



NOTICE OF MEETING

**Notice is hereby given of the Meeting of the
Invercargill District Licensing Committee
to be held in the Drawing Room,
Ground Floor, Civic Theatre,
88 Tay Street, Invercargill on
Wednesday 18 December 2024 at 9.00 am**

Cr D J Ludlow (Chair)
Cr R I D Bond
Cr L F Soper
Cr P W Kett

MICHAEL DAY
CHIEF EXECUTIVE

District Licensing Committee Hearings - Public

18 December 2024 09:00 AM

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A5663970



**APPLICATION FOR NEW OFF LICENCE
(for Premises)
Section 100, Sale and Supply of Alcohol Act 2012**

To: The Secretary
Invercargill District Licensing Committee
Private Bag 90104
INVERCARGILL 9840

Application for an Off Licence is made in accordance with the details set out below.

1. Details of Applicant(s)

- (a) Full name to be on Licence: GADOOCHI BREWING
- (b) Address of premises: 17 BOND STREET INVERCARGILL
- (c) Postal address for service of documents: 403 MCIVOR RD MYROSS BUSH
- (d) Daytime contact number: _____ Cellphone: [REDACTED]
Work: _____ Email: nicola@tuataralodge.co.nz
- (e) Status of applicant (tick appropriate box) [REDACTED]
 - Natural person
 - Private company
 - Public company
 - Licensing Trust
 - Partnership
 - Other (please specify) _____

2. Further details for Applicant who is a Natural Person

- (a) Name (including any aliases): _____
- (b) Residential Address: _____
- (c) Gender: _____ (d) Occupation: _____
- (e) Date and Place of Birth: _____
- (f) Daytime contact number: _____
- (g) Email address: _____ (h) Website: _____

3. Further Details where Applicant is a Company

- (a) Date of incorporation: 20 MARCH 2019 (b) Place of incorporation: INVERCARGILL
- (c) Full details of each Director, and the Secretary, as follows: (attach a separate sheet if necessary)

| Name | Address | Date of Birth | Place of Birth | Designation |
|--------------------|--|--|--|-----------------|
| <u>NJMCGILVRAY</u> | [REDACTED] | [REDACTED] | [REDACTED] | <u>DIRECTOR</u> |
| <u>CRELLENDEN</u> | [REDACTED] | [REDACTED] | [REDACTED] | <u>DIRECTOR</u> |
| | | | | |

A5663970

4. If Private Company

(a) Authorised Capital Paid-up Capital

(b) Full details of each person who holds any shares issued by the company

| Name | Address | Date of Birth | Place of Birth | Designation | Face Value shares held |
|------------|------------|---------------|----------------|-------------|------------------------|
| NJMCGIWRRA | [REDACTED] | [REDACTED] | [REDACTED] | [REDACTED] | [REDACTED] |
| CRELLENDER | [REDACTED] | [REDACTED] | [REDACTED] | [REDACTED] | [REDACTED] |
| | | | | | |
| | | | | | |

5. If Public Company

(a) Full details of each person who holds 20% or more of the shares, or of any particular class of shares, issued by the company:

| Name | Address | Date of Birth | Place of Birth | Designation |
|------|---------|---------------|----------------|-------------|
| | | | | |
| | | | | |
| | | | | |
| | | | | |

6. Further Details Where Applicant is a Partnership

(a) Full details of each partner as follows:

| Name | Address | Date of Birth | Place of Birth | Signature of each Partner |
|------|---------|---------------|----------------|---------------------------|
| | | | | |
| | | | | |
| | | | | |
| | | | | |

7. Criminal Convictions

(a) Has the applicant ever been convicted of any offence? YES/NO

| Nature of Offence | Date of Conviction | Penalty Suffered |
|-------------------|--------------------|------------------|
| | | |
| | | |
| | | |

NOTE: Failure to disclose may result in the Police opposing the issue of the licence.

A5663970

8. Premises Details

(a) Address of proposed licensed premises: 17 BOND ST INVERCARGILL

(b) Proposed trading name for premises (if any): GADOOCHI BREWING

(c) Is a licence sought conditional upon construction or completion of the premises? YES/NO YES

(d) Does the applicant own the proposed licensed premises? YES/NO YES

If No (i) What is the full name and address of the owner?

ELLENDEN FAMILY TRUST



(ii) What form of tenure of the premises will the applicant have (including term of tenure)?

(e) What part (if any) of the premises does the applicant intend should be designated as

(i) A restricted area: _____

(ii) A supervised area: _____

9. Details of business

(a) Nature of business to be conducted: OFF LICENSE + REMOTE SALES

(b) Does the applicant wish to apply for the Off Licence to be endorsed? YES/NO YES

(If yes, please specify) Auctioneers (Section 39) Remote Seller (Section 40)

(c) Is the sale of alcohol the principal purpose of business? YES/NO YES

(d) If no state intended principal purpose of business: _____

(e) Is the applicant engaged, or intending to be engaged, in the sale or supply of any goods other than alcohol and food, or in the provision of any services other than those directly related to the sale or supply of alcohol and food? YES/NO YES

(f) If yes, state the nature of those other goods or services: _____

(g) Which days and which hours are proposed for the sale of alcohol? MONDAY TO SUNDAY - 7 DAYS A WEEK FROM 9AM - 9PM

10. Conditions

(a) What experience and training does the applicant have? 8 YEARS HOLDING AN ON LICENSE + OPERATING A CAFE WITH A BAR

(b) To what extent and where will drinking water be freely available to patrons when complementary samples are available? (This location will be a licence condition): FILLED WATER JUG WITH GLASSES STATIONED ON MAIN COUNTER

(c) If no access to mains water supply, potability of water intended to be available: (describe)

(d) What steps does the applicant propose to take to ensure that the requirements of the Act in relation to the sale of alcohol to prohibited persons are observed? ENSURING ID CHECKS ARE MADE, ALCOHOL NOT TO BE SERVED TO INTOXICATED PEOPLE online ordering will have a tick box at beginning + end of transaction

A5663970

- (e) What other steps does the applicant propose to take to promote the responsible consumption of alcohol? our licence will be visible on our website & receipts issued. ~~We will not offer~~ education to customer re: alcohol %
- (f) Other systems (including training systems) and staff in place (or to be in place) for compliance with the Act: FULL TRAINING OF STAFF WITH CURRENT MANAGERS CERTIFICATES

11. Manager(s) to be employed (Persons who hold a Manager's Certificate)

Full legal name: NICOLA [REDACTED] MCGILURAY

Address: [REDACTED]

Certificate number: 73/CERT/308/2016 Expiry date: 15 DECEMBER 2025

Full legal name: CHRISTOPHER [REDACTED] ELLENOR

Address: [REDACTED]

Certificate number: 73/CERT/105/2017 Expiry date: 29 JUNE 2027

Full legal name: DAMON MILNE

Address: [REDACTED]

