

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

AND

IN THE MATTER of an application by **THE GATE LIMITED** in respect of premises at **59 ARDMORE STREET, WANAKA** pursuant to s.99 of the Act for an off licence.

BEFORE THE QUEENSTOWN LAKES DISTRICT LICENSING COMMITTEE

Chairman: Mr L.A Cocks
Members: Mr J.M. Mann
Mr G. Pay

HEARING at WANAKA on 15th June 2026

APPEARANCES

Mr John Young – Counsel for the Applicant
Mr Alan McKay – Applicant witness
Ms Halinka Newton – Applicant witness
Mrs Michelle Given – Applicant witness
Mr Glen Christiansen – Applicant witness
Dr Michael Buchard – Medical Officer of Health Health New Zealand Te Whatu Ora Southern
Mr Aaron Whipp – Health New Zealand Te Whatu Ora Southern
Ms Tayla Leevy – Queenstown Lakes District Council (QLDC) Licensing Inspector
Ms Sian Swinney – QLDC Chief Licensing Inspector – to assist
Sergeant Kim Chirnside – Police – to assist
Ms Abbey Lewis – On behalf of Public Objector Catkin Bartlett of the Central Lakes Breastfeeding Charitable Trust
Dr Elizabeth Gordon – Counsel for Lindsey Turner
Ms Lindsey Turner – Public Objector
Dr Grant Hewison – Counsel for Ben Tutty
Mr Ben Tutty – Public Objector
Dr Paul Watson – Plunket New Zealand - Witness for Ben Tutty
Mr Andre Meyer – Public Objector

RESERVED DECISION OF THE COMMITTEE

The Application

1. This is an application by The Gate Limited (the Applicant) (TGL) lodged on 4th December 2025 pursuant to s137 of the Act for an off licence in respect of premises proposed to be situated at 59 Ardmore Street, Wanaka to be known as

‘Super Liquor Wanaka Central’. The licensed hours sought are Monday to Sunday from 9.00am to 10.00pm which comply with national default hours at s.43(1)(b) of the Act and are approved as a permitted activity under Rule 13.4.1 of the District Plan.

2. The proposed premises intended for this store was previously a BP petrol station and then from 23rd December 2021 until the 31st August 2025 was used for a ‘Woolworths Metro’ that held a grocery store off licence which expired on 23rd December 2025.
3. The application received 117 public objections comprising individual members of the public objections, Communities Against Alcohol Harm (CAAH) JotForm objections, and additional pre-formatted objections.

The Applicant

4. Mr John Young from Brookfield Lawyers represented the Applicant and made submissions addressing the following points, and we have addressed these below in the decision:
 - a. There is no reporting agency opposition:

- i. Mr Young emphasised there is no reporting agency opposition and accordingly the approach in **Ponda Holdings Limited**¹ is engaged. In that decision the Authority stated:

‘...that in the absence of unfavourable comments from the reporting agencies, we are unlikely to be persuaded that an applicant is unsuitable.’; and

‘...where there are no adverse comments by the reporting agencies it is unlikely that an objector will satisfy the Authority that “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.”’

- ii. Mr Young submitted the Medical Officer of Health (MOoH) cannot change its ‘no opposition’ position part way through proceedings and referred us to **Sargent v Kapiti Supermarket Limited**² where the Authority stated:

[16] After the expiration of the 15 day period and at the hearing before the DLC, the Police were not entitled to alter their original stance. Further, the DLC should have assumed that the Police had no matters in opposition to the application – s.103(4) of the Act. In this case, the change of stance occurred approximately three weeks after the original indication of no

¹ *Ponda Holdings Limited* [2014] NZARLA PH558

² [2015] NZARLA 194 (25 March 2015).

opposition and arguably the respondent did have time to appreciate the nature of the Police opposition and answer it. However, it is important that District Licensing Committees and the Authority require compliance with the statutory obligations of the reporting agencies. Too often recently have reporting agencies failed in this regard and as a result breaches of natural justice have occurred. This must not be permitted to continue. Finally, the waiver provisions contained in s.208 of the Act will seldom apply as the neglect or omission will usually be willful.

[17] The foregoing comments are not at variance with those made by Heath J in Otara-Papatoetoe Local Board v Joban Enterprises Ltd CIV 2011-404007930; [2012] NZHC 1406 as to supplementary reports by the Police and Inspectors. These should be provided when, for example, background community information arising out of an objection would be helpful to the DLC or Authority. However, the provision of those reports does not entitle a reporting agency such as the Police to change its stance and oppose an application when it had previously indicated no opposition.

[18] Arguably, to do so constitutes an abuse of process. This point was not argued at the hearing; and the Authority has not sought submissions on it. An abuse of process of this nature might cause the Authority to strike out an appeal, as it did in Whittle (supra).

- iii. Mr Young drew attention to a change in position of the MOoH in its closing submission to the DLC. It has provided submissions on the impact of this, and on whether this is an appropriate or correct approach by MOoH. For clarity, MOoH did not oppose this application until the closing stages of the hearing. This change in position requires the DLC to consider the submissions of the Applicant in its decision, and the appropriateness of the MOoH's change in position.
- iv. The MOoH is an agency for the purpose of s103 of the Act. In undertaking its duties, it is required to inquire into an application, and if it has opposition, it must file a report within 15 working days of receiving the application. If it does not file a report, it is presumed that there is no opposition.
- v. Mr Young referred us to paragraph 3 of the MOoH closing submissions where it confirmed it reported with no opposition, and only formally declared a change of position in its closing

submissions. He commented that the use of Plunket was occurring at the time the MOoH reported so not a new matter and MOoH could have made further inquiries. Mr Young acknowledged MOoH could provide a supplementary report but as a matter of law it remains unopposed. For completeness, he commented that the assumption by MOoH that the word 'assume' in s.103(4) of the Act provided some tolerance to permit a change of position was invalid as that section only applies to circumstances where no report is received (which is not the case here).

- b. TGL is not a new entrant to the community: Mr Young emphasised that the Applicant, TGL, is not a new entrant to the community and has deep experience and community connections, and as Super Liquor is a national franchise network, its stores are locally owned and operated. He acknowledged there has been a recent Controlled Purchase Order (CPO) failure, but the response was targeted and swift and the failure was considered an aberration.
- c. Template Objections: The Committee has received many template objections from parties opposed to this application. With regard to the template objections, Mr Young referred us to the Authority's concerns expressed in **Rosedale**³ stated as:

We consider the approach reflected in Ponda remains good law so far as no opposition is raised by the Tri-agencies. That is particularly so because the Amendment Act appears to have generated the increased use of pro forma/tick box objections prepared by a group(s) potentially with their own agendas. Such objections suffer from a lack of author authenticity and are likely to carry less weight.'

Mr Young submitted the Authority's comments about 'a lack of author authenticity' are irrefutable.

