

Decision Number: 60G [2025] 24687

IN THE MATTER OF

the Sale and Supply of Alcohol Act 2012

AND

IN THE MATTER OF

an application by **JS LAIRD LIMITED** for a new **Off-Licence** in respect of premises situated at **2 Monsaraz Boulevard, Halswell, Christchurch** to be known as '**Liquorland Halswell**'

BEFORE THE CHRISTCHURCH DISTRICT LICENSING COMMITTEE

Hearing: 8 December 2025 (at Rarakau: Riccarton Centre, Christchurch)

Committee

Chairperson: Mr D Ivory

Members: Mrs M Redstone
Mr G Clapp

Appearances: Mr Iain Thain, Counsel for the Applicant
Ms Sophie Laird, Director of the Applicant
Mr James Laird, Director of the Applicant
Dr Liz Gordon (Counsel for Objector Ms Natalie Henderson)
Ms Natalie Henderson (Objector)
Mr Ray Kenneally, Cross Over Trust, (Objector)
Ms Adele Geradt (Secretary of the Halswell Residents Association) (Objector)
Mr Gary Hay, Chief Licensing Inspector, in opposition
Mr Cory Shaw, Legal Counsel, Christchurch City Council, in support of the Chief Inspector
Mr Alex Cumming, Counsel for the Chief Inspector
Senior Constable Olivia Bensley, New Zealand Police, in opposition
Ms Paula Williams, on behalf of Medical Officer of Health, in opposition (leave for non-attendance)

Hearing Manager: Natasha McDonnell

Decision: 19 December 2025

RESERVED DECISION OF THE COMMITTEE

Introduction

[1] This is an application by **JS LAIRD LIMITED** (the Applicant) for a new Off-Licence. The premises is situated at **2 Monsaraz Boulevard, Halswell, Christchurch**, and to be known as '**Liquorland Halswell**'. The application was received on 03 October 2025.

[2] The Applicant seeks to establish a new premises in a new commercial development located in Halswell, Christchurch. The Applicant sought the following trading hours:

Monday to Sunday, between the hours of 9:00am and 9:00pm.

These hours are shorter than the default maximum trading hours for Off-Licences.¹

The application was publicly notified on the Council's website on 03 October 2025 and remained on the website for a minimum period of 25 working days.

[3] A total of three public objections were received within the required timeframe.

[4] The application was opposed by the District Licensing Inspector,² the New Zealand Police³ or the Medical Officer of Health (MoH)⁴

[5] The District Licensing Committee (DLC) members each undertook a site visit on an individual basis prior to the hearing.

[6] The DLC made an additional collective site and area inspection, post the hearing, on 14 December 2025.

[7] A hearing of the application took place on 08 December 2025.

PRELIMINARY MATTERS

[8] The DLC Chair disclosed a professional interest, he is a ministerial appointee to the Board of the Southern Health School, which is situated at 1 Halswell Road. The Kura is largely an administrative hub which services educational delivery to akonga throughout the South Island.

¹ Section 43 of the Act.

² Inspector's Report 12/11/2025

³ Police notification of opposition 17/10/2025

⁴ MoH Report 20/10/2025

The site location is adjacent to Hillmorton Hospital a significant distance from the proposed premises and the Kura lacks local community connectivity.

[9] A non-publication order was made pursuant to Section 203(5) on the commercially sensitive information in the Brief of Evidence provided by Ms Sophie Laird, with respect to sales mix/trends at the applicants Shirely premises in Christchurch.

[10] The Chair referred to a DLC memorandum issued on 19 November 2025, which addressed the matter of urgency raised by Counsel for the Applicant to have the matter decided before Christmas (2025). In the memorandum it was stated that a second day of hearings may still be required. Reasonable accommodations made by the DLC were outlined including commencing the hearing earlier than the norm, agreeing that a decision could well be issued prior to Christmas, however, we would not proceed in a manner which redacted the rights of the Agencies and Objectors to provide evidence and for the DLC to ask questions and test evidence. Acknowledgement of these accommodations made by Counsel for the Applicant.

[11] On 24 November 2025, Ms Paula Williams, representing Medical Officer of Health (“MoH”), sought leave of the DLC not to attend the hearing due to other workload commitments. This was agreed, however the DLC sought any feedback from MoH on the content of the Brief of Evidence provided by Sophie Laird concerning data initially provided by MoH. This invitation was made as a matter of fairness to MoH as they would not be at the hearing. Ms Williams provided a response to the DLC on 02 December 2025.

[12] On 03 December 2025, Sergeant Robertson sought leave for Senior Constable Olivia Besley to join the hearing at 1.00pm on 08 December 2025, due to other work commitments. This was agreed by the DLC.

[13] The DLC asked legal counsel present to proffer their views on the matter of sensitive sites with respect to those identified in the reporting of the Inspector and MoH. In essence, this was to confirm the DLC view that the sensitive sites identified fall outside the parameters of the new, and now operative Christchurch City Council Local Alcohol Policy (2025) (“LAP”), but still would need to be considered within the context of sections 105 and 106 of the Act.

[14] Legal Counsel for the Applicant stated the LAP has an expressed sensitive definition which includes primary and secondary schools, addictions facilities, the bus exchange and University of Canterbury but does not include pre-schools. The wider section 105 criteria, specifically

105(1)(k) includes the DLC consideration of reports by Police and Inspector where weight may be placed on sensitive sites with the assessment of impact on amenity and good order (all about pleasantness). Further, sensitive sites can be considered as a matter going to the object of the Act. In sum, sensitive sites in this matter are not a LAP issue but form part of overall matters for the DLC to consider.