Certificate number: 73/CERT/9/2017 Expiry date: 3 FEBRUARY 2025

12. Additional questions

- (a) The granting of this application will not decrease the amenity or good order of the area by more than a minor extent because: THIS IS AN OFF LICENSED AREA IN AN INDUSTRIAL PART OF INOERCARGILL - CUSTOMERS WILL BE PURCHASING ALCOHOL TO TAKE AWAY TO CONSUMPTION / OR BE PURCHASING ONLINE FROM OUR WEBSITE - NON RESIDENTIAL AREA
- (b) The design and layout of our premises complies with the Act because: CORRECT SIGNS IN PLACE, COUNTER IN FRONT OF TAP AREA TO ENSURE NO SELF SERVING/FILLING OF RIGGERS, SAFE OFF STREET PARKING
- (c) The granting of this application will contribute to the Object of the Act by: ALLOWING CUSTOMERS OVER THE AGE OF 18 TO ENJOY OUR RANGE OF GADDOUCHI BEVERAGES IN THE PRIVATE HOME, MINIMALISING TRAVEL

A5663970

13. Fire Evacuation Scheme (Tick (a) or (b) as appropriate)

Applications for a licence under the Sale and Supply of Alcohol Act 2012 require the licensed premises to comply with Section 75 of the Fire and Emergency New Zealand Act 2017 which legislates that all relevant buildings must provide and maintain an evacuation scheme. Among the buildings that require an evacuation scheme are those buildings for:

- The gathering together, for any purpose, of 100 or more persons
- Providing employment facilities for 10 or more persons
- Providing accommodation for more than five persons
- Storing or processing hazardous substances in quantities exceeding the prescribed minimum amounts.

Please tick one.

- (a) Fire Evacuation Scheme. The building in which the premises is situated has an evacuation scheme for public safety which meets the requirements of Section 75 of the Fire and Emergency New Zealand Act 2017, and the requirements as set out in the documentation of the approved evacuation scheme has been maintained in accordance with Section 76 of the Act.

Have you held a trial evacuation at the premises? YES/NO

What was the last date of a trial evacuation? _____

(These must be held every six (6) months and notified to the Fire Service.)

- (b) Procedure Only. The building, by reason of its current use, is not required to provide and maintain a Fire Evacuation scheme or, because of the nature of the building, the building is exempt from having to meet the requirements to provide and maintain such a scheme. Evacuation Procedures are required to be in place with this information being readily available, such as fire action notices displayed identifying those procedures.

Note: If you do not have your procedures displayed and readily available, you may be subject to penalties under the Fire and Emergency New Zealand (Offences) Regulations 2018 which came into effect on 13 December 2018.

Applicant's signature:  Dated at Invercargill: 5 / 9 / 24

Applicant's signature: _____ Dated at Invercargill: / /

Applicant's signature: _____ Dated at Invercargill: / /

Applicant's signature: _____ Dated at Invercargill: / /

A5663970



63 Mersey St
PO Box 1512
Invercargill
Ph 03-214 4198
Fax 03-214 4199
e-mail: service@fireprotection.co.nz

fire alarms • electrical • cylinder testing • sprinklers • building compliance I.Q.P.

WARRANT OF FITNESS

Section 108, Building Act 2004: FORM 12

| THE BUILDING | | | |
|--|---|--|------------------------------|
| Street Address: | 17 Bond Street Invercargill | WOF Number: | 1999 430 |
| Legal Description: | Lot 5 DP 5599, Lot 6 DP 5599, Lot 8 DP 7942 | Location of building Within site/block: | N/A |
| Building Name: | Bond 17 | Level/Unit Number: | N/A |
| Current, lawfully established use: | Workshop / Offices | Year first constructed: | 1960 |
| THE OWNER | | CONTACT | |
| <i>Only complete if you are making the application on behalf of the Owner</i> | | | |
| Owners Name: | Christopher [redacted] Ellenden and Nicola [redacted] McGilvray | Contacts Name: | Fire Protection Compliance |
| Postal Address: | [redacted] Invercargill 7942 | Postal Address: | P.O Box 1512 Invercargill |
| Street Address/ Registered Office: | N/A | Street Address/ Registered Office: | 63 Mersey Street |
| Contact Person: | Christopher Ellenden | Contact Person: | Bronwyn Keast |
| Landline: | N/A | Landline: | 21 44 198 |
| Daytime: | N/A | Daytime: | 21 44 198 |
| After Hours: | 027 416 0212 | After Hours: | 21 44 198 |
| Mobile: | 027 416 0212 | Mobile: | 021 685 393 |
| Fax: | N/A | Fax: | 21 44 199 |
| Email: | office@weldtech.co.nz | Email: | service@fireprotection.co.nz |
| Website: | N/A | Website: | www.fireprotection.co.nz |
| Contacts Relationship with owner: Provide details | | AGENT | |
| <input type="checkbox"/> Details of authorization from owner to make application on behalf of the owner attached. | | | |
| WARRANT | | | |
| Maximum Occupancy: | 50 | Highest fire hazard category: | 1 |
| The inspection, maintenance, and reporting procedures of the compliance schedule for the above building have been fully complied with during the 12 months prior to the date stated below. | | | |

Date: 13 December 2023

The Compliance Schedule is kept at: 17 Bond Street

Tony Dackers
Full Name

Signature of owner/agent

This BWOF expires on: 13 December 2024

| The following specified systems are covered by the Warrant of Fitness for this building: | | | | | |
|--|------|----------------------------|-------------------------------------|---------|-----------------------------------|
| <input checked="" type="checkbox"/> | SS 2 | Emergency Warning Systems | <input checked="" type="checkbox"/> | SS 14.2 | Signs for SS 1 – 13 |
| <input checked="" type="checkbox"/> | SS 4 | Emergency Lighting Systems | <input checked="" type="checkbox"/> | SS 15.2 | Final Exits |
| | | | <input checked="" type="checkbox"/> | SS 15.4 | Signs for Facilitating Evacuation |

| Attachments – the following items are attached | |
|---|---|
| <input checked="" type="checkbox"/> Certificates relating to inspections, maintenance & reporting | <input type="checkbox"/> Recommendation for amendments to the compliance schedule |

A5663970



fire alarms • electrical • cylinder testing • sprinklers • building compliance I.Q.P.