- d. Single Sale Conditions:
 - i. Regarding 'Single Sales', Mr Young highlighted that single sales conditions have recently been resisted by the Authority in the absence of proper evidence to support the imposition of such conditions. He submitted that **The Huntly Grocer**⁴ decision represents the Authority's current thinking and is highly persuasive, in particular the requirement to have 'direct and sufficient evidence' is particularly relevant to this matter.
 - ii. Mr Young provided more recent case law where in **Wellington District Licensing Inspector v Kramer Holdings Limited**⁵ the Authority recognised that a single sale condition must be supported by evidence and declined to accept the conditions sought by the Inspector (see [82] and [83]).

³ *Hendry v Tanishanya Holding Limited* [2025] NZARLA 181

⁴ [2025] NZARLA 167

⁵ [2026] NZARLA 140

e. Suitability of the Applicant, location and s105 matters:

- i. Mr Young addressed aspects of the Inspector's report noting suitability of the applicant is not in question, the hours are in accordance with the resource consent, there were no issues with the design and layout of the proposed premises, and the 'supervised' designation is appropriate. He submitted this is not a vulnerable area in harm sense.
- ii. With regard to the Object of the Act, Mr Young emphasised the object of the Act is not to prohibit alcohol, its goal is to minimise harm, not eliminate it. Mr Young, in his submissions, has relied on a decision of the High Court in **Auckland Medical Officer of Health v Birthcare Auckland Limited [2015] NZHC 2689**⁶ where Moore J stated:

"[116] The Act's new system is intended to be reasonable. This means some sense of proportionality must characterise its operation. This principle is reflected in the way evidence is received by the Authority. The evaluative exercise requires the Authority to consider the pool of evidence available to it against the criteria and the Act's object. In this case it included Birthcare's statements about how the sale of alcohol operated, the limits on consumption and the modest levels of sale. It also included evidence on how Birthcare had operated its licence in the past. The MOH's evidence formed part of that available pool.

[117] Taking the criteria and statutory object into account the Authority's decisions to renew Birthcare's licence was entirely reasonable. Given Birthcare's operation the risk of harm was minimised albeit not eliminated."

- iii. Mr Young responded in detail to the main issue raised by objectors in respect of the suitability of the TGL and the location of the proposed premise - particularly, on the impact on the activities carried out in the Plunket rooms which are adjacent to the proposed Super Liquor outlet.
- iv. He considered it relevant that Plunket has operated from these rooms in the Wanaka Town Centre for many years where there are multiple licensed premises (including bottle stores) nearby, and there was no evidence (ie. No record of calls for service to the Police or specific incidents other than a vague reference to a man entering the Plunket) that the location of the licensed premises caused any issue for concern.
- v. In response to the assertions by objectors that the previous Woolworths grocery store off licence on this site was small and offered a small quantity of beer and wine, Mr Young stated there was no evidence about the size of the single alcohol area or the

⁶ *Auckland Medical Officer of Health v Birthcare Auckland Limited [2015] NZHC 2689*

volumes of alcohol sold. He acknowledged a grocery store cannot sell RTDs or spirits but emphasised it is more difficult to avoid a grocery store or supermarket when going about day-to-day life than a bottle store and therefore if a person wants to abstain from alcohol there is no reason to go to a bottle store, but the same person will still need to go to a grocery store or supermarket.

- vi. Mr Young highlighted as provided in evidence by Mr Watson and Mr Tutty, that the Alcoholics Anonymous (AA) group hires the Plunket rooms for two one-hour meetings a week from 7.30pm to 8.30pm and that it means there was a constant presence of alcohol near the AA. Given the discrete hours where meetings take place, Mr Young considered this to be far from a *constant presence* and when considering the broader town centre where hospitality venues and off licences are concentrated, any impact on attendees could only be minor as they are only part of the locality for a very short time each week. Mr Young noted that AA has chosen to continue hiring these rooms even though there is an existing nearby location of off licences, with a Bottle-O, Bettys and Liquorland all in very close proximity, and importantly, AA has not objected to this application.
- vii. With regard to other users of the Plunket rooms, Mr Young questioned how they are all vulnerable as alleged by objectors. He considered the claim by Mr Tutty that there is no meaningful screening from the small playground at the front of Plunket as difficult to understand considering there is a solid fence on the boundary restricting preschool children's view. Counsel for Mr Tutty characterisation of Wanaka Town Centre as a '*sensitive environment*' led Mr Young to the conclusion that if the primary commercial area of Wanaka is 'sensitive' from an alcohol harm perspective, it is difficult to think of a locality that is not. He referred to Mr Christiansen's evidence that the commercial centre is undeniably the appropriate location for retail activities, including those that require an alcohol licence.
- viii. As to suitability, Mr Young submitted the Premises is in a low to medium deprivation area, such that the extended suitability approach would not apply. He submitted the correct approach to suitability in this case should be based on **Riccarton Bush Kilmarnock Residents Association Inc** where the Authority noted:⁷

[28] Mr Ferguson is the licensing inspector with 20 years' experience. He gave evidence that there was only one report of rubbish in the Mandeville Reserve area, He also stated that the potential for graffiti and vandalism is predominantly focused at on licence venues. His observation is that people purchase alcohol with intent to take it to another venue and rarely loiter in the area of purchase. He also gave evidence that Liquorland across the road had its licence renewed without any objections to its renewal.

⁷ [2023] NZARLA 18

Having looked at the Riccarton Ward Depravation Study, he is of the view that in the one km area, the average deprivation decile was probably 5 to 6.

And went on to conclude:

[71] Here, there are pockets of high deprivation, and is not one of the most deprived suburbs. As pointed out in the evidence, there are a mix of commercial buildings, high levels of home ownerships, rentals, student accommodation and high-density housing. So it is not a high deprivation area with the average decile being 5-6 and there is no evidence that the grant of the new licence would lead to a high risk of alcohol related harm either.

- ix. Mr Young reminded us that s.106(1) of the Act applies to applications for new licences and provides guidance in relation to the amenity and good order evaluation under s.105(1)(h) and (i). Although it introduces the concept of proliferation at s.106(1)(a)(iii), Mr Young highlighted that proliferation is not a statutory criterion referring to the **Selby**⁸ decision where the Authority commented that proliferation, is not, in itself a ground for objection (citing **Gisborne Liquormart Limited**):

[84] In terms of proliferation, as Mr Young has also rightly submitted, in Gisborne Liquormart Limited this Authority said:

“While the number of premises of the kind concerned in a locality is a matter which goes to the DLC’s opinion of amenity and good order of the locality, an objection must relate to a matter in s 105 of the Act. The Trust’s objection relates to proliferation of alcohol outlets in Gisborne and the harm that alcohol creates in Gisborne as a result. The proliferation of outlets is a legislative aid for the DLC when forming an opinion on s 105(1)(h) and (i). In itself, proliferation is not a ground of objection without some discussion of the effects of the issue of the licence on amenity and good order which is the s 105 criterion against which the application is being evaluated.”

