



## OFF-LICENCE

Section 17 to 20, and 64 Sale and Supply of Alcohol Act 2012

**PURSUANT** to the Sale and Supply of Alcohol Act 2012 (the Act), **SPADE OAK VINEYARD LIMITED** (the licensee) is authorised to sell and supply alcohol on the premises situated at **19 Solander Street, Gisborne**, and known as "**Spade Oak**", to **any person for consumption off the premises** and to supply alcohol free, as a sample, for consumption on the premises.

The licensee is also authorised to sell alcohol on or from the premises and deliver it somewhere else.

The authority conferred by this licence must be exercised through a manager or managers appointed by the licensee in accordance with Subpart 7 of Part 2 of the Act.

### Conditions

This licence is subject to the following conditions:

- a. No alcohol is to be sold or delivered on Good Friday, Easter Sunday, Christmas Day, or before 1pm on Anzac day.
- b. Alcohol may be sold only on the following days and during the following hours:

**Monday to Sunday, 10.00am to 4.00pm**

- c. A copy of the licence must be displayed at any principal entrance.
- d. The whole of the licensed premises is undesignated.
- e. Signs must be displayed at every point of sale detailing the statutory restriction on the supply of alcohol to minors and the complete prohibition on sales to intoxicated persons.
- f. In the case of remote sales; the licensee must ensure that the requirements of section 59 of the Act are met at all times.
- g. Drinking water must be freely available to customers, while alcohol is being supplied free as a sample on the premises.
- h. This licence is assessed as an Off Licence, Winery Cellar Door, and the fee payable was \$368.00.

### Duration

Subject to the requirements of the Act relating to the payment of fees, and to the provisions of the Act relating to the suspension and cancellation of licences, this licence continues in force

1. Either
  - i. Until the close of the period for which it was last renewed; or
  - ii. If it has never been renewed, until the close of the period of 12 months after the day it was issued; but
2. If an application for the renewal of the licence is duly made before the licence would otherwise expire, either
  - I. Until the close of the period of 3 years after the period for which it was last renewed; or
  - II. If it has never been renewed, until the close of the period of 4 years after the day it was issued.

This licence expires on **18 July 2023**

**Dated at Gisborne, on 16 December 2020**

**Gary McKenzie**  
Secretary,  
Gisborne District Licensing Committee





**Decision No.**

**11979/2020**

**IN THE MATTER**

of the Sale and Supply of Alcohol Act 2012

**AND**

**IN THE MATTER**

of an application by **SPADE OAK VINEYARD LIMITED** for renewal of **off-licence** pursuant to s.127 of the Sale and Supply of Alcohol Act 2012 in respect of premises situated at 19 Solander Street, Gisborne, known as "**Spade Oak Vineyard**".

**BEFORE THE GISBORNE DISTRICT LICENSING COMMITTEE**

**Chair:** P. A. Seymour

**DECISION**

This is an application by **Spade Oak Vineyard Limited** for renewal of an off-licence in respect of premises situated at 19 Solander Street, Gisborne and known as "**Spade Oak Vineyard**".

The application was duly notified and no matters in opposition to the application have been raised from any reporting agency and no objections have been lodged. Accordingly, pursuant to s.191 (2) of the Act, the matter is considered on the papers by the committee chairperson.

I am satisfied as to the matters to which the committee must have regard as set out in sections 105, 106 and 131 of the Act and I grant the applicant an off-licence renewal authorising the continued sale and supply of alcohol, for consumption off the premises.

It is noted that the existing licence conditions on 27/OFF/11430/2019 required updating to be more legally correct and therefore the existing licence will be re-issued with altered conditions, which the applicant has agreed to.

The licence is renewed until the 18<sup>th</sup> day of July 2023 that being the anniversary date of the licence and three years from the most recent date of expiry, and authorise the issue of the licence subject to the conditions attached as appendix 1.

**DATED** at Gisborne this

16<sup>th</sup> day of *December*

2020

Patricia Seymour  
Chairperson  
**Gisborne District Licensing Committee**

## Sale and Supply of Alcohol Act 2012

### Inspectors Report

File Reference: 11979/2020

**INSPECTOR:** Sarwan Kumar  
**DATE:** 18 November 2020

<b>Application Type:</b>	<b>Off Licence Renewal</b>
<b>Section of Act:</b>	Section 127, Sale and Supply of Alcohol Act 2012
<b>Date of Application:</b>	19 June 2020
<b>Applicant:</b>	Spade Oak Vineyard Limited
<b>Address:</b>	19 Solander Street, Gisborne
<b>Premises Trading Name:</b>	Spade Oak
<b>Principal Purpose:</b>	Winery (Cellar door)

#### **PREMISES DESCRIPTION / BACKGROUND:**

Spade Oak Vineyard Limited has made an application to the Gisborne District Licensing Committee for the renewal of an Off Licence (winery – cellar door) under Section 127 of the Sale and Supply of Alcohol Act 2012 (the Act), to sell alcohol for consumption off the premises, situated at 19 Solander Street, Gisborne and known as Spade Oak.