63 Mersey St
 PO Box 1512
 Invercargill
 Ph 03-214 4198
 Fax 03-214 4199
 e-mail: service@fireprotection.co.nz

CERTIFICATE OF COMPLIANCE WITH INSPECTION MAINTENANCE AND REPORTING PROCEDURES

Section 108(3)(c), Building Act 2004: Form 12 A

| | | | |
|-----------------------------|----------|--------------------|-----|
| Building WOF Number: | 1999 430 | IQP Number: | 269 |
|-----------------------------|----------|--------------------|-----|

| THE BUILDING | | THE OWNER | |
|--|--|--------------------|--|
| Street Address: | 17 Bond Street Invercargill | Owners Name: | Christopher [redacted] Ellenden And Nicola [redacted] McGilvray |
| Legal Description | Lot 5 DP 5599, Lot 6 DP 5599, Lot 8 DP 7942 | Contact person: | Christopher Ellenden |
| Building Name: | Bond 17 | Mailing Address: | 403 Mclvor Road RD 6, Invercargill 9876 |
| Location of building Within site/block: | N/A | Street Address: | 17 Bond Street Invercargill |
| Level/Unit Number: | N/A | Registered Office: | N/A |

| COMPLIANCE | | | |
|--|-------------|----------------------------|--|
| <p>The inspection, maintenance, and reporting procedures of the compliance schedule have been fully complied with during the 12 months prior to the date stated below in relation to the following specified systems: <i>Please tick the box next to the specified system(s) this Form 12A relates to.</i></p> | | | |
| <input checked="" type="checkbox"/> | SS 2 | Emergency Warning Systems | <input checked="" type="checkbox"/> SS 14.2 Signs for SS 1 – 13 |
| <input checked="" type="checkbox"/> | SS 4 | Emergency Lighting Systems | <input checked="" type="checkbox"/> SS 15.2 Final Exits |
| <input type="checkbox"/> | | | <input checked="" type="checkbox"/> SS 15.4 Signs for Facilitating Evacuation |

Tony Dackers

Full Name of Independent Qualified Person

Signature of Independent Qualified Person

Date: 16 October 2023

A5663970

Local Authority Compliance Application

Sale of Alcohol under Section 100(f) of the Sale and Supply of Alcohol Act 2012



Applicant Details

Full Name: NICOLA [REDACTED] MCGILURAY

Company name: GADOOCHI BREWING

Contact Phone Number: [REDACTED]

Email: nicola@tuatara.lodge.co.nz

Address: 17 BOND STREET INVERCARGILL

Postal Address: [REDACTED]

Licence Details

On-Licence Off-Licence Club Licence Variation

Property Details

Address: 17 BOND STREET INVERCARGILL

Legal Description: LOTS DP 5599 LOT 6 DP 5599 LOT 8 OP 7942

Type of Occupation: OFF LICENSE

Ownership Lease Agreement Tenancy

Name of Owner: ELLEN DEN MCGILURAY FAMILY TRUST

Proposed days and hours of operation (alcohol sale)

Days: MONDAY - SUNDAY

Hours: 0900 - 2100

Proposed area for the licence is:

New Building/ Business Existing use Change of use

Proposed area for the licence is:

Restaurant/Café Hotel Bar/Tavern
 Club Supermarket/Grocery Other OFF LICENSE



A5663970

Proposed or existing trading name of the business

Trading name: GADOOCHI BREWING

The status of activity in the District Plan

- The activity is permitted under the District Plan
- The activity has Resource Consent for operation

Attachments, please attach the following documents

- Site plan showing the areas of the site (including buildings) where alcohol is to be sold, supplied, and/or consumed
- Floor Plan showing layout of the floor area where alcohol to be sold, supplied, and/or consumed
- Confirmation of compliance with building codes
- Sale and Purchase Agreement or Lease Agreement

Payment

A fixed initial deposit fee is to be paid for this application.
You will receive the invoice for the application from the Planning Department of the Invercargill City Council after lodging your application.
For further information email resourceconsents@icc.govt.nz

Declaration

I certify that, to the best of my knowledge and belief, the information given in this application is trusted and correct.

Signature:

D M'aitia

(Signature is not required if the application is made by electronic means)

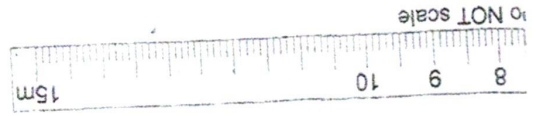
5 / 9 / 24

(Date Submitted)

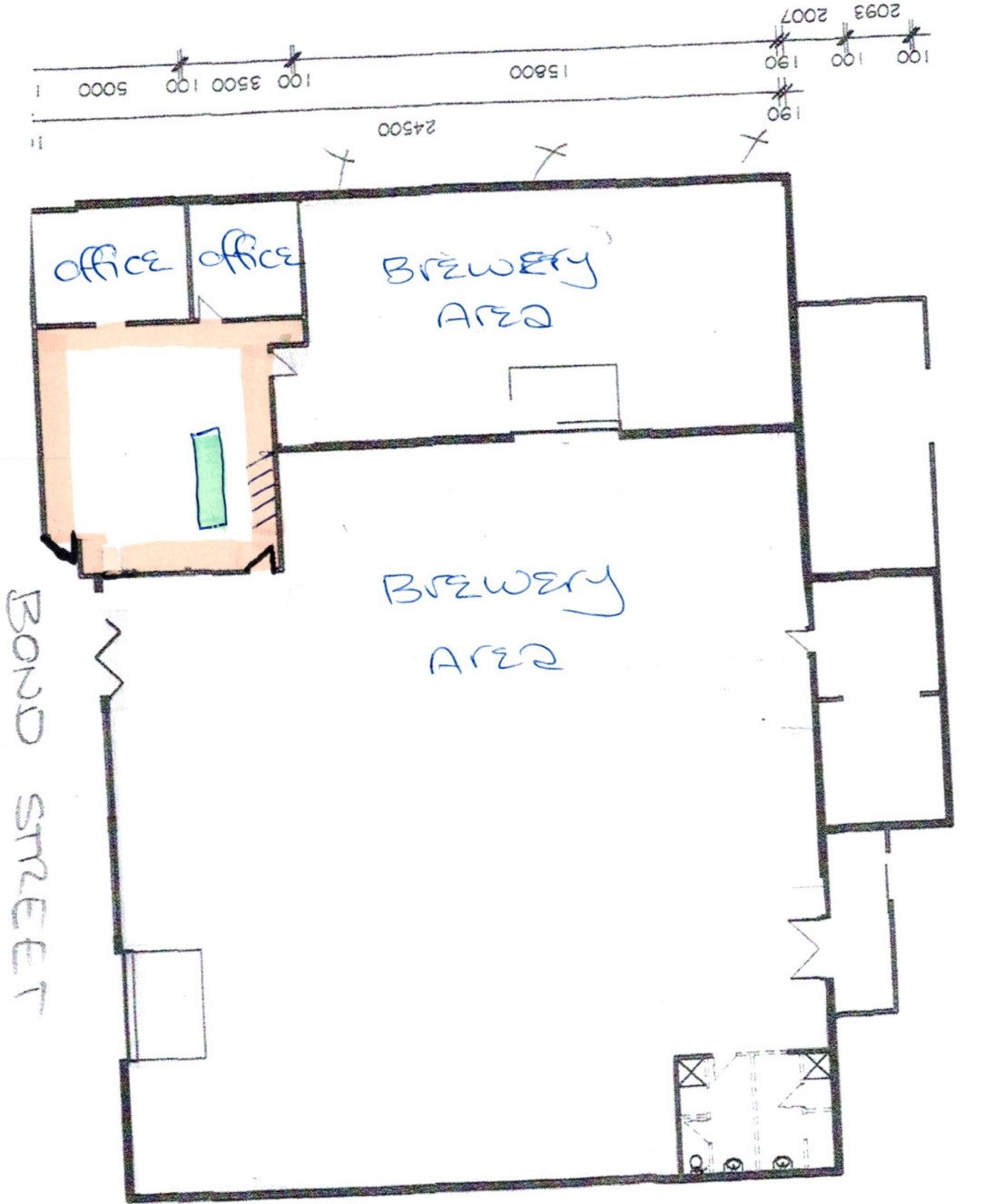


A5663970

| REV | DATE | DESCRIPTION |
|-----|----------|-----------------------|
| 1 | 8-10-10 | Confirmation drawings |
| 2 | 11-10-10 | Issued for consent |



1
EXISTING FLOOR PLAN
1:200



////// beer taps
 [Green Box] retail/serving counter

A5663973



Licence No: OFF/187/2024
03056692.doc

15 September 2024

Gadoochi Brewing Limited

nicola@tuataralodge.co.nz

Téná koe

APPLICATION FOR OFF LICENCE – 73/OFF/187/2024.

