of helping to achieve the Object of the Act.

37. Following the Auckland Council Supreme Court decision, we are also required to 'read together' both the **Purpose, and the Object of the Act**. Notably, Section 3 requires that the administration of the Act should be "**reasonable"** and "**for the benefit of the community as a whole."**

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

38. Section 105(1)(b) provides that the applicant must be a suitable entity to hold an off-licence**. In this regard, the suitability of the applicant has not been challenged by the agencies or the objectors.**

Suitability has been defined in many judicial forums.

In *Page v* Police (unreported) HC Christchurch AP 84/98 24 July 1998[1], Panckhurst J stated:

"Such suitability is not established in a vacuum but in the context of a particular case".

In New Zealand Police v Casino Bar No. 3 Limited CIV 2012-485-1491; [2013] NZHC 44[2] the High Court treated suitability as a broad concept.

The assessment of it includes the character and reputation of the applicant, its previous operation of premises, its proposals as to how the premises will operate, its honesty, its previous convictions and other matters. It also includes matters raised in reports under s.11 (now 103 under SASSA) of the Act. (our emphasis)

[1] Page v Police (unreported) HC Christchurch AP 84/98 24 July 1998
[2] New Zealand Police v Casino Bar No. 3 Limited CIV 2012-485-1491; [2013] NZHC 44

> And again, in Sheard…*"**The real test is whether the character of the applicant has been shown to be such, that he is not likely to carry out, properly, the responsibilities that go with the holding of a licence**."*
>
> The High Court in Christchurch Medical Officer of Health v J & G Vaudrey Ltd[3] confirmed there is no presumption that a new licence **or renewal** of an existing licence will be granted*: **Thus, when the relevant body receives an application, they must consider it against s 105 in deciding "whether to issue a licence". There is no presumptive position, and certainly no foregone conclusion. I think the reality of the position is that if the object of the Act cannot be achieved by the application, then it cannot succeed**.*

39. The Committee must undertake an evaluative approach and adopt a merits-based assessment of the application. We have, and we are satisfied that the applicant is suitable to hold an OFF Licence.

Section 105(1)(c) Relevant Local Alcohol Policy

40. The Far North Council does not have a Local Alcohol Policy. There is nothing for us to consider.

Section 105(1)(d) The days and hours of operation of the licence

41. The current licensed days and hours are **Monday to Sunday 9.00am to 9.00pm**. They are unremarkable in 'Off Licence' terms, and within the default national maximum trading hours for off licences.

42. During the winter they generally closed at 5.00pm and 6.00pm in the summer. This considerably reduces the opportunity for 'top up' purchases later in the evening.

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

43. The design and layout of the premises is fit for purpose.

44. The three members of the Committee undertook a site visit after the hearing and found that our initial thoughts that this was **not** a convenience store were borne out. So much so, we determined that it was very much a general store with all kinds of produce and haberdashery that you would expect to find in a remote beach store.

45. Every nook and cranny had products stacked up for sale and supply. They also provide

[3] Christchurch Medical Officer of Health v J & G Vaudrey Ltd

basic postal services from the office.

46. As submitted by the applicants, in their evidence in chief, the product range varies from season to season and also when the camp packs out with holidaymakers. Stocks of perishable food are kept low during the winter and are increased during the summer 'salad' season.

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

47. The applicant sells general hardware, fishing gear, bait and postal products, clothing, crafts, and a range of tobacco. A takeaway shop operates in the summer.

Section 105(1)(g) Whether the applicant is engaged in or proposes on the premises to engage in, the provision of services other than those directly related to the sale of alcohol, low and non-alcoholic refreshments, and food, and if so, which services.

48. The business is a campground with all associated facilities. A basic Post Shop and boat launching and retrieval service is operated from the store. They can refill scuba tank bottles on site.

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

49. The applicant told us they conduct regular training and have installed a good POS system to capture all sales, and they have a prompt in the till requiring staff to ask for ID for alcohol sales.

50. They had three certificated managers attached to the premises, which is adequate for the opening hours.

51. Michael Douglas brought a wealth of experience to the role he performs at the shop, and it was clear that the owner, Deryck Shaw, took pride in his business and invested in his people, and the business.

Section 105(1)(k) Any matters dealt with in any report of the Police, an Inspector and the Medical Officer of Health under Section 129

52. Significantly none of the regulatory agencies have opposed the renewal of this Section 34 exception off licence.

53. All had enquired into the application. None had raised matters in opposition.

Section 131 of the Act says we must also have regard to whether the amenity and good order of the locality would be likely to be increased, by more than a minor extent, by the effects of a refusal to renew the licence.

54. There was no evidence of public disorder, littering or graffiti presented to the Committee **that linked** this business to a reduction of the amenity and good order of the locality by more than a minor extent.

55. It follows that the amenity and good order of the area would not increase by more than a minor extent if we were to refuse the renewal.

Reasons for the Decision

56. Section 3 of the Act requires us to act reasonably in the exercise of our duties with the aim of helping us to achieve of the Object of the Act. We are also obliged to read Section 3 & 4 together.

57. We have applied the checklist that counsel for the objector helpfully provided to us and find that the premises is **not one** described in Section 32 (1) of the Act and is **not** a convenience store.

58. Due to its location and the apparent demise of the Blue Bar, and its off licence, we confirm our view that a bottle store, a grocery store or a Supermarket would be **uneconomic** in this area and there is no evidence of a significant increase in alcohol related harm.

59. On that basis, Matauri Bay General Store still meets the criteria for a Section 34 Exception.

The Decision

The **Far North District Licensing Committee**, acting pursuant to the Sale and Supply of Alcohol Act 2012, approves an application by **Great Value Accommodation Limited** for the renewal of an off-licence in respect of premises situated at 1727 Matauri Bay Road, Matauri Bay trading as **"Matauri Bay General Store**", subject to conditions.

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

Conditions:

The 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 9.00am to 9.00pm;

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 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;

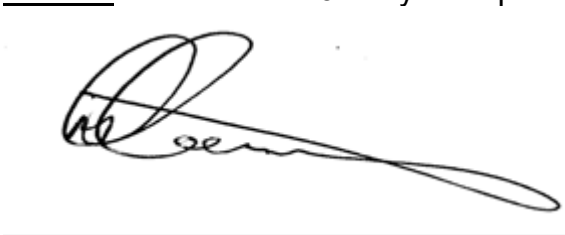
6. A properly appointed Certificated, or Acting or Temporary, Manager must be on duty at all times, **within the licensed area**, when the premises are open for the sale and supply of alcohol and their full name must be on a sign prominently displayed in the premises;

7. 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 renewal will be for 3 years from the expiry date of the current licence, and a Replacement Licence is to be issued.

The renewed licence will expire on 10 December 2028.

DATED at Kaeo this 29th day of September 2026





Murray Clearwater
Commissioner
For the Far North District Licensing Committee

NOTE

Sections 152 and 154 to 155 of the Act relating to the right to appeal against this decision are in effect.

This decision shall have no effect for 10 working days from when the decision is provided to the objectors.