[15] Dr Liz Gordon, Counsel for the Objector provided the DLC with the details of a case⁵ which relates to a decision on the Auckland LAP. A map chosen in 2013 was tested at the hearing of that matter. The learning of the case in the view of Dr Gordon was the decision supported an overlap map of deprivation including sensitive sites. She noted any changes in definition of sensitive sites would require a change to the Christchurch LAP.

[16] Mr Thain, Counsel for the Applicant raised the issue of the public notice of application: Section 101(a) of the Act requires the posting of notice proximate to the proposed site. The matter was first raised by an Objector. The DLC considered this matter and decided the Applicant had met their responsibilities.

[17] Mr Thain also raised the matter of the Section 100(f) certificate. This matter was initially raised by Dr Gordon. The Council had issued a certificate, noting the premises meets requires of Building Code. The DLC agreed with the Inspector's position:

A Certificate of Compliance pursuant to s 100(f) of the Sale and Supply of Alcohol Act 2012 has been issued dated 12 October 2025 which states that the premises meet with the requirements of the Building Act 2004, Building Code and Resource Management Act 1991⁶.

APPLICANT

Submissions and Evidence

[18] Mr Thain opened on behalf of the Applicant. He provided opening comments, noting the core issue was the new LAP. He said it was the DLC who decides applications not the Council, independently, but with regard to the policy. He asked the DLC to turn its mind to the words and purpose of the policy: "why the Council policy was enacted and therefore decide this application within scope of the policy". Mr Thain is clear the policy is to prevent the concentration of outlets in communities of high deprivation.

⁵ Hendry v Tanishanaya Holdings Limited – Rosedale Park Liquor (2025) NZARLA 181 (13 June) 2025

⁶ At paragraph 8 of the report, on page 12 of the hearing bundle.

[19] He views the role of the DLC is to consider if the granting of an application will make further concentration of premises in an area of deprivation. The Council used SA2 statistical areas in the development of the LAP. Mr Thain submits the preexisting statistical area boundaries of areas marked as red on LAP are arbitrary in nature.

[20] He referred to areas in the future with constantly changing environments, “what is locality going to be like in the future”. Also stated by Mr Thain was the growth and nature of residential development evident in the area.

[21] With respect to suitability Mr Thain noted there were no concerns in the Inspectors report. He said amenity and good order of areas required a focus on pleasantness of the neighbourhood: “which is not to be confused with alcohol related harm”. As the Inspector has raised no concerns nor should the DLC have any. The systems and staff training were also identified in the Inspectors report as safe and responsible for the sale of alcohol, “compliant with the law”. Further, Mr Thain asserted the proposed systems and practice go well beyond the law. They will keep the staff and community safe. He said Mr James Laird would shortly provide further details to the DLC.

[22] Although the proposed premises were under construction the DLC could draw on the experience of the Applicant at their Liquorland Shirley store (similar area) and amenity and good order of that store was highly relevant in the view of Mr Thain.

[23] He offered the view that Parliament allows for the safe sale of alcohol, so it must be an acceptance of some alcohol related harm from consumption, however not excessive consumption.

[24] The object of the Act was referred to by Mr Thain, good systems of the Applicant were outlined. He drew upon the Inspector's report which noted no harm from other outlets in the area were recorded and the positive story of Liquorland Shirley. The Applicant had applied to vary its licence for refurbishment of that site (May 2025); the matter was dealt with without opposition and community objection. It was noted this site is within another of the freeze areas of the new LAP. He commented that the Shirley site has greater surrounding deprivation than the proposed premises in Halswell: “a good sign you can trust the operation will not create alcohol related harm”.

Mr James Laird

[25] Mr Laird's Brief of Evidence was taken as read and he was invited by the DLC to provide a summary of key points of the application.

[26] He highlighted previous positions held, retail experience and the journey that lead himself and his wife to their Shirley store. The current application was another opportunity. Halswell is somewhere the couple had a long-term desire to operate a business. Ms Laird has family connection to the area. The initiation of talks and then signing the lease with the developer was explained to the DLC.

[27] Robust training processes were described. The resource provider, Red Sea, covers training in all aspects of the Act including duty manager responsibilities, health and safety processes. He believes he and his wife are suitable applicants for the proposed stores.

[28] The DLC asked about the sale of tobacco and vapes. Mr Laird said he would not be selling either product at the proposed premises.

[29] Mr Laird further explained the comparison between the existing store in Liquorland Shirely and the proposed premises: "Shirley is still undergoing some residential and retail development, as at the Acres which is undergoing more retail development with surrounding residential growth". He also referred to social housing areas being present in both areas.

[30] The DLC asked questions about what makes the proposed premises boutique. Mr Laird drew on the experience of the Shirley store with a focused emphasis on it being a premier store: high quality fitout, emphasis on premium products, category layout, range of products. A key feature included instore tastings with a desire to educate customers on various products. Mr Laird reported a store culture on staff appearance and uniforms. It was reported the success of this approach was reflected in increased sales and a changed product mix to a standard bottle store (as seen in Ms Laird's Brief of Evidence).

[31] The DLC asked further questions about the boutique nature of the proposed store and relationship with Liquorland (not stand alone as defined by boutique). Mr Laird explained Liquorland has a core range of products which they would be compliant with, however within this core range it was still possible to have a customer and premium focus which were identified as key features of the current and future premises.

[32] He was asked to comment on his Legal Counsel's assertion the proposed site would not be taking away business from existing outlets in the area. If not adding where are you subtracting business or sales from? His Legal Counsel intervened by noting the area is growing, and he meant not adding alcohol related harm. Mr Laird did agree the proposed premises could add to some alcohol related harm.

[33] The DLC asked, why should it disregard the LAP? Mr Laird's response was his Shirley customer base is not reflective of the freeze area and deprivation inside. He explained the customer of lower deprivation will not be targeted and the location means the store is well positioned and linked with his experience, makes him a suitable owner. Mr Laird reiterated they are not seeking highly deprived customers, they are providing a high-end liquor offering.