Thank you for your application for your Off Licence, which was received by the Invercargill District Licensing Committee on 6 September 2024.

Your application passed the initial vetting process and was lodged on 15 September 2024. It will now undergo further consideration, including a referral to the Licensing Inspector, Police and Medical Officer of Health. If no concerns are raised, it will go before the Invercargill District Licensing Committee, and you will then be informed of the Committee's decision in writing.

The Act requires you to display the Site Notice within 10 working days of filing your application, in a place where it can be easily read by a person outside the premises. It must remain there for at least 10 working days after the public notice is uploaded onto the ICC website (see attached copy of public notice for the published date).

If you have any questions or concerns regarding your application, please email me dlc@icc.govt.nz or phone on (03) 211 1626.

Nga mihi

A handwritten signature in blue ink that reads "Catherine Howard".

Catherine Howard

DISTRICT LICENSING SUPPORT OFFICER

Please note: If your licence expires while your renewal application is being processed, **you are still able to trade as a licensed premises until a decision on your application has been made.** Please keep this letter as confirmation that your renewal application has been accepted.

A5663973

PUBLIC NOTICE
Section 101, Sale and Supply of Alcohol Act 2012

Gadoochi Brewing Limited of **30 Dee Street, Invercargill 9810**, has made application to the Invercargill District Licensing Committee at Invercargill for the issue of **Off Licence** in respect of premises situated at **17 Bond Street, Invercargill**, known as **Gadoochi Brewing**.

The general nature of the business to be conducted under the licence is:
Off Licence

The days on which and the hours during which alcohol is to be sold under the licence are:
Monday to Sunday from 9.00am to 9.00pm

The application may be inspected at the office of the Invercargill District Licensing Committee at 101 Esk Street, Invercargill, Monday to Friday between 8.00am and 5.00pm.

Any person who is entitled to object and who wishes to object to the issue of the Off Licence under Section 102 of the Act may, not later than 25 working days after the date of the first publication of this notice, file a notice in writing of the objection with the Secretary of the Invercargill District Licensing Committee:

Email: dlc@icc.govt.nz

Deliver: Invercargill City Council, 101 Esk Street, Invercargill

Post: Invercargill District Licensing Committee, Private Bag 90104, Invercargill 9840

No objection to the issue of a licence may be made in relation to a matter other than a matter specified in Section 105(1) of the Sale and Supply of Alcohol Act 2012.

This notice was first published on **18 SEPTEMBER 2024**
Any objections must be received by **24 OCTOBER 2024**

A5663973

Site Notice

Section 101, Sale and Supply of Alcohol Act 2012



GADOOCHI BREWING LIMITED
30 DEE STREET, INVERCARGILL 9810

has made application to the Invercargill District Licensing Committee at Invercargill for the renewal of Off Licence in respect of premises situated at:

17 BOND STREET, INVERCARGILL

known as:

GADOOCHI BREWING

The general nature of the business to be conducted under the licence is:

OFF LICENCE

The days on which and the hours during which alcohol is to be sold under the licence are:

OFF LICENCE:
MONDAY TO SUNDAY FROM 9.00AM TO 9.00PM

The application may be inspected at the office of the Invercargill District Licensing Committee at 101 Esk Street, Invercargill, Monday to Friday between 8.00am and 5.00pm.

Any person who is entitled to object and who wishes to object to the issue of the Off Licence under Section 102 of the Act may, not later than 25 working days after the date of the first publication of this notice, file a notice in writing of the objection with the Secretary of the Invercargill District Licensing Committee:

Email: dlc@icc.govt.nz

Deliver: Invercargill City Council, 101 Esk Street, Invercargill

Post: Invercargill District Licensing Committee, Private Bag 90104, Invercargill 9840

No objection to the issue of a licence may be made in relation to a matter other than a matter specified in Section 105(1) of the Sale and Supply of Alcohol Act 2012.

The first public notice was on **18 SEPTEMBER 2024**

PLEASE DISPLAY THIS NOTICE IN A PROMINENT PLACE

A5679067

Catherine Howard

From: Nicola McGilvray <nicola@tuataralodge.co.nz>
Sent: Wednesday, 11 December 2024 10:15 am
To: Catherine Howard
Subject: Re: 2024 12 11 - Stephen Russell - confirm premises

Steve Russell will be working at both the Tuatara and Gadoochi brewing

Get [Outlook for Android](#)

From: Catherine Howard <Catherine.Howard@icc.govt.nz>
Sent: Wednesday, December 11, 2024 10:12:34 AM
To: Nicola McGilvray <nicola@tuataralodge.co.nz>
Subject: 2024 12 11 - Stephen Russell - confirm premises

Hi Nicola
Please confirm is Stephen Russell going to work at Gadoochi or Tuatara, or both?



Catherine Howard

District Licensing Support Officer
Catherine.Howard@icc.govt.nz
Phone: 032111777 • DDI: 032111626 • Mobile: 021738755
www.icc.govt.nz
101 Esk Street, Invercargill, 9810 • Private Bag 90104

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• Service disruptions • Community events

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From: Nicola McGilvray <nicola@tuataralodge.co.nz>
Sent: Wednesday, 11 December 2024 6:20 am
To: Catherine Howard <Catherine.Howard@icc.govt.nz>
Subject: hearing info

Hi Catherine
Can you please provide us with any information from the licence inspector, police and medical officer of health regarding their submissions to our hearing.
Could you also please add Steve Russel to our list of Duty Managers for the Tuatara.

A5679067

Also if you would be able to provide any information regarding an appeal for our case, I'm just thinking ahead and if it comes to it, I would like to get the ball rolling as soon as possible if we do need to lodge an appeal.

Kind Regards
Nicola McGilvray

A5679067

Decision for Manager's Certificate

DLC ref: MAN-2024/256 - 1363/2024

In The Matter of the Sale and Supply of Alcohol Act 2012

And

In The Matter of an application by **Stephen Richard Russell** for a Manager's Certificate pursuant to s. 219 of the Act

Before the Southland District Licensing Committee

Cr Paul Duffy QSM (Chairperson) on the papers

Decision

This is an application by Stephen [REDACTED] Russell for a Manager's Certificate.