The premises have been operated by the current licensee for the last 18 months. However, the licensee has previously operated a cellar door from a different site for about 10 years.

This application is the first renewal of the licence issued in July 2019.

There have no changes to the operation or the building since the last licence. No variation to any conditions or hours of operation is sought for this renewal.

In terms of the fee category the licensed premises has been assessed as an Off Licence Winery – cellar door and has been assigned a very low fee category which means the applicant has paid \$368.00 for the application fee and an annual fee of \$161.00.

#### **LOCATION OF THE PREMISES:**

The premises are situated on land zoned Industrial under the operative Tairāwhiti Resource Management Plan (the Plan).

The premises are accessed from Solander Street which runs parallel to Awapuni Road, a main arterial city bypass road connecting southern and northern areas.

Neighbouring activities and uses within the immediate vicinity are all industrial and commercial businesses. The Gisborne Wine Company trading as Longbush Wines, holder of an off-licence, operates from the same site but different building. In the wider vicinity there is an on licensed premises (Smash Palace).

The premises is not located in Liquor ban area.

## **PLANNING AND BUILDING MATTERS**

The Gisborne District Council has provided a certificate dated 17 April 2019 stating that the premises meets the requirements of the Resource Management Act 1991.

Pursuant to Section 127 (2) (e) of the Act, the application is accompanied by a statement by the applicant that the owner of the building in which the premises are situated provides and maintains an evacuation scheme as required by section 76 of the Fire and Emergency New Zealand Act 2017.

### **NOTIFICATION:**

Pursuant to Section 101 (b) of the Act and Section 36 to 38 of the Sale and Supply of Alcohol Regulations 2013 (the Regulations) the application was publicly notified in the Gisborne District Council website on 30 June 2020.

Copies of these notices have been perused, are accurate, and are held on file.

### **OBJECTIONS:**

The District Licensing Committee Secretariat did not receive any objections to the application in accordance with Section 102 of the Sale and Supply of Alcohol Act 2012.

## **STATUTORY CRITERIA**

### **THE OBJECT OF THE ACT:**

- *The sale, supply and consumption of alcohol should be undertaken safely and responsibly*
- *The harm caused by the excessive or inappropriate consumption of alcohol should be minimised*

The premises has a robust host responsibility policy (copy on file), and this is prominently displayed on the premises.

The premises offers free tastings and ensures water is freely available in the tasting area during those times.

Prohibited persons signage is displayed at the tasting table.

During the renewal application I visited the premises on 18 November 2020 and found the premises compliant with all the requirements of the licence.

In my opinion the applicant has provided adequate information and documentation to demonstrate that suitable measures will be undertaken to ensure the responsible sale and supply of alcohol, and that harm will be minimized.

### **THE MANNER IN WHICH THE APPLICANT HAS SOLD, DISPLAYED, ADVERTISED OR PROMOTED ALCOHOL.**

During the renewal period the premises have been subject to the following monitoring and inspection activities.

- 14 May 2019: No issues identified
- 18 November 2020: No issues identified

The applicant advises the premises do not engage in unacceptable promotions or irresponsible drinking practices and during the renewal period I have not become aware of any such practices. A check of the website showed no evidence of issues.

**SUITABILITY OF THE APPLICANT:**

The applicant is a private company, duly incorporated under the Companies Act 1993 on 15 October 2008 (reference no. 2178270).

The company has two directors, Eileen French Voysey and Stephen Andrew Voysey.

The shareholders of Spade Oak Vineyard Limited are:

Allocation	Shareholder	No. of shares
1	Stephen Andrew Voysey	15
2	Eileen French Voysey	15

Stephen Andrew Voysey was appointed a new director on 10 August 2020.

Both Eileen and Stephen have many years of experience operating licenced premises with a cellar door at their vineyard at 437 Matawai Road, Gisborne. Stephen is the winemaker and regularly attends events promoting Spade Oak wines.

The applicant has not declared any convictions during the renewal period and the Police have not brought up any matter of suitability in their report.

There have been no failed CPOs, enforcement actions, negative holdings or problems with noise or good order and amenity during the renewal period.

Based on my discussions with the applicant, my inspection of the premises, the supplementary documentation accompanying the application, the reports filed, and the absence of any adverse issues during the renewal period, it is my opinion that the applicant is aware of their responsibilities under the Act, and is suitable to operate the licensed premises.

**DAYS AND HOURS DURING WHICH THE APPLICANT PROPOSES TO SELL ALCOHOL:**

The applicant proposes to sell alcohol on the following days and during the following hours:

**Monday to Sunday 10.00am to 4.00pm**

In my opinion the days and hours applied are suitable for this type of premises.