- x. Mr Young submitted that in addition to the mandatory conditions set out at s.116(2) of the Act, we can impose any reasonable conditions under s.116 and s.117 of the Act, provided they are not inconsistent with the Act and should not be applied to prevent breaches of the Act.
- xi. Further, he submitted that the High Court has made it clear that conditions can be relevant to a decision-makers evaluation of an application against the Act’s objective and referred to **E R Bella’s Limited**⁹ where counsel for the appellant argued that the Authority

⁸ *Selby v Kiw-E Otaki Limited - Super Liquor Otaki* [2020] NZARLA 210 (22 December 2020)

⁹ [2020] NZHC 2517

had erred by failing to consider conditions to minimise alcohol related harm. The High Court stated:

‘[30] I accept that the overriding question is whether granting the application is consistent with the object of the Act. But it does not follow that the issue of conditions is always irrelevant to that assessment and only to be considered at a second stage if the object of the Act can be met (effectively without conditions). It may be that in a particular case the object of the Act can be met by the imposition of conditions. In that sense, there may be overlap between the two steps. For example, proposed hours of operation is a mandatory consideration in s.105(1)(d). If the only respect in which an application did not meet the object of the Act were its proposed hours of operating, and a condition limiting those hours would minimise the alcohol related harm so that the application did meet the object of the Act, I consider it would be open to the decision-maker to grant the application subject to that condition.’

- xii. Mr Young concluded that TGL’s application for a new off-licence for Super Liquor Wānaka Central meets the section 105 criteria. In particular, he submitted that:

1. TGL is patently a suitable entity to hold a licence;
2. TGL has excellent staff, systems and training, that are complemented by Super Liquors support and auditing;
3. TGL has a track record of maintaining the amenity and good order of the localities within which it operates. Its premises are designed, constructed and maintained to a high standard; and
4. TGL is committed to the safe and responsible sale, consumption and supply of alcohol and the minimisation of alcohol related harm.

5. Mr Young called on Mr Glen Christiansen (Group CEO at TGL), Mr Alan McKay (Director of KHL), Mrs Michelle Given (Operations Manager), and Ms H Newton (National Operations Manager) to provide evidence in support of the Application.

Mr Christiansen

6. Mr Christiansen told us as CEO he is responsible for management and leadership across all business operations, including leadership of 78 staff through eight direct reports, and works closely with the business owners on operational and growth strategies. He oversees five Super Liquor bottle stores at Alexandra, Cromwell, Lorneville, Frankton and Wanaka.
7. Mr Christiansen provided the Staff Organisation Chart and Structure and advised he meets every six weeks with the TGL directors and receives reports from the Regional Manager (Mrs Given) or store managers on a weekly basis. He told us he has established extensive and ongoing community engagement across the wider Upper Clutha area and has researched deprivation data throughout the region.

8. When addressing suitability, Mr Christiansen gave details of two CPO failures and how they were quickly dealt with and improvements made to prevent failures from happening again. In response to criticism that the latest CPO failure at Lorneville on 27 November 2025 was not reported in this application, Mr Christiansen explained that initially the Police were not going to take action but later decided to after this application had been lodged.
9. Mr Christiansen described the plans for the premises as a modern Super Liquor retail bottle store with clear sight lines, low shelving, CCTV coverage, monitored point of sale areas and a layout that supports supervision and compliance. He acknowledged the application can only be assessed on the planned fit out, but he considered the photos and plans provided showing the standard design and layout was enough information for us to make a decision.
10. With regard to being located near sensitive sites, Mr Christiansen 'explained this has not caused issues near other similar stores. Local examples of this include the Wanaka store being next to a church, 750m from the Mt Aspiring College, and 250m from the WanaExcel Early Education Hub, and there have been no issues of concern raised. Remarkables Park Super Liquor is next to a gym and again no issues have been reported. Based on this, Mr Christiansen submitted he did not consider the amenity and good order of the locality would be likely to be reduced to more than a minor extent and this would be ensured by managing the premises to a very high standard, including exterior rubbish checks daily.
11. Mr Christiansen assured us he is committed to engaging constructively with all genuine community concerns and in response to an objector's concern regarding litter, offered the following condition:

'Twice daily litter patrols, including the area adjacent to Plunket, with a commitment to remove any alcohol related rubbish immediately.'
12. He also offered conditions removing single sales of mainstream beers and RTDs and not allowing alcohol signs in the windows.
13. In response to the objector's examples of alcohol harm around the foreshore and during holiday periods, Mr Christiansen accepted the concerns but did not believe they showed how this premises would create or materially worsen that harm. With regard to the proximity to Plunket and other community facilities, Mr Christiansen did not consider an off licence inappropriate as the premises is in the Wanaka Town Centre Zone, it previously held an off licence and was used for alcohol click-and-collect. He felt the key issue is responsible day-to-day operation of the store which he assured us would be professionally managed with trained staff, management oversight, CCTV, controlled points of sale, and compliance procedures.

Mr McKay

14. Mr McKay advised he is one of the directors of TGL responsible for its oversight and has been involved in the hospitality industry for over 35 years. He described his working relationship with Mr Christiansen and Mrs Given over the past twenty

plus years and emphasised that he had a very experienced team. Mr McKay considered they had the ability to provide the residents of Wanaka with a modern well-run store.

15. In relation to the lease agreement, Mr McKay confirmed the agreement remained on foot.

Mrs Given

16. Mrs Given told us she is the Regional Operations Manager at TGL and visits all stores on a monthly basis and sometimes fortnightly when required, focusing on operational excellence, compliance, and building a strong motivated team that delivers the best possible retail experience. She highlighted the additional controls to their Host Responsibility Policy include no sales to persons in school uniform, group ID requirements where applicable and refusal of service where secondary supply risks arise.
17. Mrs Given provided detail of the failed CPO at the Lorneville store and the action taken to ensure compliance in the future including having a duty manager at the counter when customers are present and enhanced training and point of sale prompts. She assured us the measures taken strengthened their compliance culture across every TGL outlet and she was satisfied they effectively addressed the issues identified in the November 2025 CPO.

Ms Newton

18. Ms Newton advised us she is the Franchise Manager for Super Liquor Holdings (Super Liquor) for the Lower North, Otago, South Canterbury and Southland areas, supporting 40 Super Liquor Franchise stores. She told us she is responsible for operational standards and compliance management and visits all stores on a quarterly basis.
19. Ms Newton outlined the Super Liquor operating model and oversight which promotes consistency and accountability across the network ensuring the independently owned stores remain up to date with developments in licensing, compliance expectations, and best practice operational standards. This includes providing training and operational guidance on responsible sale practices and general compliance obligations under the Act on an ongoing basis. Ms Newton added that in addition to training, compliance controls are specified to be used, and stores are audited on a quarterly basis and penalties imposed for noncompliance.
20. She also emphasised Super Liquor's responsible sale and harm minimisation policy, and that the Applicant was selective about franchisees in the first instance, provided structured training and compliance systems, and maintained active oversight and enforcement of its franchises, systems and compliance. Further, she stated Super Liquor does not position itself as a price-driven retailer and does not seek to undercut the market.
21. In closing, Mr Young felt obliged to record that the closing submissions for Mr Tutty appear to be largely the same as his opening submissions as they do not

reflect or acknowledge much of the evidence given or matters clarified. As an example, he cited the continued assertions by Mr Tutty that sensitive sites had not been identified in the application when it was made clear at the hearing that a map was included identifying Plunket as a sensitive site.