[34] Mr Laird was asked about the advice Liquorland provided, based on documented correspondence between Liquorland and Inspector, which started before the LAP came into force. He explained they were unaware of the specific freeze zones and were surprised once the LAP came into place and this provided the basis of correspondence. Liquorland provided advice on what steps could be taken, and if the situation could be questioned. Mr Laird asserted once again the selected site has deprivation levels surrounding it which are much lower than what is reflected in the LAP.

[35] Mr Laird identified the site on the map where the proposed premises would be situated.

[36] DLC questioned him on his experience derived from over 20 years. He confirmed he was previously employed by Liquorland and now his role was that of a franchise owner. Mr Laird answered more questions about products which have been removed as part of the committee he works on, as part of a Liquorland franchise representative group; his response was the example of 'Saints and Sinners'.

[37] Mr Laird said at the Shirely store staff training is provided personally between himself and each staff member, new employees have an induction process, and there are refresher courses provided to all. If any incident occurs, staff deal with the situation immediately, most staff hold a duty managers certificate. He holds the view all staff have the confidence to have discussions with potentially problematic customers. Once they leave the premises an incident book is used to record the matter. Any surfactant incident is later reviewed by Applicants, possibly on CCTV, and may result in a discussion with an individual or whole of staff.

[38] In response to a question, Mr Laird confirmed single serves of Kingfisher are sold at \$5.50. He was reminded of the DLC practice note on single serves.

[39] With respect to signage Mr Laird noted this was a work in progress, but most likely will reflect the Shirely store signage. Trespass notices issued at the Shirley store were reported at under 12 over the previous few years.

[40] The DLC asked questions around the inappropriate consumption of alcohol. The DLC was advised the same practices as Shirley would be applied at the proposed premises. These included careful advertising and use of social media and messaging. There would be no emphasis on low value products including minimum price of beers. Mr Laird referred to current thinking of reducing single serve packs, on request he endeavoured to state the object of the Act.

[41] In the opinion of Mr Laird the Rowley area was like the Shirley area. He cited Emmet Street and noted that social housing was present in both areas. He also acknowledged alcohol related harm may be present in Shirley.

[42] Mr Laird explained the logistics of operating two premises simultaneously, the couple would divide time between two stores. Ms Laird has clear responsibility for administrative and financial tasks, experienced staff are in place, and staff training is underway. He expressed the aim to the DLC of having all staff holding duty manager certificates.

[43] The DLC asked about the policy of not serving the same customer twice in one day. Good relationships with customers were reported. The driver of this policy was explained and how the policy worked operationally on a day-by-day basis. The same policy would be in place at the proposed new premises. Examples were provided to the DLC of experiences in managing difficult customer situations. Mr Laird referred to some changes in customer behaviours, pamphlets were on hand to enable customers to reach out to agencies for support. He also reported good relationship were in place with Police and the Licensing Inspector.

[44] Mr Laird is currently considering the sales at the proposed premises, to align with the DLC practice note on pricing – single sales.

Ms Sophie Laird

[45] Ms Laird's Brief of Evidence was taken as read. An opportunity was provided to share the highlights.

[46] After completing a refurbishment of the Shirely store (May 2025), Ms Laird reported looking for another opportunity. She enjoys a long familiarity with the Halswell area and community. She explained the initial discussion with Acres complex round securing a lease. A key feature and attraction in these discussions was the experience and responsible operation of their Shirley store which could be evidenced.

[47] The DLC asked what the impact on the local community of Rowley would look like if a licence was issued. Ms Laird would not anticipate creating any additional alcohol related harm due to the responsible operation of the store. A mechanism cited was sponsorship of community activities at Shirely which would be mirrored at the proposed premises.

[48] Ms Laird's key tasks at the Shirley store were identified as ordering, administration, accounting, rostering and dealing with staff. Mr Laird deals with sales floor operations, health and safety and staff training.

[49] Ms Laird confirmed to the DLC a Controlled Purchase Operation has never been failed at the Shirley store.

[50] The DLC asked Ms Laird about the overall lay out of the new Acres complex, stage two would involve more commercial retail space. Questions were put on premises access. Signage on Halswell Road was discussed, but it was noted the developers' plans were unknown as to overall site signage.

[51] Ms Laird explained her interpretation of a high-end housing development, towards the Kennedy's Bush area. She believes the area is not consistent with high deprivation but acknowledge the adjacent Rowley area is one of high deprivation.

[52] The strong view was expressed to the DLC that having a store in the Acres complex would not lead to harm, even if across the road is an area of deprivation. This area was identified as similar to Shirley where Ms Laird asserts they operate in a responsible manner and are doing everything they can to reduce harm. She said they intend to provide a different offering to the area, a larger and premium range of products. Ms Laird view is the new store will be significantly differentiated from other operators in the area.

[53] Clarification of chilly bins gifts were explained by Ms Laird; they were provided without alcohol.

[54] Further DLC questions clarified the aim was for the Applicant to operate in a manner not to cause alcohol related harm, and there was an explanation as to what steps would be taken. There would be a regular check in and communication with Alcohol Licensing, and if additional harm was caused there would be a focus on where it was coming from, which customers and on what scale. , Close liaison with Police and Inspector were identified as a mechanism to combat any harm.

[55] Ms Laird explained a “full range service” would be provided at the proposed premises. She acknowledged they would need to go with the Liquorland core range. The DLC posed a question what if “Kingfisher Strong” proved a good seller - how would they proceed. Ms Laird was clear she assumed conditions would be imposed by the DLC on the new licence including no breaking down of packs and single sale pricing would apply. She also provided examples where decisions were made not to sell products an example was provided of ‘Saints and Sinners’ from the “same firm which produces Nitro”.

