



# Application for Variation or Cancellation of conditions of Off licence Instruction Sheet

## **SOUTH WAIRARAPA DISTRICT LICENSING AGENCY**

PO Box 6, Martinborough 5741  
Telephone (06) 306 9611  
Fax: (06) 306 9373

### **SECTION 39:**

- (1) The holder of an off-licence may at any time apply to the District Licensing Agency for the variation or cancellation of any condition of the licence imposed by the Licensing Authority or District Licensing Agency.
- (2) Within 20 working days after filing the application, the applicant shall give public notice of the application in the prescribed form 1v.
  - (a) Within 10 working days after filing the application, the applicant must ensure that notice of the application in the prescribed form 1Av is attached in a conspicuous place on or adjacent to the site to which the application relates.
  - (b) The applicant is not required to ensure that notice of the application is attached in accordance with subsection (2a), if the Secretary of the District Licensing Agency agrees, *in writing*, that it is impracticable or unreasonable to do so.
- (3) Any person who has a greater interest in the application than the public generally may object to the grant of the application.
- (4) Every objection shall be in writing, and shall be filed with the District Licensing Agency within 10 working days after the first publication of the notice of the making of the application.
- (5) No objection may be made in relation to any matter other than one specified in section 35 (1) of this Act and relevant to the application.
- (6) Sections 33 and 34 of this Act shall apply, with any necessary modifications, in respect of applications made under this section.
- (7) In considering the application the Licensing Authority or District Licensing Agency as the case may be must have regard to such of the matters specified in section 35(1) of this Act as are relevant to the application.

### **SECTION 31:**

- (1) The application to be accompanied by a certificate by the Local Authority that the proposed use of the premises meets requirements of the Resource Management Act 1991 and of the Building Code.

NOTE: It may be necessary to apply for a variation to an existing Resource Consent condition, contact Council Planner

### **REGULATION 17:**

- (1) An application by the holder of an on-licence or an off-licence or a club licence for the variation or cancellation of any condition of the licence under section 16 or section 39 or section 62 of the Act shall be in form 14.
- (2) Every such application shall be filed with the District Licensing Agency, and shall be accompanied by the following:

Two copies of the application:  The prescribed fee **\$793.24**



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# Application for Variation or Cancellation of conditions of On licence

*Sections 16, 39, and 62, Sale of Liquor Act 1989*

Application No. ....

DLA Ref: .....

TO: The Secretary  
South Wairarapa District Licensing Agency  
PO Box 6  
**MARTINBOROUGH**

Application for the variation or cancellation of the conditions of a licence is made in accordance with the details set out below :-

**1. DETAILS OF LICENSEE**

- (a) Full Name .....
- (b) Postal address for service of documents .....
- (c) Daytime contact name and telephone number .....

**2. DETAILS OF LICENCE**

- (a) Type of licence (*tick appropriate box*):  
 On-licence       Off-licence       Club licence
- (b) Number .....

**3. DETAILS OF PREMISES** (*To be included only where the licence applies to any premises*)

- (a) Address: .....
- (b) Trading or other name (if any): .....

**4. DETAILS OF CONVEYANCE** (*To be included only where the licence applies to any conveyance*)

- (a) Type of conveyance .....
- (b) Address of home base (if any) .....
- (c) Trading or other name (if any) .....

**5. CONDITIONS** *(To be filled in for each condition to which the application relates)*

- (a) Terms of condition at present .....
- .....
- (b) Action sought (tick appropriate box)
- Variation  Cancellation
- (c) If variation, in what respect does the applicant seek to vary the condition? .....
- .....
- .....
- (d) Full reasons for variation or cancellation .....
- .....
- .....

Dated at ..... this ..... day of ..... 20 .....

.....  
**Applicant**

**NOTES**

- (1) This application may be made only by the holder of the licence.
- (2) For the matters that are to accompany this application, see regulation 17(2) of the Sale of Liquor regulations 1990.
- (3) Within 20 working days after filing this application with the District Licensing Agency, the applicant must give public notice of the application in form 1. The notice must be published twice in a newspaper or newspapers circulating in the district and nominated by the Secretary of the District Licensing Agency, Wairarapa Times Age and Wairarapa News, with not less than 5 days and not more than 10 days between the 2 dates of the publication.
- (4) Within 10 working days after filing this application with the District Licensing Agency, the applicant must ensure that notice of the application in form 1A is attached in a conspicuous place on or adjacent to the site to which the application relates (unless the secretary of the District Licensing Agency agrees, in writing, that it is impracticable or unreasonable to do so).
- (5) As soon as possible after the second publication of the notice, and before the hearing or determination of the application, the applicant must deliver a copy of each public notice and details of the dates and newspapers in which the notice was published for the first and second time to the Secretary of the District Licensing Agency or (as the case may require) to the Secretary of the Licensing Authority.
- (6) Complete the site notice declaration form.