22. Mr Young considered this adversarial approach was also evident in relation to tenure, the failed CPO and the integrity of TGL generally and emphasised that as a Commission of Inquiry, the Committee is inquisitorial rather than adversarial. He considered the objectors had lost sight of the inquisitorial process and were 'playing the man rather than the ball' on even the most trifling of matters.
23. Mr Meyer submitted the legality and status of TGL's tenure agreement for the site was questionable, and this was supported by counsel for Mr Tutty. Mr Meyer questioned the applicant as to whether the Agreement has been cancelled or declared unconditional considering the three-month condition period for the Agreement expired on 5th March 2026. In response to these submissions, Mr Young stated that it is common for agreements to continue even if a condition has not been met and in those circumstances the party in whose favour the condition is expressed may terminate the agreement but also may elect not to. Evidence from Mr McKay confirmed that the agreement remained on foot. Further to this, Mr Young said it was clear the landlord was aware of the hearing and did not seek to dispute that TGL had an interest in the property.
24. As signalled at the hearing, the applicant has refined the proposed exterior by removing the large 'Super Liquor' sign on the left-hand side of the premises (when facing the premises) and applying schist veneer panels to this wall; making the exterior mainly a grey-blue colour and reducing the lighter blue areas to those surrounding the remaining 'Super Liquor' signs; and establishing and maintaining a 1.8m high hedge along the boundary with Plunket. Mr Young confirmed there would be no exterior pricing or brands, no flags, and no sandwich boards.

The Medical Officer of Health (MOoH)

25. Mr Aaron Whipp (Health Promotion Advisor – Compliance) advised that a 'no opposition' report was provided from the MOoH on 18th February 2026, however, MOoH subsequently became aware the adjacent building (Plunket premises) is used to host Alcoholics Anonymous (AA) and Narcotics Anonymous (NA) meetings and raised concerns in a letter to us dated 17th March 2026. The MOoH did not change its 'no opposition' position until at the hearing which was contrary to s.103(3) of the Act.
26. Mr Whipp submitted that this should be classified a sensitive site and considered it necessary to draw our attention to additional health considerations relevant to the Act. The MOoH in closing suggested that the map of sensitive sites (including the Plunket rooms) produced by the applicant in the application did not constitute properly presented evidence because it was not cross-referenced and did not mention AA and NA being housed in the Plunket building.
27. Mr Whipp submitted the coexistence of a premises supplying alcohol adjacent to a facility supporting abstinence and recovery of the product, and other activities such as pregnancy and parenting education; child restraint and injury prevention;

and growth and development checks, creates a clear incompatibility of land use. As a result, Mr Whipp viewed granting the application would be contrary to the object of the Act.

28. When questioned as to why MOoH had not opposed or commented on other new licences and renewals of licences in the close proximity (including the Woolworths off licence on the proposed site) that had identified the Plunket Rooms as a sensitive site, the response was MOoH worked on a case-by-case basis. Further, MOoH response to why the initial report did not include knowledge of the Plunket Rooms, was the 'reporting person is based in Dunedin'.
29. With regard to the previous off licence on this site next to the Plunket Rooms, MOoH contended a supermarket off licence and bottle store are distinctly different as identified in the Act. MOoH considered a bottle store would increase availability and visibility of takeaway alcohol, but when questioned as to the difference of visibility between the two types of off licences, no clear answer was provided.

The Police

30. Sergeant Chirnside did not oppose the application but to assist provided 'Police Recorded Alcohol-Related Harm Data' within 1km of 59 Ardmore Street, Wanaka for the period 1st January 2023 to 31st March 2026.

The Licensing Inspector

31. Ms Tayla Leevey, the Alcohol Licensing Inspector, provided a summary of the application and told us the proposed premises would occupy the site that previously was a BP Petrol Station and more recently a 'Woolworths Metro' which held a grocery store off licence.
32. Ms Leevey advised at the time of writing her report, 117 public objections had been received comprising individual members of the public, CAAH JotForms objections, and additional pre-formatted objections. Fifty pre-formatted objections were received on a Liquorland created template and were considered trade competitor objections.
33. Details of TGL were provided by Ms Leevey including its directorship and shareholdings. Keyrouz Holdings Limited (KHL) is the sole shareholder of TGL which holds the off licences for Super Liquor stores at Alexandra, Lorneville, Cromwell, Remarkables Park, and Wanaka. TGL also holds on and off licences for 'The Gate' located in Cromwell which operates 'The Harvest Hotel and Conference Centre', 'Forge Café', and the 'Five Stags Bar and Restaurant' within the same premises.
34. Considering the applicant has operated multiple licensed premises across the Otago and Southland regions for many years with three CPO failures occurring over the past ten years, Ms Leevey concluded the infrequency of the incidents tends to indicate TGL's systems, procedures, and staff training are generally robust, well managed, and regularly maintained. Furthermore, she advised that

neither Queenstown nor Wanaka premises have been subject of regulator concerns in the intervening years.

35. Ms Leevey advised that all CPO had been dealt with by the Alcohol Regulatory and Licensing Authority (ARLA) imposed suspensions and with the latest one four months after this application was lodged. She explained the reason the applicant had not disclosed the failed CPO on 27th November 2025 was because at the the time Police had advised it would only be a warning but later this changed to formal action.
36. Ms Leevey detailed the days and hours sought by the applicant as 'Monday to Sunday from 9.00am to 10.00pm' which are permitted under District Plan Rule 13.4.1 and align with the national default trading hours for off licence premises specified in s.43(1)(b) of the Act.
37. Ms Leevey described the proposed site, design and layout in detail accompanied by photographs and plans based on information provided by the applicant and a site visit. The property features partial timber fencing along the boundary and two vehicle crossings accessed from Ardmore Street which enables vehicles to circulate through the site and function as a drive-through where customers can park to enter and exit the building.
38. With regard to amenity and good order of the locality, Ms Leevey reminded us we must have regard for the matters set out in:
 - a. *s.105(1)(h) – '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.'; and*
 - b. *s.106(1) – 'In forming for the purposes of s.105(1)(h) an opinion on whether the amenity and good order of a locality would be likely or be reduced by more than a minor extent, by the effects of the issue of a licence, the licensing authority or a licensing committee must have regard to:*
 - i. *the following matters (as they relate to the locality):*
 1. *current, and possible future, noise levels;*
 2. *current, and possible future, levels of nuisance and vandalism;*
 3. *the number of premises for which licences of the kind concerned are already held; and*
 - ii. *the extent to which the following purposes are compatible:*
 1. *the purposes for which land near the premises concerned is used; and*
 2. *the purposes for which those premises will be used if the licence is issued.*
39. Details of the Alcohol ban area established under the 'Alcohol-Free Areas in Public Places Bylaw 2024' were provided by Ms Leevey which prohibits alcohol consumption in the Wanaka Town Centre from 6.00pm to 6.00am daily, and on 25th December from 6.00am to 6.00am on 6th January.
40. Ms Leevey provided details of the relevant sensitive sites as supplied by the applicant which included a colour coded map showing the location of the two closest to the proposed premises, being the Wanaka Plunket Clinic and the

Dinosaur Park. Within 500m there are two other sensitive sites, Wanaka New Life Church (481.43m) and WanaExcel Education Hub (512.45m). Ms Leevey advised us she was not aware of any previous objections or complaints from any of the sensitive sites.