[56] The DLC sought clarification on store signage an assurance was provided it would not be visible from the pre-school site. Ms Laird noted there would be no Kingfisher signage outside the premises, there would be Liquorland signage, an opening hours sign, and snap frame to put promotions in provided by the franchisor. It was noted no final design/placement had yet been decided.

[57] The DLC asked Ms Laird, how will you make sure highly deprived persons coming into the store seeking a low price point will be accommodated – what do you do to reduce harm? She responded noting the policy of no double service per day would be in place, then asserted a more holistic response indicating customer engagement is more than just a transaction; we get to know customers. An example was furnished from the Shirely store, of a regular customer who was supported with discussion around available support services along with enhanced ACC support.

Mr Alex Cumming, Counsel for the Chief Inspector

[58] Mr Cumming provided a few preliminary comments to the DLC. The LAP was described and the issue of licences. Certain features of the LAP included the disproportionate level of alcohol harm in areas of high deprivation. He submits any further off-licences in areas of high deprivation, a clear freeze was in place, and this was a strongly directed policy and based on alcohol related harm. He also referred to research which supported the Council position.

[59] Mr Cumming submitted there were greater issues with off-licences because of less control over alcohol once it leaves premises. He referred to the stakeholder and community feedback, which was embedded in the new LAP, where there was a high level of support for policies including freeze areas.

[60] The community was entitled to expect the LAP to be adhered to, it was contributed to and Council voted for enactment according to Mr Cumming.

[61] He referred to the Section 105 criteria and endorsed a Section 108 application making the current application inconsistent with the LAP. To approve the application would present difficulties and be against public policy. Mr Cumming suggested amenity and good order is also a consideration for the DLC, as impacts may well exist, “stems off the LAP”.

[62] With respect to object of the Act no issues were identified around stability of the Applicant but according to Mr Cumming the issue is what happens when alcohol leaves the store and the harm caused. He advocated for the application to be refused.

Mr Gary Hay, Chief Inspector, in opposition

[63] Mr Hay’s brief of Evidence was taken as read.

[64] In response to questions the DLC was informed there were no problems with suitability and the communities of both Shirely and Halswell areas are comparable. He agreed that new areas in the Halswell context were destined for residential development and would attract people of high income/means. He also noted that if there were no LAP in place the application would still be an issue with respect to the object of the Act amenity and good order and sensitive sites.

[65] Mr Hay was clear the LAP has created a stance needed to be taken by the Inspectorate.

[66] In response to DLC questions he acknowledged the Applicant's proposed site was on the margins of the LAP area and it was an experienced operator but progressed no further in his view stating the final decision resides with the DLC.

[67] Mr Hay was asked why the freeze areas could not have stopped at Henderson Road, was it a deliberate intent by Council? His understanding was Council would have considered a wide range of issues. Why they chose the freeze boundaries, Mr Hay does not know as he had no involvement in decision making but it was noted Council would have been alive to the District Plan and housing in the area, and aware of zoning in the future.

[68] He was asked if the proposed new premises in the area added to alcohol consumption and alcohol related harm in area – “take away or add”, he replied “a bit of both”. Mr Hay acknowledged the Applicant's position in targeting a specific demographic other liquor operators don't accommodate.

[69] He responded to questions around the location of the proposed premises. He affirmed there was no direct access and advertising on Halswell Road was unlikely. It was acknowledged the store would not be obvious to customers, as opposed to outlets down the road. Mr Hay explained the premises will “not be easily visible from Halswell Road without some form of advertising and no different to the Shirley location”.

[70] The Inspector's view on Police data and what would have happened to land next door if there were no LAP. He suggested the land may become housing “similar to what is in the immediate area: “it can only add too and enhance the area but not take away the Rowley area”. He made no comment on Police data.

Senior Constable Olivia Bensley, New Zealand Police, in opposition

[71] Senior Constable Bensley's Brief of Evidence taken as read.

[72] In response to questions from the DLC, Senior Constable Bensley referred to the overall area of Halswell and the Rowley area, the impact of the proposed premises, “will increase alcohol harm but nothing like the impact on the Rowley area”.

[73] The DLC asked for a description of Rowley through Police lenses, “a lot of social housing, high deprivation”. The Senior Constable was asked if there was comparability between the

areas of Shirley and the Halswell site, she confirmed a similarity and noted Emmet Street in Shirley was comparable to Rowley Street.

[74] The Senior Constable confirmed there would be alcohol related harm in the new housing areas but more so in highly deprived areas, “there is domestic incidents across the board”. She confirmed the more off licences will result in more alcohol related harm. The DLC was also advised that supermarkets have better deals and highly deprived populations go for this offering, but it all depends on the type of premises.

[75] The DLC asked for clarification around the Police data provided. The Senior Constable explained the alcohol related incidents within 1 km of the proposed premises and noted the harm was not significantly higher in this area compared to other areas. She explained ACF data (page 7) indicated a lot of the area was without dots, this was due to no occupancy yet of residential housing. A covenant was provided to the DLC that data can be misrepresented in this context.

[76] The Senior Constable confirmed that drug harm in community was also material, when the DLC posed the question: does alcohol get blamed for harm that could relate to drugs? No answer was proffered.

Dr Liz Gordon (Counsel for Objector Ms Natalie Henderson)

[77] Dr Gordon addressed the DLC. She raised concerns relating to Section 100(f) of Act specifically around the requirement for a completed building certificate as part of the application process. Her view was the community can’t see and understand a proposed premises when the building is half constructed and is therefore disadvantaged in providing comment: “the level of completion needs to be closer to finality”. The DLC reiterated its earlier decision had been made on this matter and it was beyond the scope of the hearing.