No opposition to approval has been received from Police. An Inspector appointed under the Act has reported on the application. The Inspector had some concerns with regard to the applicant's experience and request that an undertaking be provided to limit the use of the manager's certificate.

Given there was no opposition to the application I deal with the matter on the papers.

I am satisfied as to the matters to which we must have regard as set out in s.222 of the Act, accordingly the application is granted subject to an undertaking that the manager's certificate will be used by the applicant only in the course of his employment with on and off licences only or such other employer as is approved in writing by the Inspector.

The certificate may issue immediately.

The applicant should be aware that if they are found acting outside the undertaking, then suitability to hold a Manager's Certificate will be questioned. If at any anytime they wish to have this limitation reviewed they are welcome to approach the Licensing Inspector.

Dated at Invercargill on 27 November 2024



Cr Paul Duffy QSM
Chairperson
Southland District Licensing Committee



Certificate: 72/CERT/115/2025

A5679067

Manager's Certificate

Section 217 Sale and Supply of Alcohol Act 2012

Stephen [REDACTED] Russell

Certificate Number: 72/CERT/115/2024

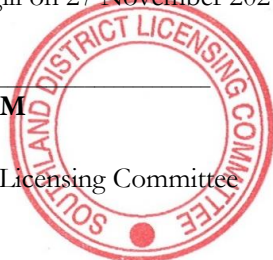
is authorised to manage any licensed premises in respect of which a licence is in force.

Subject to the requirements of the Act relating to fees, and to the provisions of the Act relating to the suspension and cancellation of manager's certificates, this certificate shall continue in force:

- (a) 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
- (b) 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 three 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 four years after the day it was issued.

Dated at Invercargill on 27 November 2024


Cr Paul Duffy QSM
Chairperson
Southland District Licensing Committee



This Certificate is subject to an undertaking noted in the decision.

SOUTHLAND DISTRICT COUNCIL



A5663985

Catherine Howard

From: Catherine Howard
Sent: Monday, 23 September 2024 8:55 am
To: 'Andrew Ward'
Subject: 2024 09 23 - Gadoochi Brewing Limited - copy sent to Andrew Ward
Attachments: 2024 09 06 - Gadoochi Brewing Limited - App for New OFF_187_2024.pdf

Good Morning

As requested, please find attached copy of application for Off Licence for Gadoochi Brewing Limited.

Kind regards

Catherine

From: Andrew Ward <Andrew@wardadams.nz>
Sent: Friday, 20 September 2024 9:11 am
To: Catherine Howard <Catherine.Howard@icc.govt.nz>
Subject: Gadoochi Brewing Limited

Good morning Catherine

Could you please forward me a copy of the application for an off-licence by Gadoochi Brewing Limited.

Many thanks

Andrew Ward

Partner



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Email: andrew@wardadams.nz

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Consultant
Paul Adams

Associate
Jonathon Amtmann

Staff Solicitors
Teena Malik
Thomas Merentitis

24 October 2024

The Secretary
Invercargill District Licensing Committee
Private Bag 90104
INVERCARGILL 9840

By email: dlc@icc.govt.nz

Dear Sir/Madam

GADOOCHI BREWING LIMITED – APPLICATION FOR NEW OFF LICENCE

We act for the Invercargill Licensing Trust (“ILT”).

The application is for an off-licence to sell alcohol from the premises at 17 Bond Street and on the basis of remote sales. We understand that the application is not to be endorsed under section 40 of the Sale and Supply of Alcohol Act 2012 (“the Act”) and therefore signage and display requirements apply. We note this Application is effectively to replace the previous licence at the premises which expired in August 2024. That licence was for remote sales only.

Our client has been made aware of the Police’s view of this application. In short, the Police do not object but seek the imposition of a condition on the off-licence that ensures only alcohol as outlined by the Applicant may be sold. Our client shares this view although we expand on the reasons set out below.

The details of what the Applicant intends to sell is recorded in correspondence from the Applicant. An extract from that correspondence is quoted as follows:

“What we are wanting to do is to sell the bulk of taps as Gadoochi beer/cider as this is where the largest amount of profit is for us, and have taps available for guest brewers to cover ourselves in case not all our customers want Gadoochi all the time. We also want to have for sale Gadoochi bottled products and bottled “craft beer” from other breweries. What we are not wanting to do is, sell RTDs, mainstream beers/ciders, mainstream spirits, anything that is readily available online at supermarkets or large bottle shops. Creating and nourishing the Gadoochi brand is first and foremost on our minds.”

We do not provide any challenge to the ability of a brewery selling its own products to obtain an off-licence in a Trust District. Section 350 of the Act excludes off-licences in a Trust District except for a licence akin to a wine reseller’s licence or for premises on which any kind of alcohol is made. However, the intention to sell other products under a manufacturers off-licence raises some issues.

ACW-002800-14-1711-V1



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In 2019 Gadoochi sought an off-licence to manufacture and sell alcohol from the premises situated at the Tuatara Lodge, 30 – 32 Dee Street Invercargill. That application was declined by the Invercargill District Licensing Committee following a hearing on 27 September 2019. In its decision the Committee specifically noted that the intention to sell other brewer's product conflicted with Section 350 and the Act did not have other provisions that would enable Gadoochi to do this.

Gadoochi's remote sales off-licence granted on 31 August 2023 included a condition that prevented the sale of products other than those manufactured by Gadoochi. That condition was imposed by consent following objections raised by our client and the Police.

Gadoochi's latest application creates two primary concerns:

1. There is no evidence or analysis provided to enable a proper determination as to whether the principal business of the premises will be the manufacture of alcohol – Section 32(1)(d). The only comment is that the bulk of taps will be Gadoochi beer/cider. It is a real risk that other brewer's products will account for a significant portion of revenue (more akin to a retail bottle store).
2. The sale of non-manufactured product is potentially in conflict with section 350.

Our client has not instructed us to formally object to the application but rather suggest that conditions should be imposed on the grant of an off-licence to deal with the above issues. The Act gives the Licensing Committee the power to impose any reasonable conditions on the off-licence that are not inconsistent with the Act.

We suggest a condition be imposed such as:

Gadoochi Brewing will only sell products manufactured by Gadoochi Brewing Limited or craft beer supplied by other breweries. The sale of all other alcohol products is not permitted.

Please contact the writer if any further clarification is required.

Yours faithfully

WARD ADAMS BRYAN-LAMB



Andrew Ward
Partner

andrew@wardadams.nz



A5664069



APPLICATION FOR NEW OFF LICENCE

Licence Inspector's Report to the District Licensing Committee
pursuant to Section 103 of the Sale and Supply of Alcohol Act 2012

DLA Application No: OFF/187/2024
Application Date: 6 September 2024
Report Date: 27 November 2024
Applicant: Gadoochi Brewing Limited
Trading Name: Gadoochi Brewing
Premises Address: 17 Bond Street, Invercargill
Postal Address: 30 Dee Street, Invercargill 9810

Premises Risk Rating for On Licence:

Type of premises: Brewery Cellar Door
Latest Hours: 9.00 pm
Enforcements: Nil
Premises Risk Rating: Low

Background to the application

The applicant Gadoochi Brewing Limited currently hold a National Programme 3 registration (ICC001083/1) under the Food Act 2015 for their brewery located at the same site; 17 Bond Street, Invercargill.