41. Ms Leevey provided photos showing the Plunket building next door to the proposed premises and listed the community services hosted by Plunket as Alcoholics Anonymous (AA), Narcotics Anonymous (NA), Wanaka Well Breastfeeding Support Group, Antenatal courses, Wanaka Well Child Services, First Aid Courses, and a Spanish Playgroup. She indicated opening hours are generally Monday to Friday 9.00am to 3.00pm, but AA meet from 7.30pm to 8.30pm twice a week and NA from 7.30pm to 8.30pm once a week.
42. Ms Leevey contacted AA New Zealand regarding this application and was advised by AA New Zealand; it did not wish to comment on this matter. Ms Leevey was informed by the Community Services Coordinator of Plunket Wanaka that AA has been using the rooms for 30 years and have around 25 attend meetings, and there was a shared frustration that another alcohol outlet is being considered, especially given the number already operating nearby alongwith the supermarkets and Four Square.
43. Ms Leevey provided data from the New Zealand Index of Deprivation (NZDEP) showing the proposed premises will be located in a decile 3 area, noting that decile 1 is least deprived and 10 most deprived.
44. Ms Leevey did not raise any concerns in relation to the premise creating noise, nuisance, or vandalism, noting that other Super Liquor stores in the district have not been subject to noise complaints and bollards and CCTV are already in place at the proposed site.
45. The nine existing off licensed premises within 500m of the proposed site were shown on a map and the four bottle stores of the same type as proposed were detailed by Ms Leevey as follows:
 - i. Betty's Liquorstore, 33 Ardmore Street - Monday to Sunday 8.00am to 11.00pm;
 - ii. Liquorland Wanaka, 71 Ardmore Street – Monday to Sunday 7.00am to 11.00pm;
 - iii. Super Liquor Wanaka, 52 Reece Crescent – Monday to Sunday 9.00am to 11.00pm; and
 - iv. The Bottle O Wanaka, 1 Ardmore Street – Monday to Sunday 8.00am to 11.00pm.
46. Ms Leevey did not express any issues with the System's, Staff and Training as submitted by the applicant and highlighted that Crime Prevention through Environmental Design (CPTED) protocols and measures will be utilised ie. good lighting, low shelves, and extensive CCTV.
47. As another matter, Ms Leevey addressed the issue of compliance with s.100(f) of the Act which had been raised by the MOoH and Objectors. Section 100(f) of the Act states:

except in the case of an application relating to a conveyance, must be accompanied by a certificate by the territorial authority that the proposed use of the premises meets requirements of the Resource Management Act 1991 and of the building code.'

48. Ms Leevey reported the planning portion of the certification had been signed by a Queenstown Lakes District Council (QLDC) planner on 13th February 2026 and the building portion of the certification was signed by QLDC Team Leader Building Inspections on 10th February 2026 with the comment '*original built under permits.*'
49. Ms Leevey told us the application was sent to reporting agencies on Monday 15 December 2025 and under s.103(3) of the Act, the 15 working day reporting period ended on Friday 30 January 2026. She advised the Police reported no opposition on 27 December 2025 and MOoH reported no opposition on 28 January 2026. Subsequent to this, on 17th March 2026 MOoH sent an additional memo to the DLC advising that although the agency had not opposed the application, it had since become aware the Plunket facility is regularly used to host AA and NA meetings and this was not known at the time the 'no opposition' position was issued.
50. The Inspector provided a comprehensive report of the 117 Public Objections received during the 25-working day notification period as follows:
 - i. Liquorland Pre-formatted Objections – following investigation into 50 such objections, they were determined to have been assisted, either directly or indirectly, by the trade competitor Liquorland and were not accepted by the DLC;
 - ii. CAAH created Jotform template – 58 objections were submitted using this online form that included nine categories of concern but did not refer to any specific section of the Act. Of these submitters, one attended the hearing.
 - iii. Individually Submitted Objections – nine other submissions were received covering a range of concerns including:
 1. Density of bottle stores;
 2. Negative effects including litter;
 3. Hours of operation;
 4. Sale of vapes;
 5. Social impacts and increased harm;
 6. Visually out of character; and
 7. Increased exposure of children and young people to alcohol.
51. Ms Leevey provided details of five off licence renewals or new off licences granted between 2025 and 2026 located in close proximity (within 500m) of the proposed Super Liquor site and no opposition or objections were received. She acknowledged the absence of objections does not mean there have been no incidents of noise, nuisance, vandalism, or alcohol-related harm in the area, however Ms Leevey questioned whether the proposed premises would give rise to a level of community concern beyond which has existed for other nearby off licence operations.

52. Ms Leevey reminded us we are required to consider all matters set out in s.105 and s.106 of the Act and whether the grant of the licence is consistent with s.4 and s.3 of the Act. Based on these criteria, she considered the Applicant appeared suitable to hold an off licence. Ms Leevey also highlighted that all objections must relate to a matter or matters specified in s.105 of the Act.

Objectors

53. As reported by the Inspector, 117 public objections were received. Of these, 50 were not accepted under s.102 as trade competition objections. Fifty-eight (58) objections were submitted using an online Jotform template that included nine categories of concern but did not refer to any specific section of the Act. Of these submitters, one attended the hearing. Nine other submissions were received covering a range of concerns including:
- i. Density of bottle stores;
 - ii. Negative effects including litter;
 - iii. Hours of operation;
 - iv. Sale of vapes;
 - v. Social impacts and increased harm;
 - vi. Visually out of character; and
 - vii. Increased exposure of children and young people to alcohol.

54. Five objectors gave evidence at the hearing as follows:

Ms Lindsey Turner

- a. Ms Turner told us she lived and worked near the proposed premises and had purchased groceries through click and collect when the premises was a supermarket. She was concerned at having a highly visible large chain liquor store in a prominent location in the middle of Wanaka which she considered normalised alcohol in the community.
- b. Ms Turner told us her experience with alcohol harm in this area was based on being a parent of teenagers, and believed impulse buying increased with availability, visibility and location. She told us young people would not buy alcohol at a grocery store and suggested it would be cheaper at a chain liquor store that can drive the price down, although no evidence was provided in support.
- c. Ms Turner described excessive drinking in the area based on her teenager's behaviour and personal observations, especially at New Year and holiday times. When questioned, she described the existing amenity of the area as 'It's a pretty nice area' but in response to the impact of one more store, she indicated it is different and had no recollection of any change in amenity when other new bottle stores were established in this area (eg. Bottle O).
- d. In closing, Doctor Liz Gordon (Barrister) counsel for Ms Turner, submitted a summary of what we had heard and that Ms Turner's evidence supported the conclusion that the amenity is likely to be reduced by more than a minor extent. Dr Gordon also reiterated that Ms Turner did not regard a large stand-alone Super Liquor store as comparable to the former supermarket.