[78] The LAP was referred to and a recent ARLA case⁷ with respect to ambiguity in a developing area. Dr Gordon stated the “new LAP was a Council decision and they have set the rules, and it was not up to an applicant to seek a change”.

[79] Dr Gordon submitted “alcohol related harm can’t be mitigated or stopped by meeting the first arm of the Act, safe and responsible supply doesn’t mitigate alcohol harm and particularly

⁷ Hendry v Tanishanaya Holdings Limited – Rosedale Park Liquor (2025) NZARLA 181 (13 June) 2025

in areas of high deprivation”. In sum she noted systems, measures and practice with respect to alcohol sales and supply will not mitigate alcohol harm.

Ms Natalie Henderson (Objector)

[80] Ms Henderson’s Brief of Evidence was taken as read and she was invited to provide comments or highlights on her opposition to the application.

[81] Ms Henderson said suitability of the application, amenity and good order and purpose of the Act were the basis of her opposition. Concerns were expressed over the Applicant's ability to manage a split between two stores. She said medium density housing will be “adding alcohol to my area, my home”. Also census data was cited, which is available and also needs to be followed, in the opinion of Ms Henderson. She paid just over \$500,000 for her property in The Halswell Commons and emphasised not all property in the Halswell area will be expensive.

[82] Ms Henderson referred to amenity and good order, and noted the proposed site being close to Rowley a highly deprived area. She reported gang colours on view at one house in the area. Also noted was the Halswell Commons area where a lot of thefts had occurred requiring security camera installation to mitigate this issue.

[83] Reference was made to the number of Kura close to the proposed premises, “you see kids of all ages on the road playing at night” and a medical centre is also close to the site.

[84] Ms Henderson explained the Acres was identified as a premium area, but she believes a Pak'n'Save is proposed for the area which would be inconsistent with this view. Three liquor stores are proximate, two a 7-minute bike ride from her home (Super liquor Halswell and Bottle O Hillmorton) and one a 9-minutes distance (Big Barrel Wigram). She said, “the risk of alcohol harm in a highly deprived area would result if these premises granted licence”.

[85] In response to DLC questions Ms Henderson explained her view on the presence of the gang house and the proposed premises, she considers it was part of the basis/evidence for the LAP (expression of deprivation).

[86] Ms Henderson explained the location of Halswell Commons, where she has lived in her house since 2020. When asked about the placement of new supermarket(s) in the area she agreed it was a matter of speculation.

[87] Ms Henderson in response to DLC questions explained her position on suitability issues (para 3 – 7 of her Brief of Evidence). She referred to no plan offered by the Applicant to deal with alcohol related harm, the area was one of high deprivation, and there was the presence of medium density housing. She confirmed the Applicant was going through a correct process and nothing illegal had occurred.

[88] Ms Henderson confirmed the Applicant appeared to be experienced, however stated “for me suitability is not putting a alcohol store in this location”, but acknowledged it was a “good thing” not to be seeking to sell tobacco and vapes, and the offer of voluntary undertakings over the minimum legal requirements.

Ms Adele Geradt (Secretary Halswell Residents Association) (Objector)

[89] Ms Geradt’s Brief of Evidence was taken as read and generalised commentary was provided to the DLC.

[90] She described the Halswell Residents Association (“Association”) which began in 1994. Ms Geradt’s involvement in the Association extends over the last seven years. The Association’s engagement with the community was explained, it occurred through meetings, surveys and social media. The Association had been active in the LAP consultation process, which showed the community was very concerned with alcohol harm in the community.

[91] Ms Geradt was able to provide clarity and explain details of the construction on the first of two supermarkets in the area. The construction was reported to be underway on the first. She talked about the new residential subdivision underway which would be medium density housing to higher density housing but classed as medium density. The net effect according to Ms Geradt is “people living a lot closer together, a lot of people in the area”. Also described to the DLC were pockets of deprivation identified including the Rowley area.

[92] Ms Geradt was pleased to learn the Applicant won’t be selling vapes or tobacco. With respect to amenity and good order she identified other existing liquor outlets along with two new supermarkets in the area.

[93] In response to DLC questions, Ms Geradt talked more about the organisation of the Association: number attending meetings, there were 20 core members, 12 to 30 members

attended meetings during the year. Social media provided an outreach and a mechanism for circulating surveys.

[94] She confirmed the Rowley area was not in the catchment of the Association. Ms Geradt stated the Applicant was a suitable operator, had good systems in place, but was trying to push the limit of LAP: “quite disrespectful of the community they want to move into”.

[95] Ms Geradt identified the population of Halswell at 27,000 people and explained the small number of core Association members was due to the time pressures on committed community focused people. This explanation was in response to DLC interest in the low levels of direct engagement with the wider population of Halswell and low numbers of Association members.

[96] She confirmed the presence of social housing in the Halswell area, and explained the Association seeks the views of these house occupiers through newsletter and social media (from Halswell Facebook page). Ms Geradt said there was no precise differentiation between views and opinions of those in social housing and other respondents.

[97] Ms Geradt noted that alcohol harm was not necessarily related to addiction, “it can express itself in drink driving, domestic violence, and spending disproportionate household income on alcohol”. The DLC asked her to comment on the high levels of incidents, recorded in Police data, in Rowley but not in the Halswell area: “part of new Halswell was not constructed yet”.

[98] Ms Geradt told the DLC about the multiple places to purchase alcohol in the Halswell area, in her view and that of the Association “we don’t think there is a need for an additional alcohol outlet”.