On 31 August 2023, this business was granted an OFF licence endorsed under s40 of the Sale and Supply of Alcohol Act 2012 for remote sales only. This licence expired on 31 August 2024. Following this they have now applied for this OFF licence to operate a cellar door type premises.

This premises is located in the Invercargill Licensing Trust (ILT) area. However, under s350 (1) (b) (ii), an OFF licence can be issued for any premises on which any kind of alcohol is made.

On 27 September 2024, the applicant sent an email to the ILT stating their intent as:

“What we are wanting to do is to sell the bulk of taps as Gadoochi beer/cider as this is where the largest amount of profit is for us, and have taps available for guest brewers to cover ourselves in case not all our customers want Gadoochi all the time. We also want to have for sale Gadoochi bottled products and bottled “craft beer” from other breweries. What we are not wanting to do is, sell RTDs, mainstream beers/ciders, mainstream spirits, anything that is readily available online at supermarkets or large bottle shops. Creating and nourishing the Gadoochi brand is first and foremost on our minds.”

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STATUTORY CRITERIA

The Object of the Act

The Host Responsibility Policy that was submitted to support this the application, if followed correctly, will ensure the sale, supply and consumption of alcohol will be undertaken safely and responsibly and the harm caused by the excessive or inappropriate consumption of alcohol should be minimised.

The application states that they will ensure ID checks are made, alcohol will not be served to intoxicated people, the online ordering will have a tick box at the beginning and end of the transaction. They have also stated that free water in filled jugs with glasses will be stationed on the main counter when free samples are available.

Other steps mentioned are that their licence will be visible on their website and they will educate customers on alcohol percentages.

Suitability of the Applicant

The applicant is Gadoochi Brewing Limited.

The applicant Gadoochi Brewing Limited submitted an application to the Invercargill District Licensing Committee on 6 September 2024 to grant an Off Licence in respect of premises situated at 17 Bond Street, Invercargill and to be known as Gadoochi Brewing.

Gadoochi Brewing Limited was incorporated under the Companies Act 1993 on 20 March 2019. The Companies Register shows that the following people are Directors of Gadoochi Brewing Limited:

1. Christopher [REDACTED] ELLENDEN, [REDACTED] [REDACTED]
2. Nicola [REDACTED] MCGILVRAY, [REDACTED] New Zealand

To my knowledge the premises file contains no information or matters of concern with regard to the applicant. The New Zealand Police have not made me aware of any incidents at 17 Bond Street, Invercargill.

Any Local Alcohol Policy

The Local Alcohol Policy was adopted on 6 December 2019. The Local Alcohol Policy covers the following:

SENSITIVE PREMISES

The Local Authority Compliance Certificate dated 10 October 2024 confirmed the applied activity is permitted and is in the Industrial 2 zone under the Invercargill City District Plan 2019. Sensitive sites consultation did not identify any such sites within 50 m of 17 Bond Street, Invercargill:

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TRADING HOURS:

Off licences: The hours between 7.00 am on any day to 11.00 pm the same day and includes dedicated “bottle store” outlets and “across the bar” sales.

This application is for: Monday to Sunday – 9.00 am to 9.00 pm. These hours are within the above-described LAP hours.

DISCRETIONARY CONDITIONS

The Local Alcohol Policy allows for discretionary conditions to be imposed on Licences. The following should be considered:

A. Premises layout and design

The floor plan, application information and the site visit lead me to believe that the design and layout of the premises is appropriate.

B. Staffing

- (i) Training requirements for staff
- (ii) Management requirements in relation to staff (e.g., number of staff, duty managers)

The application has detailed adequate staffing.

C. Host responsibility

- *Steps to prevent sales to minors*
- *Requiring the presence of a Duty Manager*

D. Amenity and good order

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- (i) Cleaning the outside of the premises and immediate environs
- (ii) Use of CCTV
- (iii) Signage and advertising

E. Management of incidents

- (i) Licensee to keep a register of incidents
- (ii) Mandatory notification to Police of violent incidents

Best practice is for all licensees to record any issues that occur.

F. CPTED Principles.

Licensees should consider CPTED principles when designing premises.

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

The applicant wishes to sell alcohol from Monday to Sunday – 9.00 am to 9.00 pm.

These hours are within the default hours of the Act and Local Alcohol Policy and are appropriate for this type of establishment.

The design and layout of the premises

Premises layout and principal entrance

The subject off licence area is located within the Gadoochi brewery building at 17 Bond Street. A floor plan formed part of the application submitted on 6 September 2024, as shown in figure 1. The principal entrance is off Bond Street. This entrance to the retail area is to the left of the brewery entrance.

During the site visit on 1 October, the retail area was being set up. At the time, it was observed that a serving counter was built in front of the beer taps and there was a double door fridge to the left of the counter. These can be seen in the photos below. Online CPTED guidance was referred to and discussed with Nicola McGilvray.

This premises is not in the permanent alcohol ban area and there aren't any other licensed premises in this industrial area.

Designations

This premises designation will be supervised.

Recommendation

It is recommended a copy of the scale plan of the premises be attached to the OFF Licence.

Provision of food, low alcoholic and non-alcoholic drinks (including water)

The applicant has detailed that water will be available from filled jugs with glasses that will be stationed on the main counter when alcohol is being provided free as a sample on the premises.

The sale of goods and the provision of services other than those directly relating to the sale of alcohol, low and non-alcoholic refreshments and food

N/A

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Whether the applicant has appropriate systems, staff and training

Persons listed as holding current Manager's Certificates and employed at the premises are:

- Nicola ██████ McGilvray
- Christopher ██████ Ellenden
- Damon Milne

Host Responsibility Policy

A satisfactory Host Responsibility Policy was submitted on 22 November 2024 to support this application.

Whether 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

The premises are situated at 17 Bond Street, Invercargill in the Industrial 2 zone.

Invercargill City Council records have been searched and have shown no substantiated complaints in regards to the Brewery operating at this site. The New Zealand Police have not raised any concerns in regards to nuisance complaints or Police calls for services.

From the information available to the Inspector, I have no reason to believe that this premises decreases the amenity and good order of the area by more than a minor extent.

The manner in which the applicant has sold (or as the case may be, sold and supplied), displayed, advertised, or promoted alcohol

Gadoochi Brewery Limited currently operates as a manufacturing brewery to produce cider and in future will move the beer brewing from their Tuatara Café site on Dee Street to 17 Bond Street site. I have not seen, or been made aware of any incidents that involve the premises or advertising so it has particular appeal to minors nor discounted alcohol by more than 25% in relation to their previous remote sales licence.

During my visit to the premises on 1 October 2024, the following business proposals were presented by Nicola McGilvray:

Manufacture

Current: Cider is already being brewed at Gadoochi Brewery at 17 Bond Street site and beer at the Tuatara Dee Street site.

Going forward: Beer will also be brewed at Bond Street; and Dee Street site continues to brew beer.