Mr Ben Tutty

- e. Mr Tutty who lives and works in Wanaka raising a family, submitted due to the number of liquor stores in this area we don't need anymore. He highlighted the sensitive sites nearby and considered Wanaka is already affected by alcohol-related harm, and this store will make it worse. Mr Tutty was also concerned about aspects of the design such as location, size, prominence, drive-through appearance, parking and branding. When questioned, Mr Tutty had no clear response to why he had not objected to previous similar applications in this area and regarding the current amenity, he said it was pleasant but drunk people buying alcohol would reduce it by more than a minor amount. Mr Tutty made strong statements there will be drunk people walking and buying alcohol based on what he knew happens and common sense but was not able to confirm he had seen this at existing bottle stores.
- f. Mr Tutty introduced Doctor Paul Watson (Clinical Lead for Whanau Awhina Plunket for the Southern Region) as his witness. Dr Watson outlined the Plunket services and activities including AA who have been using the rooms twice a week since 2018 and submitted heavy or problem drinkers can be more responsive to alcohol advertising and imagery, placing them at risk of trigger relapse or maintaining alcohol dependence. In view of this and the other users he considered the proposal to establish an alcohol retail outlet next door to the Plunket Rooms as incompatible.
- g. Dr Watson was questioned why this outlet would be incompatible but the other surrounding alcohol stores did not appear to be. He explained it came down to the intensity leading to increasing harm. He considered this store would be a significant change to the previous Woolworths off licence because of size, signage and that it would just be selling alcohol. Dr Watson told us he had not objected to previous licence applications and was not aware if Plunket had. When questioned, he said the only complaints by Plunket users were around rubbish.
- h. In closing, Mr Tutty's counsel Doctor Grant Hewison provided very comprehensive submissions like his opening submissions. Dr Hewison submitted the location is in one of the most sensitive locations in Wanaka and the proposal would increase the visibility, availability and normalisation of alcohol in an already well-supplied locality. He also questioned the suitability of the applicant based on CPO failures, tenure of site, and inadequate systems, staff and training.
- i. Dr Hewison reminded us that s.106(1)(b) requires us to consider the extent to which the purposes for which land near the premises is used are compatible with the purposes for which the proposed premises will be used. Mr Tutty submitted that the compatibility issue is the most significant consideration arising in this application because the proposed premises is immediately adjacent to the Wanaka Plunket. He considered there is a fundamental incompatibility between a dedicated bottle store and a Plunket facility providing child-health services and where AA and NA hire the building.

- j. Dr Hewison considers the proposed premises differs materially from the former grocery use of the site as it is a purpose-built liquor outlet focused exclusively on alcohol sales (including RTDs and spirits) and therefore represents a major intensification of alcohol availability and visibility adjacent to the Plunket.
- k. Dr Hewison introduced ***Thirsty Liquor Wickman Way – Alcohol Licensing Inspector v Singh 13 Investments Ltd***,¹⁰ where the High Court confirmed that compatibility of land uses is a central component of the amenity and good order assessment, and we are required to consider the relationship between surrounding sensitive uses and the proposed licensed activity. The High Court also confirmed the object of the Act is a standalone criterion and must be considered separately from amenity and good order and held that there is no requirement for objectors to establish a direct causal link between a particular licensed premises and a specific instance of harm. Rather, it is sufficient that there is an evidential foundation establishing a real risk that the grant of the licence may contribute to alcohol-related harm.
- l. Dr Hewison cited alcohol containers found in the Plunket play area, alcohol related disorder in nearby public spaces, and serious alcohol related incidents associated with gatherings in the Wanaka foreshore as demonstrating alcohol related harm is occurring within the locality.

Ms Catkin Bartlett

- m. Ms Bartlett, on behalf of Central Lakes Breastfeeding Charitable Trust (CLBCT), opposed the application on the grounds it is incompatible with the pre-existing land use and neighbouring Plunket Rooms that are used daily by different vulnerable groups and individuals. Ms Lewis on behalf of Ms Bartlett, explained that CLBCT had not opposed previous applications because they didn't know they had been made and previous licensees did not sell spirits, RTDs and alcohol sales was not their primary business. She indicated the breastfeeding group had been meeting at the Plunket Rooms for 10 years, once a week for three hours. Ms Lewis told us the sight line from the rooms is directly into the proposed Super Liquor forecourt and she was concerned about the state of mind of the people using the rooms. If granted, Ms Lewis indicated CLBCT would be obliged to review all its activities in Wanaka Plunket.

Mr Andre Meyer

- n. Mr Meyer provided us extensive written submissions and gave evidence at the hearing with his main points of objection being the suitability of the applicant; location of the proposed premises immediately adjacent to a sensitive site (the Plunket Centre); the concentration of alcohol outlets in this location; and the applicant's right to occupy the premises. He also observed that adding a further off licence outlet to an area with a public drinking ban, and has a high density of outlets, should be considered against the object of the Act.
- o. Mr Meyer went into great detail, questioning the validity of the Agreement to Lease the building that the Applicant has with the owner of the premises, and

¹⁰ *Thirsty Liquor Wickman Way – Alcohol Licensing Inspector Auckland Council v Singh 13 Investments Limited* [2025] NZHC 2868

asked us to decline the application on the grounds the applicant has not established a sufficient right to occupy the premises.

The Committee's Decision and Reasons

55. The Committee acknowledges the large amount of time and effort that has gone into this application by all parties involved. We acknowledge the number of submissions objecting to this application and accept that collectively they reflect the concern by some in the community. The majority of the submissions were made via the JotForm public objection template created by CAAH and we are guided by the comments made by NZARLA in **Hendry v Tanishanaya Holding Limited [2025] NZARLA 181**¹¹, to put less weight on these submissions. The Authority commented: '*Such objections suffer from lack of author authenticity and are likely to carry less weight.*'
56. Furthermore, as the objections were pre-formatted with no reference to the criteria at s.105 and s.106 of the Act, and did not address site-specific issues, we found the evidential value of these submissions to be low – for example, there was limited if any tangible evidence to support the assumptions made, and conclusions arrived at, in the collective submissions.
57. Five objectors and witnesses appeared at the hearing and gave evidence. Much of the evidence presented was repetitive in the sense it focused on similar issues, and we have addressed the key issues under the relevant criteria below.
58. The MOoH reporting no opposition and then endeavouring to change this position in closing at the hearing has not been helpful. The statutory reporting requirements for agencies are clear, and the Authority has addressed and not accepted agencies noncompliance. Notwithstanding this, we heard the MOoH at the hearing, but it provided no expert medical evidence to support the alleged impact such as trigger relapse or maintaining alcohol dependence, on people attending AA meetings adjacent to alcohol outlets.
59. From our site visit to the existing Super Liquor Store in Wanaka, we found that there was no evidence of alcohol related litter, loitering or anti-social behaviour in the surrounding area. We also looked at the other 'sensitive' sites and there was no evidence that the presence of off-licences has resulted in an increase in alcohol related harm.
60. The criteria that we must have regard to when considering an application for an off licence are set out in s.105(1) and s.106(1) of the Act as follows:
 - a. **S.105(1)(a) - The object of the Act:**
 - i. We are satisfied the applicant's proposed staffing and systems based on considerable experience operating similar stores, will ensure the sale and supply of alcohol will be undertaken safely and responsibly. This applicant is not a sole trader with limited resources, rather it is a well-established organisation with a significant support structure. Some objectors disagreed but did not provide evidence to counter this other than one CPO failure.