[99] The DLC explored with Ms Geradt, clause 6.2 of the LAP and the map with the black outline of the freeze area and where the proposed premises were intended to be sited. Attention was drawn to the red, showing a granular assessment of deprivation: red high deprivation, white indicates low deprivation. The DLC noted areas on outskirts of LAP area where no freeze was applied, an example been the area of Spreydon. Ms Geradt response was the freeze areas had a research base and was the result of consultation with the community – but did not comment further on why areas included and some not.

[100] Ms Geradt confirmed neither Rowley nor Spreydon areas were included in the survey conducted by the Association. Survey (part of a newsletter) response rate were reported at around 100 from 2,000 households solicited for the recent survey conducted (2024/2025). Ms Geradt stated responses indicated similar trends once over 60 responses were received by the Association.

Mr Ray Kenneally, Cross Over Trust, (Objector)

[101] Mr Kenneally's Brief of Evidence was taken as read. An opportunity was taken to hear the highlights of his Brief of Evidence, his background and operations of Cross Over Trust ("Trust").

[102] Mr Kenneally reported living in area for over 20 years and works as a youth and community worker. He is CEO of the Trust which works in primary Kura in the southern area of Christchurch and a secondary school, he is also an elected Community Board member.

[103] The LAP clearly shows the proposed off licence is inside this area according to Mr Kenneally; he referred to the number of Kura in the area.

[104] He referred to the Rowley Convenience Store, situated at 16 McCarthy Street which had once sold alcohol. The store had been robbed several times and now doesn't sell alcohol.

[105] The DLC asked about the foreseeable effects of granting a licence to the Applicant. Mr Kenneally stated he would see in walking distance from the premises, a lot more drinking on the street, and the effects on the increased number of young people from the new subdivision. He will worry about the "kids and staff (of the proposed premises)".

[106] Mr Kenneally acknowledged the community connection of the Applicant, which was a positive, agreed it was positive not to stock tobacco and vapes. He also acknowledged the benefit of formalising voluntary undertakings provided, including not serving akonga in uniform, adoption of the DLC practice notes on single sales, and refusal of service to customer returns over one day: "these are positive and helps mitigate some risks but not experiences I have had in the past with respect of risks to the community and staff".

[107] The DLC asked about his references to children on the streets, specifically is that a new observation of the new housing development. Mr Kenneally provided a wide response and referred to previous consultation with developers about providing mixing housing and community space but the discussion went nowhere. This was due to issues with the flood table

and drainage which lead to deeper work being needed and therefore house prices proportionately increased. Developers initially had “best intentions”, but this was not the current situation. As a result, in the absence of any suitable amenities children played on the streets.

[108] When further questioned Mr Kenneally noted one convenience store robbery involved “alcohol items taken by kids who ran in and out”, and there was an incident recalled “when a staff member was beaten up”.

Closing Submissions

[109] **On behalf of the Applicant, Mr Thain** summarises the evidence given by the Applicant at the hearing and their position.

[110] Mr Thain states there “ought not to be any issue as to amenity and good order of the locality”. He relies on a High Court decision⁸, the amenity and good order criterion must be distinguished from the criterion relating to the minimisation of alcohol-related harm (i.e. the second limb of the object of the Act⁹). He notes amenity and good order relates to the extent to which the locality is 'pleasant and agreeable': “There is no evidence that Liquorland Halswell would detract from that amenity and good order. He notes the evidence from the Applicant's operation of Liquorland Shirley is that there would be no detriment to amenity and good order”.

[111] Mr Thain states the Applicant is suitable to be granted a licence it has good character and experience.

[112] The primary concern raised by the reporting agencies and the objectors is clause 6.2 of the LAP. Mr Thain states the Applicant fully accepts that under section 105(1)(c) of the Act, the DLC must have regard to the Council's policy in clause 6.2 of the LAP. However, the requirement to have regard to the policy is not a requirement to give effect to it.

[113] He notes this position is not altered by section 108 of the Act. This section does not remove the obligation for the DLC to give genuine thought and attention to the policy, as required by section 105(1)(c), before deciding whether to refuse, or issue, a licence. Mr Thain

⁸ Alcohol Licensing Inspector, Auckland Council v Singh 13 Investments & Others (Thirsty Liquor Wickman Way) [2025] NZHC 2868 at [100].

⁹ In section 4 of the Act

submits a requirement to give the policy genuine thought and attention means the DLC must consider the purpose or aim of the policy.

[114] The aim is therefore to address the disproportionate level of alcohol-related harm experienced by higher deprivation communities according to Mr Thain. He states, “the way in which the policy seeks to help achieve that aim is by preventing further concentration of off-licences in those higher-deprivation communities”.

[115] The area for the presumption against new licences is arbitrary according to Mr Thain, as the Council's consultation did not extend to the way in which the boundaries of such areas should be defined. “The Council chose to use Statistics New Zealand's 2023 Deprivation Index data at the Statistical Area 2 (SA2) level. Each SA2 covers a larger area than each Statistical Area 1 (SA1). So, the data is more local and specific at the SA1 level. Seen at that more detailed level, the location of the Premises is in a 'least deprived' area (decile 1 – 2)”.

[116] There is no concentration of off-licences near the Premises, according to Mr Thain; “The evidence shows there is no concentration of off-licences in or even around the real area of concern, Rowley”.

[117] He states the Applicant would minimise alcohol-related harm, which is reflected in its operation at Liquorland Shirley.

[118] Mr Thain has stated the following conditions are offered:

- a. There will be no advertising of products and/or price on the exterior of the premises.
- b. There will be no sales of vapes and cigarettes.
- c. There will be no sales to people in school uniforms regardless of their ability to produce ID.
- d. No single sales of beer, RTDs or ciders smaller than 600ml and under \$6.00 per unit is permitted.
- e. There will be no sales of Nitro or similar products.
- f. There will be no single sales of strong beer with an ABV over 12%.
- g. There will be no sales of alcohol via "buy now, pay later" payment options. This condition does not prevent the use of credit cards.