Sales and Intent

1. Initially sales of own beers and ciders will take place from shop retail area.
2. Nicola discussed intentions to sell local products; beers from craft breweries throughout the country, gin from Arrowtown and Stewart Island, whiskey from Auld Distillery, port from Central Otago and wines from central Otago orchards.
3. Remote sales – from their website – Gadoochi.
4. Future plans – ON licence in the brewery area to have bands, functions starting with Special licence. Food will be brought in other registered food caravans and their own Tuatara food caravan which is being built.

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Any matters dealt with in any report from the Police or Medical Officer of Health Agencies

The New Zealand Police and Medical Officer of Health had no objections to the application. However, the New Zealand Police have considered Section 350(1)(b)(ii) and its their belief that the intention of this section does restrict the Off Licence to enable the licensee to sell their own products at a retail level from their premises, or products of a similar nature. Therefore, New Zealand Police have recommended that the DLC consider imposing a condition on the Off Licence to ensure only alcohol as outlined by the applicant can be sold as per the email to the ILT on 27 September 2024:

What we are wanting to do is to sell the bulk of taps as Gadoochi beer/cider as this is where the largest amount of profit is for us, and have taps available for guest brewers to cover ourselves in case not all our customers want Gadoochi all the time. We also want to have for sale Gadoochi bottled products and bottled "craft beer" from other breweries. What we are not wanting to do is, sell RTDs, mainstream beers/ciders, mainstream spirits, anything that is readily available online at supermarkets or large bottle shops.

OTHER MATTERS

Notifications

Advertisements were published on the Council website on 18 September 2024 and the Site Notice was displayed in accordance with the Act.

Objections

There were no objections received during the advertising period. However, a letter of recommendation dated 24 October 2024 was received from Ward Adams Bryan-Lamb Barristers and Solicitors on behalf of Invercargill Licensing Trust (ILT). It suggested condition similar to the Police:

Gadoochi Brewery will only sell products manufactured by Gadoochi Brewing Limited or craft beer supplied by other breweries. The sale of other alcohol products is not permitted.

It is noted that ILT did not oppose to this application.

Fire Evacuation Scheme/Procedure

New Zealand Fire Service were notified of this application on 15 September 2024. They have not reported.

RECOMMENDATION

As the Licensing Inspector, I have no opposition to the issue of this Off Licence.

The Act states in section 350 (1)(b)(ii):

Unless and until a competition proposal is carried in respect of a licensing trust to which this section applies, then, despite any of the other provisions of this Act, —

*(b) an off-licence must not be issued for any premises in the trust district, except—
(ii) for any premises on which any kind of alcohol is made*

The intent of section 350 (1)(b)(ii) is to allow a premises that makes alcohol to sell those products.

Therefore, I recommend the applicant be issued an OFF license with the following conditions:

- a) Alcohol may be sold only on the following days and during the following hours:
Monday to Sunday – 9.00 am to 9.00 pm

A5664069

- b) No alcohol is to be sold or delivered on Good Friday, Easter Sunday, Christmas Day or before 1.00 pm on ANZAC Day.
- c) **Each of the following parts of the premises is designated as a supervised area: The retail room and tasting area.**
- d) When alcohol is being supplied free as a sample on the premises, potable drinking water must be freely available from filled jugs with glasses stationed on the main counter.
- e) The licensee must implement and maintain the steps proposed in the application for the licence including the Host Responsibility Policy aimed at promoting the responsible consumption of alcohol.
- f) The licensee must ensure the provisions of the Act relating to the sale and supply of alcohol to prohibited persons are observed and must display appropriate signs adjacent to every point of sale detailing the statutory restrictions on the supply of alcohol to minors and the complete prohibition on sales to intoxicated persons.

I also recommend that the District Licensing Committee consider imposing further conditions for the applicant to adhere to section 350 (1)(b)(ii) of the Act.

The licensed premises area is shown on the plan submitted on 6 September 2024.

The principal entrance is the entrance from Bond Street, Invercargill.



Veena Lal-Boon
LICENSING INSPECTOR

A5664069

Figure 1: Floor Plan



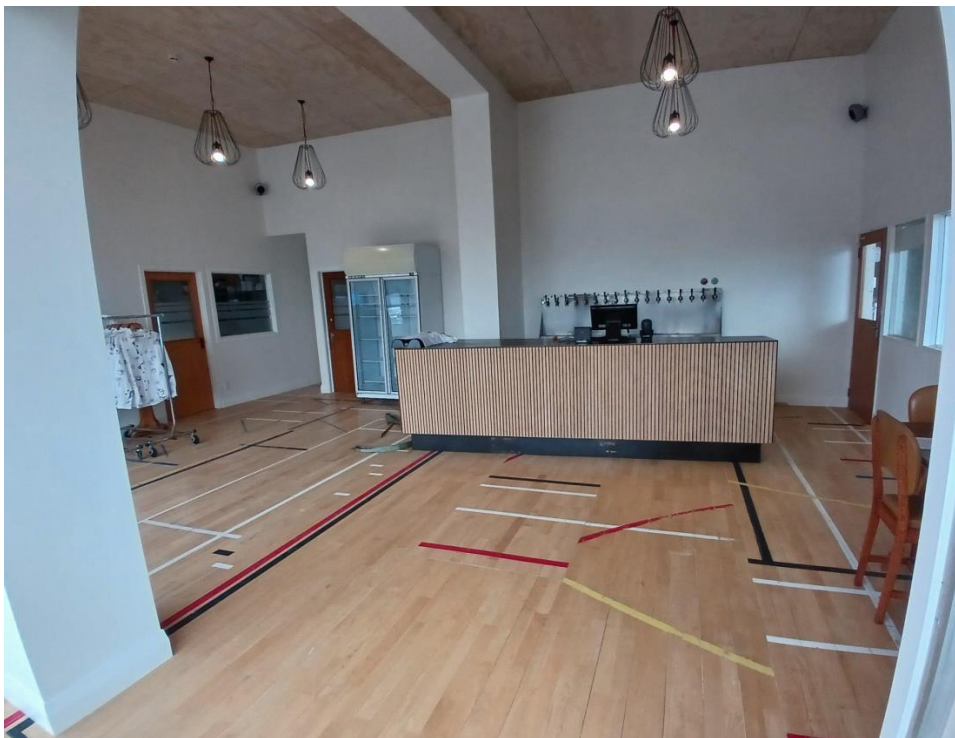
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The following photos were taken on 1 October 2024

Photo 1: Retail entrance to the left of the brewery door



Photo 2: The retail room set up showing servery counter and beer taps



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Photo 3: Close up of the servery counter and the inside door into the brewery



Photo 4: Office entrances to the left of the servery.



