

Notice of Decision



Decision No. 57/OFF/471/2019

IN THE MATTER

of the Sale and Supply of Alcohol Act
2012

AND

IN THE MATTER

of an application by Black Estate
Limited for an off-licence pursuant to
s.99 of the Act in respect of premises
situated at 192 Reeces Road, Omihi
known as “Black Estate Netherwood
Tasting Room”

BEFORE THE Hurunui District Licensing Committee

Chairperson: Councillor M Black

DECISION (ON THE PAPERS)

This is an application by Black Estate Limited for an off-licence in respect of premises situated at 192 Reeces Road, Omihi, known as “Black Estate Netherwood Tasting Room”.

The general nature of the business to be undertaken is that of a Tasting room with the hours authorised for the sale of alcohol between Monday to Sunday from 9.00am to 6.00pm but only permits 10 groups of between 1-20 people during the harvest period between Mid – March to end of May.

Written notice of harvest closure dates must be sent to the Secretary prior to harvest and a record of any group visiting the premises during the harvest period should be kept.

The licensed areas include:

Off-licensed area:

- The area immediately in front of the off sales counter.

This area will be designated as ‘Supervised’ when open for the Sale and Supply of alcohol.

Black Estate Limited was registered on 31 July 2015. The company directors and shareholders are:

Nicholas Brown: Director and shareholder

Penelope Naish: Director and shareholder

George Naish: Director

Akaroa Limited: The major shareholder. The company directors are George Naish and Stacey Naish.

The premises will trade as Black Estate Netherwood Tasting Room. The applicant proposes to trade by appointment only tastings or events. The applicant is seeking to provide educational wine tastings, tours of the vineyard and winery and host the occasional group dining functions.

Daniel Schuster Wines Limited has previously operated the premises as a winery with an off-licence from 2001 until 2011.

Council records indicate the winery building encroaches onto the neighbouring property boundary. The location of the winery building in respect of property boundary appears to have been mis-represented when the building was originally constructed.

The application states Black Estate Limited has a long term lease, from Black Estate Holdings Limited, to operate the winery at 192 Reeces Road, Omihi. The approval of the owner is complicated due to the boundary issues.

On 4 September 2019, Chris Herbert confirmed on behalf of the owners of 224 Reeces Road:

'The owners of 224 Reeces road do give permission for black estate to continue to use the winery building and as a licenced permesses for their current application before you.

The issues with adjusting the boundrys is there would need to be many agreements reached between the parties regarding costs for surveying, legal costs, and compensation before that can be resolved. We would be open to resolving once all agreements are reached. I would also note the issue with the boundry was raised with the previous owners the Hull family and realestate agent when the property was for sale so black estate purchased 192 reeces road on that understanding.'

The applications and various supporting documents provided contradictory information on some aspects of the proposed winery operation. These included the number of patrons, expected, the frequency and scale of tastings and events, the hours particularly for nighttime events, car parking locations and numbers, and the designation of the licensed areas.

The District Licensing Committee are disappointed to see that there appears to be a lack of understanding regarding statutory obligations and the supplying of information.

They would like to remind the licensee that all relevant details must be supplied in a timely manner in order to get a satisfactory outcome for all parties.

The application was duly advertised and no objection or notice of desire to be heard has been received.

In their reports, the Police, Medical Officer of Health, and District Licensing Inspector have raised no matters in opposition to this application.

We are satisfied as to the matters to which we must have regard as set out in s. 105 of the Act and we grant the applicant an off-licence authorising the sale and supply of alcohol, to any person for consumption off the premises and to supply alcohol free, as a sample for consumption on the premises.

The licence may issue immediately.

Requirements on holders of off-licences

The applicant's attention is drawn to ss. 56 and 57 of the Act obliging the holder of an off-licence to display:-

- (1) A sign attached to the exterior of the premises, so as to be easily read by persons outside each principal entrance, stating the ordinary hours of business during which the premises will be open for the sale of alcohol ; AND
- (2) A copy of the licence, together with a statement of all conditions subject to which it is issued, attached to the inside of the premises so as to be easily read by people entering each principal entrance.

DATED at Amberley this 11 September 2019



Secretary

Hurunui District Licensing Committee