**GISBORNE DISTRICT LOCAL ALCOHOL POLICY (GDLAP):**

The application complies with the maximum hours detailed in section 3.2 of the GDLAP for on licensed premises.

**Design and Layout of the Premises:**

The licensed premises are outlined in the plan received with the application (attached).

There have been no changes in the floor plan or the licensed area since the last renewal. The key features of the premises include:

- A small sale and display area at the front of the building.
- Wine tasting is undertaken within this area.
- The principal entrance is off the driveway off Solander Street.
- Office, staff areas and storerooms are to the right of the principal entrance.
- Wine making and wine storage area is at the back of the premises.

The applicant has proposed the premises be undesignated which is appropriate for winery sales.

It is my opinion that the design and layout of the premises is adequate to fulfil the object of the Act in terms of minimising potential harm and ensuring a safe environment for patrons, in conjunction with the applicant's operational procedures.

**THE SALE OF GOODS AND THE PROVISION OF OTHER SERVICES:**

The applicant is not engaged in, and does not propose to engage in, the sale of goods or the provision of services other than those directly related to the sale of alcohol, low and non-alcoholic refreshments and food.

**AMENITY AND GOOD ORDER OF THE LOCALITY:**

**Current and possible future levels of noise, nuisance and vandalism:**

The Council has no record of any noise complaints or noise issues relating to the operation of on licence during the renewal period.

The Council has no record (including Police reporting) of any existing nuisance and vandalism issues in the locality or during the renewal period.

**Conclusion**

Considering all of the above, in my opinion, the amenity and good order of the locality would not be likely to be increased, by more than a minor extent, by the effects of a refusal to renew the licence.

**SYSTEMS, STAFF AND TRAINING:**

The applicant has advised that three employees are certificated managers.

Manager's Name	Certificate No.	Expiry Date
Eileen Voysey	27/CERT/8803/2014	1 October 2023
Stephen Voysey	27/CERT/11178/2018	10 October 2022
Rosalyn Waghorn	27/CERT/10341/2017	18 June 2023

The applicant is a hands on operator of the winery store and both are certified managers for these premises.

Wine tastings are available mostly by appointment only and there is always a minimum of one certified manager at any time but often more.

ID checking is undertaken for all persons who appear to be under 25 years of age. Alcohol will not be served to anyone who displays signs of being adversely affected by alcohol.

The applicant has a website and prospective buyers can email orders. Once an email is received the applicant contacts the buyer by phone or email and verifies age.

After review of the application, supporting information and discussions with the applicant, in my opinion the applicant has demonstrated that there are appropriate systems, staff and training to meet the requirements of the Act.

**REPORTS FROM OTHER AGENCIES:**

The NZ Police have inquired into the application, and do not oppose the granting of the licence. A copy of the report, dated 9 July 2020, is attached to this report.

The reporting Officer for the Medical Officer of Health has inquired into the application, and does not oppose the granting of the licence. A copy of the report, dated 27 July 2020, is attached to this report.

**RECOMMENDATION:**

Having regard to the particulars of the application and the relevant statutory criteria under the Act(s), I do not oppose the application, and recommend that the licence be granted.

I do not recommend any additional discretionary conditions be imposed on the licence.



Sarwan Kumar  
Licensing Inspector  
Gisborne District Council

**Joanne Austin**

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**From:** Goodwin, Derek <Derek.Goodwin@fireandemergency.nz>  
**Sent:** Wednesday, 1 July 2020 9:10 am  
**To:** Joanne Austin  
**Subject:** RE: 2020 Spade Oak, 11979 - Renewal Off - Email Referrals - Jun

Hiya

Fire and Emergency NZ (Tairāwhiti) has no objection to this application.

Cheers

Derek

Derek Goodwin Grad IFireE - AdvDip Fire Investigation - Dip Fire & Rescue  
Fire Risk Management Officer - Specialist Fire Investigator - Inspector  
Tairāwhiti Area Headquarters  
Gisborne Fire Station  
185 Palmerston Road  
Gisborne

M: 027 2856060

P: 06 867 9038

derek.goodwin@fireandemergency.nz

[www.fireandemergency.nz](http://www.fireandemergency.nz)

-----Original Message-----

From: Joanne Austin [mailto:Joanne.Austin@gdc.govt.nz]

Sent: Tuesday, 30 June 2020 1:45 p.m.

To: Goodwin, Derek <Derek.Goodwin@fireandemergency.nz>; HealthProtection Officer  
<health.protection@tdh.org.nz>; Alcohol.Gisborne@police.govt.nz

Subject: FW: 2020 Spade Oak, 11979 - Renewal Off - Email Referrals - Jun

Good Afternoon

Please find attached a Renewal Off Licence Application for reporting. Due date is 21 July 2020.