A5664075

Catherine Howard

From: MCNAUGHT, Hayden <Hayden.McNaught@police.govt.nz>
Sent: Tuesday, 1 October 2024 3:02 pm
To: Catherine Howard; Veena Lal-Boon; FENZ; Lynn Grace; MOH
Subject: RE: [EXTERNAL] 2024 09 15 - Gadoochi Brewing Limited - App for New OFF/187/2024 - sent to all

01/10/24

The Secretary
Invercargill District Licensing Committee
101 Esk Street
Private Bag 90104
Invercargill 9810

Dear Sir / Madam,

Police inquired into this application. The applicant previously had a remote sales endorsed Off Licence which has expired. This is an application for a new Off Licence with no endorsement.

Although it is in the ILT zone Section 350(1)(b)(ii) of the Sale and Supply of Alcohol Act 2012 makes this allowable.

It is not specifically stipulated in the Act what products are permissible for the Licensee to sell but it is the belief of the Police that the intention of this Section and Sub Section is to allow manufacturers and makers of alcohol to utilise an Off Licence sell their own products at a retail level from their premises, or products of a similar nature.

The applicant has provided details and the nature of what products they intend to stock and sell from their premises as per the following narrative -

What we are wanting to do is to sell the bulk of taps as Gadoochi beer/cider as this is where the largest amount of profit is for us, and have taps available for guest brewers to cover ourselves in case not all our customers want Gadoochi all the time. We also want to have for sale Gadoochi bottled products and bottled "craft beer" from other breweries. What we are not wanting to do is, sell RTDs, mainstream beers/ciders, mainstream spirits, anything that is readily available online at supermarkets or large bottle shops.

This application is not opposed with a recommendation the DLC consider imposing a condition on the Off Licence to ensure only alcohol as outlined by the applicant can be sold.

Regards

Hayden McNaught
Sergeant
Alcohol Harm Prevention Officer
Invercargill

P +64 3 211 0417
M +64 21 191 5163
E hayden.mcnaught@police.govt.nz

A5678696



Alcohol Harm Prevention Officer
117 Don Street
PO Box 808
Invercargill, New Zealand
Telephone 021 1915 163

10TH December 2024

App for New OFF/187/2024 – Gadoochi Brewing Limited – New Off Licence Application

After inquiring into this application pursuant to Section 103 of the Act, Police reported on it by way of email on the 1st of October 2024. Police reported no opposition with a recommendation the DLC consider imposing a condition on the Off Licence limiting what alcohol/products the applicant can sell.

This was also based on information the applicant provided outlining what they intended to sell.

The Police stance has not changed, and the application is still not opposed. This is a supplementary report to further expand on reasonings behind the Police recommendation of the DLC giving consideration to imposing such a condition.

The content of this supplementary report is also only the perspective and understanding from a Police point of view.

Police believe there are numerous sections of The Sale and Supply of Alcohol Act 2012 (SASAA) which bear relevance to this particular application.

Police believe the ability of the applicant to be issued an Off Licence is not in question, with the relevant sections of SASAA being met, including 105, 32(1)(d), 350(1)(b)(ii) and 32(2) - which seems to merely reiterate the provisions of 350(1)(b)(ii).

Once an Off Licence is issued, on the premises the licence is held for the licensee can sell alcohol for consumption somewhere else pursuant to 17(1).

The sections in SASAA that refer to offences and limitations on what kinds of alcohol that can be sold are 238,397 and 400. These are in relation to restricted and banned products and Police believe are not relevant here.

Police believe that the only way to put limitations in place is by way of a discretionary condition/s imposed on the licence. SASAA provides the DLC the ability to do this.

Usually, section 116 is relied upon for this to occur but in relation to this particular application section 116(1)(c) does not make this possible.

Police believe that in this particular instance the DLC could achieve this by relying on section 117. The DLC may issue any licence subject to any reasonable conditions not inconsistent with the Act.

Safer Communities Together

INVERCARGILL POLICE STATION

117 Don Street, P O Box 808, YX10223, Invercargill 9840, New Zealand
Telephone: (03) 211 0400 Facsimile: (03) 214 2512 www.Police.govt.nz

A5678696



Alcohol Harm Prevention Officer
117 Don Street
PO Box 808
Invercargill, New Zealand
Telephone 021 1915 163

It is the belief of Police that Section 350 of SASAA is to protect monopoly provisions of a Licensing Trust and that the intention of 350(1)(b)(ii) is to allow makers and manufacturers of alcohol the ability to obtain an Off Licence for premises where they make alcohol in a trust district and sell products they make or manufacture, or products similar thereof.

The applicant has already alluded to products they intend to sell. Police are satisfied with this but believe a condition be imposed on the licence to ensure this occurs.

Police believe that without such a condition, once issued the Off Licence the applicant would be freely available to sell whatever alcohol they want pursuant to 17(1), and in effect could become more akin to a mainstream retail bottle store.

Once again, Police believe that this is not the intention of 350(1)(b)(ii) and Police are in no way suggesting the applicant in this case would do that, but without anything in place to prevent it anything is possible.

In summary, Police feel that the DLC should at least give consideration to imposing a restrictive condition for the reasoning as outlined and that it would be reasonable and consistent with the Act pursuant to 117. This is what led Police to making this recommendation.

In addition, it is the DLC who are the decision maker, and it is their decision alone whether or not to impose any discretionary conditions and if so, it is their decision what any condition entails.

The initial Police report and this supplementary report have been completed after inquiring into the application and the DLC must have regard to the matters dealt with in them pursuant Section 105(1)(k) of the Sale and Supply of Alcohol Act 2012.

Sergeant Hayden McNaught
Alcohol Harm Prevention Officer
Invercargill

Safer Communities Together

INVERCARGILL POLICE STATION

117 Don Street, P O Box 808, YX10223, Invercargill 9840, New Zealand
Telephone: (03) 211 0400 Facsimile: (03) 214 2512 www.Police.govt.nz

A5664076

Catherine Howard

From: Amanda Buchanan <Amanda.Buchanan@southerndhb.govt.nz>
Sent: Friday, 20 September 2024 9:08 am
To: DLC
Cc: Lynn Grace
Subject: NO Opposition 2024 09 15 - Gadoochi Brewing Limited - App for New OFF/187/2024

20th September 2024

Ref: OFF/187/2024
Application received: 15/09/2024
Applicant: Gadoochi Brewing Limited
Application type: OFF NEW
Premises: Gadoochi Brewing
Premises address: 17 Bond Street, Invercargill

Tēnā koutou District Licensing Committee

This application has been inquired into with respect to the public health issues involved and am not aware of any current issues that would require opposition

Ngā mihi



Lynn GRACE

Senior Liquor Licensing Compliance Officer

Delegated duties of the Medical Officer of Health Sale and Supply of Alcohol Act 2019

National Public Health Service | Southern | Te Waipounamu

Waea pūkoro: +64 272748680, Office 03 211 8500 ext: 45651 |

Public Health South, 23 Forth Street Invercargill 9810

Health New Zealand
Te Whatu Ora

Health New Zealand – Te Whatu Ora

TeWhatuOra.govt.nz

Amanda Buchanan

Administration Co-ordinator | Kaiwhakahaere Tari

National Public Health Service - Southern

waea pūkoro: +64 027 268 8341 | **īmēra:** amanda.buchanan@southerndhb.govt.nz

23 Forth Street, Invercargill 9812