¹¹ *Hendry v Tanishanaya Holding Limited [2025] NZARLA 181*

- ii. We accept that satisfying the second limb of the Object is more difficult. Counsel for Mr Tutty referred us to ***Thirsty Liquor Wickman Way***¹² and ***Cunningham v TK Spirits***¹³, where the High Court confirmed the object of the Act must be considered separately from amenity and good order, and held that we must consider whether the grant of the licence is consistent with minimising harm. Further, the High Court held that there is no requirement for objectors to establish a direct causal link between a particular licensed premises and a specific instance of harm. Rather, it is sufficient that there is an evidential foundation establishing a real risk that the grant of the licence may contribute to alcohol-related harm.
- iii. We are confronted with a situation where most of the objections focused on the risk of alcohol to general society rather than pinpointing a basis to show that this application will inevitably increase the harm caused by excessive or inappropriate consumption of alcohol. We accept that based on the case law referred to above, the objectors do not have to show a direct link between this proposed premises and specific harm, but there needs to be some evidential foundation that granting this licence may contribute to increased harm.
- iv. We heard objectors talk of existing alcohol related harm in the area in the broader sense. For example, the references to disturbances at the Dinosaur Park at New Year. We find it relevant that the community has not objected to previous applications for new and renewals of on and off licences in this area, including the off licence held by Woolworths in the same premises. Evidence was not provided showing that there had been an increase in alcohol related harm after that licence and the others were issued. To the contrary, statistics presented by the Police indicated a reduction in alcohol related harm over this period in this area.
- v. Much emphasis has been put on nearby activities considered vulnerable to alcohol-related harm, in particular AA meetings in the adjacent Plunket Rooms. Dr Watson told us heavy drinkers are problem drinkers when exposed to advertising, imagery and things so increased risk is triggered. We heard that AA has been using/hiring these rooms for two one-hour meetings per week over 30 years despite the increase in on and off licences in the close vicinity over this period. Evidence provided did not show any detriment to them or that increased risk has been triggered. It is also relevant to note that AA has not objected to alcohol licence applications in the past and did not object to this application, other than indicate frustration. Considering the physical wooden fence barrier and proposed 1.8 metre hedge between the Plunket Rooms and the site, the minimal exterior signage, and the short time people attend AA meeting, we consider the risk of

¹² *Thirsty Liquor Wickman Way – Alcohol Licensing Inspector Auckland Council v Singh 13 Investments Limited* [2025] NZHC 2868.

¹³ *TK Spirits – Cunningham v TK Spirits Limited* [2026] NZHC 512.

this store triggering a relapse more so than other neighbouring bottle stores as low.

- vi. The impacts on other users of the Plunket premises were also raised by some objectors. These impacts included the proposed store being in the sight line of users such as children in the playground and the breastfeeding group. Considering there is an existing 1.8 metre high wooden fence and the applicant's commitment to establishing a 1.8 metre hedge along the boundary between Plunket and the proposed store, we are not convinced users of Plunket will have a clear view of the store. Our site visit confirmed this.
- vii. Increased availability, visibility and purchasing opportunities of an additional bottle store in an area containing numerous licensed premises, were raised as contributors to alcohol-related harm. We accept that an additional bottle store will increase availability and choice, but there was no evidence or suggestion that there will be an increase in the amount alcohol sold in this area. The increased availability may contribute to existing harm, but we assess any risk of increased harm from an additional bottle store being minimal. With regard to visibility, the applicant has committed to reducing the exterior signage and colour of the building significantly and establishing and maintaining a 1.8 metre hedge on the boundary with Plunket.
- viii. Of significance is no opposition from the Police, which is the agency that primarily deals with alcohol related harm events. This indicates to us that the Police do not have concerns or foundational evidence to show that this new off licence will increase the alcohol related harm by more than a minor amount, or at all. The Police did provide statistics showing alcohol related harm events in this area have decreased by approximately 40% over the past few three years. Further, the report from the Licensing Inspector was not unfavourable.
- ix. Based on the evidence presented and noting the Act is not a prohibition statute (i.e. the goal is to minimise harm, not eliminate it), we have reasonably assessed the prospective risk of alcohol harm specific to this application to be minimal.

b. S.105(1)(b) - The suitability of the Applicant:

- i. The suitability of an applicant is a mandatory consideration for the Committee and must be assessed by considering a variety of factors, including: business or industry knowledge to effectively operate a licensed premises, recent experience in the industry, criminal history, association with undesirable people, or previous behaviour relating to the sale of alcohol.
- ii. The Inspector provided the Committee with a report setting out the suitability of TGL to hold a licence and in particular, it detailed the successful operation, over many years, of several licensed premises in the region, mostly without incident.

- iii. In considering the suitability of TGL, the Committee is required to take a holistic view of the applicant both in terms of the statutory requirements, and the factual considerations; in doing so, it should consider the suitability of the applicant *“through a wide lens, considering character, reputation, past and proposed conduct, engagement with community and vulnerability issues, ability to minimise harm, and compliance history”*.
- iv. Some objectors submitted the applicant is not suitable because of tenure of site concerns, alleged errors and inconsistencies in the application, and a recent failed CPO. The applicant has confirmed a conditional agreement to lease is still on foot. We accept the detailed explanation as to why the recent failed CPO was not disclosed in the original application. We find the assertions by MOoH and some objectors that the applicant did not identify Plunket as a sensitive site in the application incredulous considering the site was clearly identified on a colour coded map included in the application. The Inspector also acknowledged the site had been identified. We found the map more useful than just having the sites listed.
- v. We recognise that applicant is not a sole trader and has significant resources to call on to ensure the licensed premises is operated effectively, as is the case for its other stores.
- vi. Weighing up the criteria, evidence of the applicant, submitters, and the reporting bodies views on these matters, the Committee finds that the Applicant is a suitable entity to hold a licence.

c. S.105(1)(c) – Relevant Local Alcohol Policy:

- i. The Queenstown Lakes District does not have a Local Alcohol Policy.

d. S.105(1)(d) – Proposed Days and Hours:

- i. The days and hours sought by the applicant as ‘Monday to Sunday from 9.00am to 10.00pm’ are permitted under District Plan Rule 13.4.1 and align with the national default trading hours for off licence premises specified in s.43(1)(b) of the Act and are supported by the Inspector.
- ii. We note that one objector asked for 9.00pm closing time but no strong reason was given, nor was there any evidence to support the curtailing of the default hours, or why reduction in hours is necessary to give effect to the Act’s object: ensuring alcohol is sold, supplied, and consumed safely and responsibly, and minimising harm caused by excessive or inappropriate consumption of alcohol.
- iii. We are satisfied the requested days and hours are appropriate.

e. S.105(1)(e) - Design and Layout of any Proposed Premises:

- i. The premises is located within the Wanaka Town Centre Zone and was previously leased by Woolworths as a small supermarket with an off licence.
- ii. As highlighted by the applicant, the design and layout of a bottle store is largely formulaic (unlike an on-licence premises) and the plans and photos provided show this along with the external wall materials, glazing and signage. Within the store there will be clear sight lines, low shelving, CCTV coverage, and monitored point of sale areas.
- iii. There will be drive thru lanes and off-street car-parking in front of the store, similar to what was provided by Woolworths.
- iv. Based on this, and a visit to other Super Liquor stores in the area, we are satisfied the design and layout of the proposed premises is satisfactory.

f. S.105(1)(f) and (g) – Provision and Sale of Other Goods and Services:

- i. Nonalcoholic mixers, food items, ice, cigarettes and vape products will be sold, with strict control in line with legal requirements for cigarette and vape sales.

g. S.105(1)(h) and (i), and s.106(1) – Amenity and Good Order of the Locality and Consideration of Effects:

- i. Many of the objectors raised issues relating to the amenity and good order of the locality, in particular its prominent location, car-parking, signage, litter, and the number of other off licensed premises in the area.
- ii. The applicant is providing ten off street carpark and another four for short term parking which will reduce on-street parking demand near the premises. We consider the parking and traffic movements to be like those for the previous activities at this site which have not been raised as an issue by the Inspector or submitters.
- iii. The resource consent sets noise limits, and we have no evidence to suggest that the proposed business will generate unacceptable noise. Further, there was no evidence presented to show that TGL's other stores suffer from nuisance behaviour and vandalism, or any other amenity impacts as a result of the sale and supply of alcohol, and there is nothing to counter the Inspector's report and conclusions that this same standard will not be maintained at this site. There was evidence given that alcohol related rubbish was found in the Plunket area but the commitment by the applicant to carry out daily litter patrols in the immediate area (including the Plunket area) will mitigate the litter impact on the amenity of the area.

- iv. Some objectors raised concerns that the visibility of the 'Super Liquor' store will contribute to 'normalising' alcohol in young people's minds. The large 'Super Liquor' sign on the exterior of the building has now been removed from the plan by the applicant. The applicant also confirmed there would be no brand or price advertising on the exterior of the premises. We accept that the reduced signage is reasonable and unlikely to contribute to 'normalising' alcohol.
- v. Objectors consistently submitted that another bottle store is not needed in this area and would increase the already excessive availability. They suggested this would result in more competition and lower prices and make alcohol easier to obtain. We accept that as with most businesses, there is competition between alcohol retailers. However, considering there are already a number of bottle stores competing for business in Wanaka (including an existing Super Liquor Store), we are not convinced an additional store will lower prices. Further, evidence did not show this suggested outcome or that lower prices eventuated when new bottle stores opened previously (eg. Bottle O).
- vi. Another key concern expressed by objectors was the incompatibility of a bottle store adjacent to the Plunket sensitive site, in particular the use by AA of the Plunket Building for its two one-hour long meetings a week. We have addressed this in detail at 94.a.v and vi above.
- vii. As per s.106(1)(a)(iii) we are required to have regard to the number of premises for which licences of the kind concerned are already held, and this was raised as a significant point by objectors. As reported by the Inspector, there are nine existing off licensed premises within 500m of the proposed site and of these, four are bottle stores of the same type as proposed in this application. Two are nearby: Betty's Liquorstore at 33 Ardmore Street, and Liquorland Wanaka at 71 Ardmore Street. As highlighted by the applicant, proliferation on its own is not a statutory criterion but rather how it impacts on the amenity and good order of the area. We acknowledge the number of off licences in the Wanaka Town Centre but based on assessment of evidence provided and discussed above, we are satisfied an additional premises as proposed will not have a more than minor impact on the amenity and good order of the area.
- viii. Alongside the factual evidence presented, the objectors also expressed a range of opinions relating to how this proposal would degrade the amenity and good order of locality. The Committee is required to form its opinion on the amenity and good order of the area, and whether the application, if granted, will lead to a deterioration of that amenity and good order (***Re Venus NZ Ltd [2015] NZHC 1377***¹⁴). We have weighed up all that was put before us along with the application, and as discussed above, the Committee considers that the amenity and good order of the locality will not be reduced by more than a minor extent by the effects of the issue of this licence.

¹⁴ *Venus NZ Limited [2015] NZHC 1377*

h. S.105(1)(j) - Whether the applicant has appropriate Systems, Staff, and Training to comply with the law:

- i. Based on the details provided by the applicant of the comprehensive training provided to all Super Liquor staff, the oversight auditing by Super Liquor Holdings (the franchiser), the system prompts, CCTV, and staff management, as well as the Inspector's report and recommendations, we are confident the applicant has appropriate Systems, Staff and Training to comply with the law. Some objectors raised concerns that as a result of a recent failed CPO, the applicant's staff training and systems were inadequate. The applicant addressed this in detail, and we are satisfied appropriate action has been taken to comply with the law.

i. S.105(1)(k) – Any matters dealt with in any report from the Police, an Inspector, or a Medical Officer of Health made under s.103 of the Act:

- i. Details of the MOoH response to this application have been covered above.
- ii. The Police did not oppose the application but did provide statistics.

- 61. The deliberation of this hearing has been complex. On the one hand a large number of objections were received, mainly objecting in general that this off-licensed premises is not wanted or needed in this location, is incompatible with sensitive activities, and it will increase alcohol related harm. In assessing whether the application meets the purpose and object of the Act, the Committee has weighed the objector's submissions and any oral evidence, against contrary statements and evidence provided by TGL. We have also taken into account the evidence and information provided by the agencies and the significance of the Inspector's report under s.103(2) of the Act as not being unfavourable, and the lack of opposition by the Police and the MOoH under s.103(3)(b) of the Act.
- 62. In terms of amenity and good order, and the objectors concerns that these will deteriorate as a result of this application being granted, evidence provided did not show that other off licensed premises (including the previous off licence operated from this site) in the area have reduced the amenity and good order of their localities or had detrimental effects on nearby 'sensitive' activities, or that this application will do so.
- 63. We must consider the legislative requirements, which guide us in respect of what we must take into consideration – and in this case, the objectors have provided minimal foundational evidence to show this application will increase harm, or that that application does not meet the purpose and object of the Act.
- 64. We have considered and evaluated all evidence and submissions impartially and have determined this application will not be contrary to the object of the Act and meets the criteria at s.105 and s.106 of the Act. As such, this application by The Gate Limited for an off licence is approved.

65. The renewal period for any new licence is covered under s.122(1)(b) and is '*12 months after the day it was issued*'.
66. When the licence does issue, and in addition to the standard off-licence conditions, the following conditions shall apply:
- i. Single sales of mainstream beers and RTDs are not permitted;
 - ii. External signage is to be as per the attached diagram submitted with the applicant's closing submission;
 - iii. A 1.8 metre hedge is to be established and maintained along the boundary with Plunket;
 - iv. Product or price advertising externally or in the windows is not permitted; and
 - v. Litter patrols of the immediate area around the premises are to be undertaken twice daily.

DATED at QUEENSTOWN this 17th day of September 2026

Mr LA Cocks
Chairman