Kind Regards



Joanne Austin | Environmental Technical Officer | Gisborne District Council  
Email: [Joanne.Austin@gdc.govt.nz](mailto:Joanne.Austin@gdc.govt.nz) | Ph +64 6 867 2049 | Mob: 027 380 7628  
Address: 15 Fitzherbert Street, PO Box 747, Gisborne 4010 | [www.gdc.govt.nz](http://www.gdc.govt.nz)

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Thursday, 9 July 2020

The Secretary  
The Gisborne District Licensing Agency  
P.O. Box 747  
GISBORNE

**Re: Application for: Renewal of Off Licence.  
Spade Oak Vineyard Ltd for Spade Oak situated at 19 Solander St,  
Awapuni, Gisborne.**

The applicant in this matter seeks the renewal of the off-licence. The application as required by section 103 was forwarded to the Police for reporting on 30 June 2020. The report affirms that Police do not oppose the application.

**Trading hours:  
Monday to Saturday from 10.00am to 5.00pm**

The applicant is seeking the renewal of their off license to continue operating as a cellar door attending events and provide wine tasting.

There is nothing of interest to report on this premise.

Police have considered section 131 "Criteria for renewal" and have no objections.

For your information

  
Isaac NGATAI  
Sergeant F199  
Alcohol Harm Prevention Officer  
New Zealand Police  
Gisborne

Population Health  
110 Peel Street  
Private Bag 7001  
Gisborne  
Ph: 06 869 1311



27 July 2020

The Secretary  
Gisborne District Licensing Committee  
PO Box 747  
**GISBORNE**

Dear Sir/Madam

**RE: SALE AND SUPPLY OF ALCOHOL ACT 2012 - APPLICATION FOR RENEWAL OFF LICENCE (Spade Oak Vineyard Ltd)**

I refer to your request dated 27<sup>th</sup> June 2020, received by our office on 30<sup>th</sup> June 2020, together with the application for a new Off Licence for the above applicant, for the premises situated at 19 Solander Street, Gisborne.

I have considered this application with respect to the public health issues involved and are not aware of any problems that would require opposition.

The premises will be monitored for compliance with the conditions of its licence. During a visit the premises will be assessed for compliance with its licence conditions and strategies used to ensure the responsible sale and supply of alcohol, including:

- a) The premises' Social Responsibility Policy is being implemented;
- b) Staff are trained in their responsibilities to prevent sales and supply of alcohol to intoxicated patrons [Staff require clear instructions on identifying early signs of intoxication and proactively dealing with potentially intoxicated persons];
- c) Staff are trained in their responsibilities to prevent sales and supply of alcohol to minors;
- d) Appropriate signage is displayed regarding minors and intoxication;
- e) Management and staff comply with the designation of the licensed areas within the premises;
- f) Water is free and available during tastings.

**Subject to the above I have no objection to the issue of the licence.**

Population Health  
110 Peel Street  
Private Bag 7001  
Gisborne  
Ph: 06 869 1311



Yours sincerely,

A handwritten signature in black ink, appearing to be "CB", with a short horizontal line extending to the right.

**Cyrena Bennett**  
**Senior health Protection Officer**

**For Medical Officer of Health\***

\* under delegated authority pursuant to s151



08 December 2020

Spade Oak Vineyard Limited  
C/O Eileen Voysey  
36 Stout Street  
Whataupoko  
Gisborne 4010

Tena koe,

**SPADE OAK VINEYARD LIMITED  
Trading as SPADE OAK**

**OFF Licence No: 27/OFF/11430/2019**

The above Licence has been granted by the Gisborne District Licensing Committee pursuant to the provisions of the Sale and Supply of Alcohol Act 2012 for a period of 12 months. This Licence expires on **18 July 2023**.

Attached for your information and records are:

1. Premise OFF Licence
2. District Licensing Committee Decision
3. The Licensing Inspectors Report
4. The Police Report
5. The Medical Officer of Health Report
6. Fire Response

If you disagree with the District Licensing Committee's decision then you have the Right of Appeal which must be made within 10 working days of the date of the Notice of Decision.

Details of the Appeal process can be found on:

[www.justice.govt.nz/tribunals/alcohol-regulatory-and-licensing-authority/forms/notice-of-appeal-against-the-decision-of-a-district-licensing](http://www.justice.govt.nz/tribunals/alcohol-regulatory-and-licensing-authority/forms/notice-of-appeal-against-the-decision-of-a-district-licensing)

It is important to inform this office of any change in your contact details to keep the Licensing Committees records current.

If you have any further queries or require any additional information or reports associated to this application, please contact [alcohol.licensing@gdc.govt.nz](mailto:alcohol.licensing@gdc.govt.nz) or telephone me on 0800 653 800 .

Naku iti noa

Na  
Trindy Scragg  
**Environmental Health Coordinator**