

# Notice of Decision



Decision No. 57/ON/492/2019

**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 on-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 on-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 Winery/ 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.

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.

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

The licensed areas will be designated as supervised whenever the winery is open for tastings or events and includes:

On-licensed areas:

- The interior of the cellar door, and
- The eastern end of the barrel room, and
- The veranda, and
- The outdoor paved entrance area.

The applicant has stated the indoor hospitality space will host a maximum of 50 people at one time. The Building Inspector has confirmed a maximum of 50 patrons and staff are permitted as there is no fire alarm system installed.

Photographs of the lower car parking area have been supplied. The car park design supplied was that proposed for the previous Daniel Schuster Wines Limited. The car park had been established, however not according to the plan. Penelope Naish has advised the car park area has recently been graded and more gravel laid. While identifiable as the car park area, including through the use of signage, further development and maintenance of the car park area would more clearly define the area and enhance its appearance as a car park.

Penelope Naish advised she had discussed the proposed winery operation with numerous people, however had not discussed it with the immediate neighbour, Chris Herbert. On 27 August 2019, the Inspector was advised that a large coach had visited the winery and another arrived in the afternoon. This raised the neighbours concern as to what was occurring at the winery building, were any licences sought or in place, and how often coaches/buses would be expected.

There remains issues associated with the location of the winery building over the legal boundary.

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 permises 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 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 on-licence authorising the sale and supply of alcohol, to any person for consumption on the premises and to let people consume alcohol there.

The licence may issue immediately.

#### **Requirements on holders of on-licences**

The applicant's attention is drawn to ss. 51 to 54 of the Act where it is a requirement for all holders of an on-licence to ensure that:

- (1) at all times when the premises are open for the sale and supply of alcohol, there is available for sale and consumption on the premises, at reasonable prices, a reasonable range of non-alcoholic drinks.
- (2) at all times when the premises are open for the sale and supply of alcohol, a reasonable range of food is available for sale and consumption on the premises, in portions suitable for a single customer, at reasonable prices and within a reasonable time of being ordered.
- (3) ensure that, at any time customers are lawfully on the premises there is readily available free, comprehensive, and accurate information about the forms of transport from the premises that are available at that time.

The applicant's attention is drawn to ss. 56 and 57 of the Act obliging the holder of an on-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 9 September 2019



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Secretary  
**Hurunui District Licensing Committee**