- h. Retail packaging will not be broken down to sell any alcohol products in smaller packs than intended by the manufacturer for retail sale (whether that be 1, 2, 4 or 6 units).
- i. The licensee will have educational and support resources relating to responsible alcohol consumption and available support services readily accessible for customers on the premises.
- j. The licensee will maintain a register of alcohol related incidents. The register of incidents must be available for inspection by the Police and Licensing Inspectors at any time that the premises is open to the public. The incident should be recorded in the incident register within 12 hours of the incident occurring.
- k. The licensee must ensure that A4 signage stating that alcohol will not be sold to minors or intoxicated persons, also includes a pregnancy warning label as defined in the Food Standards Code and as shown here:

[119] The express purpose of the Act, as stated in section 3(1)(a), is for the system of control over the sale and supply of alcohol to be reasonable. Mr Thain drew the DLC's attention to a Supreme Court comment that systems of control envisaged by the Act must be one that provides reasonable opportunities for the safe and responsible sale of alcohol¹⁰.

[120] He suggests this position is of relevance in the present case, where the residential population around the proposed premises is growing significantly and the evidence of the price of new properties is not consistent with high deprivation.

[121] The DLC was reminded it must give the LAP genuine thought and attention, it is not to be applied as if it were absolute. The rationale and aim of the relevant policy in the LAP will not be undermined by granting the application.

[122] Mr Thain also took the opportunity to comment on a case decided by the Alcohol Regulatory and Licensing Authority in *Hendry v Tanishanaya*¹¹. Counsel for Ms Henderson cited this decision. The Authority said it did not consider that any weight could be attached to an argument that a document referred to in the Auckland Local Alcohol Policy should be ignored because it was old.

¹⁰ At [85].

¹¹ NZARLA [2025] 181.

[123] Mr Thain submits that Hendry decision is not relevant to the present case before the DLC. He said, “the Applicant does not argue that the 'high deprivation' areas defined in the LAP should be considered old and out of date. The Applicant's position is not that the location of its intended premises should be considered to be outside the relevant area shown on Appendix 1 to the LAP”.

[124] In closing Mr Thain reiterates the DLC is still entitled to grant the application and issue a licence despite the LAP.

[125] **On behalf of Mr Alex Cumming, Counsel for the Chief Inspector** submits that the application for an off-licence should be declined. He notes the proposed premises are within an area identified by the LAP as being subject to a freeze on the issue of new off-licences: “The relevant clause within the LAP is very clear and prescriptive, stating that “where the freeze applies, the DLC and ARLA should refuse to issue any new off-licences”.

[126] Mr Cumming referred to Section 108 of the Act states the DLC may refuse to issue a licence if, in its opinion, the issue of the licence, or the consequences of the issue of the licence, would be inconsistent with the policy. This section makes it clear that licences will not be issued where to do so would be inconsistent with any relevant LAP.

[127] It was further submitted that the DLC does not need to “form an opinion” as to whether issuing a licence would be contrary to the policy.

[128] According to Mr Cumming a community is entitled to expect that the LAP they submitted on, and then adopted by Council, will be given primacy in the areas where it applies. He cites the Supreme Court, in *Woolworths New Zealand Limited v Auckland Council*, emphasised the importance of community preference¹²

[129] Mr Cumming submits the LAP was based on an intention to minimise alcohol-related harm, particularly in deprived areas, as set out in *Riccarton Bush Kilmarnock Residents' Association Inc v Christchurch Liquor Ltd*¹³.

[130] The Applicant in the view of Mr Cumming has attempted to portray the area as having a much lower deprivation level than what was relied upon in developing the LAP. Further he

¹² *Woolworths New Zealand Limited v Auckland Council* [2023] NZSC 45, at [81].

¹³ [2023] NZARLA 18, at [161].

comments on the Applicant has stated that it will operate a premium, boutique-style premises, stocking premium products despite its obligations to offer a full service Liquorland products. He cites as support the Authority decision in *Roycroft v A & N Enterprises*¹⁴:

The applicant's business plan, target market, product selection and pricing strategies cannot objectively be said to minimise the prospective risk of alcohol-related harm. A boutique or premium liquor store that still intends to cater to "everyday alcohol needs" points in the opposite direction.

[131] Mr Cumming notes if the premium model does not work, the Applicant "will not (and is not bound to) stick to that model, particularly if it is to the detriment of the business".

[132] It was submitted that granting the Application a licence would be contrary to the clear terms of the LAP.

[133] **On behalf of Dr Liz Gordon (Counsel for Objector Ms Natalie Henderson)**

[134] Dr Gordon refers to the Section 100(f) requirements of the Act, and considers this application was "premature", "the building is nowhere near complete and there is certainly no completed certificate".

[135] She submits the community never saw the notice, therefore it was not fully disclosed to Objectors or the Agencies.

[136] Dr Gordon shared with the DLC her view and that of the law, through the Authority, is that the LAP is bounded by its documents (in this case the red zone map). Re-interpretation is not possible:

[121] We do not consider that any weight can be attached to the argument that the document referred to is old (30 September 2013). To the contrary, we consider it appropriate for the reference to be to a specific document. The definition can therefore be readily ascertained at any given time and if it is the wish of the Council to change the position or extend the definition in some way, it will need to alter the LAP accordingly¹⁵.

[137] She notes under section 108 the DLC can decline the licence on that ground alone. Ms Henderson holds the belief that there is clear inconsistency in this matter and requests that the licence be declined.

¹⁴ [2020] NZARLA 204, at [176].

¹⁵ *Hendry v Tanishanaya Holding Limited - Rosedale Park Liquor* [2025] NZARLA 181 (13 June 2025)

[138] **On behalf of Ms Adele Geradt (Secretary of Halswell Residents Association) (Objector)**

[139] Ms Geradt has conveniently identified five clear matters of objections.

[140] The Sale and Supply of Alcohol Act (2012), Section 105(c) is asserted and she believes this application is therefore contrary to the LAP.

[141] With respect to the Sale and Supply of Alcohol Act (2012) she cites clause 4(b) which refers to alcohol-related harm: “more alcohol outlets mean more potential harm for those in the area”. She submits alcohol related harm is “not only addiction, but by excessive use, defining this harm broadly to include crime, death, injury, disease, disorderly behaviour, and societal damage”.

[142] Section 105(1)(f) of the Sale and Supply of Alcohol Act (2012) is cited along with Section 105 (1)(f), which requires the DLC to consider what goods and services beyond alcohol and food an Applicant proposes to sell when deciding on a license.

[143] Section 105(h) of the Sale and Supply of Alcohol Act (2012) is also cited by Ms Geradt. This section relates to “amenity and good order”. She states, “there are already numerous alcohol outlets in Halswell, and two new supermarkets are being built within 3km of the proposed store” Finally Ms Geradt refers to Section 101 of the Sale and Supply of Alcohol Act (2012). She submits the notification of the application did not meet the requirements of this section.

Considerations of the Committee

[144] Having considered the application together with Agency reports and objections placed before it, together with the oral evidence and submissions received, the DLC must now stand back and determine whether the application for a new Off-Licence should issue.

[145] We therefore proceed to evaluate the evidence presented using the approach outlined by the High Court in *Otara-Papatoetoe Local Board v Joban Enterprises Limited CIV 2011-404-007930 [2012] NZHC 1406*:

“the Authority is required to undertake an evaluative exercise. An appropriate framework would involve, in no particular order, consideration of:
(a) the criteria set out in s35 (1);
(b) the reports presented by the Police and Inspector...,
(c) Public objections...”

[146] The DLC is further guided by the decision of Clark J in *Lion Liquor* at [43]

“the factors to be considered in the course of assessing an application for a licence ... stand to be assessed in terms of their potential impact upon the prospective risk of alcohol-related harm. ”

Evaluation and findings under s.105 and s.106 of the Act

[147] The role of section 105 and how it is to be approached in relation to applications has received plenty of judicial attention.¹⁶ The approach, when considering the licence application, is succinctly summarised as follows:¹⁷

“Is the decision-maker satisfied, having regard to all the relevant factors set out in s105(1)(b)–(k) that the grant of the licence is consistent with the object of the Act?”

And

"the role of the decision-maker in considering these factors is an evaluative one¹⁸."

[148] The duty to “have regard to” requires that we turn our mind to the listed criteria. We are required to give them “genuine attention and thought”. The weight to be attached to each is a matter for us to decide.¹⁹ In *Medical Officer of Health (Wellington Region) v Lion Liquor Retail Limited* [2018] NZHC 1123, Clark J summarised the applicable principles in respect of the renewal of a licence, however, they apply equally to a new licence, saying:

"The factors to be considered in the course of assessing an application for a licence or for a renewal, stand to be assessed in terms of their potential impact upon the prospective risk of alcohol related harm"

▪ **The object of the Act**

[149] The object of the Act is that -

- a) The sale, supply, and consumption of alcohol should be undertaken safely and responsibly; and
- b) The harm caused by the excessive or inappropriate consumption of alcohol should be minimized.

¹⁶ *Re Venus NZ Ltd* [2015] NZHC 1377, [2015] NZAR 1315 per Heath J; *Auckland Medical Officer of Health v Birthcare Auckland Ltd* [2015] NZHC 2689 per Moore J; and *Christchurch Medical Officer of Health v J & G Vaudrey Ltd* [2015] NZHC 2749, [2016] 2 NZLR 382 per Gendall J.

¹⁷ *Re Venus NZ Limited* at [20] and *Auckland Medical Officer of Health* at [60] see Westlaw NZ, SA 105.02

¹⁸ *Christchurch Medical Officer of Health v J & G Vaudrey Ltd* [2015] NZHC 2749, [2016] 2 NZLR 382 per Gendall J.

¹⁹ *Foodstuffs (South Island) Ltd v Christchurch City Council* (1999) 5 ELRNZ 308, [1999] NZRMA 481 (HC).

The Act further states that the harm caused by the excessive or inappropriate consumption of alcohol includes -

- a) Any crime, damage, death, disease, disorderly behavior, illness, or injury, directly or indirectly caused, or directly or indirectly contributed to, by the excessive or inappropriate consumption of alcohol; and
- b) Any harm to society generally or the community, directly or indirectly caused, or directly or indirectly contributed to, by any crime, damage, death, disease, disorderly behavior, illness, or injury of a kind described in a) above.

We keep those objects to the forefront of our minds in considering the application.

[150] There are two arms to the Object of the Act, and both must be met. In terms of the first arm, we need to be satisfied that the sale and supply of alcohol by the applicant should be undertaken safely and responsibly. The second arm requires that harm caused by excessive or inappropriate consumption of alcohol should be minimised. ‘Minimised’ means reduced to the smallest amount, extent or degree. It does not mean eliminate altogether.²⁰ In *Lion Liquor Retail Limited*, Clark J held that:

“the legislative framework enacted by the 2012 Act was intended to restrict rather than relax drinking laws. The legislative measure proceeded on the basis of clear evidence showing a link between availability of alcohol and alcohol-related harm.”

[151] Our role is an evaluative one, and we need to have regard to the extent to which granting a licence with conditions should minimise alcohol related harm.²¹ There is a presumption built into the Object of the Act that excessive and inappropriate consumption of alcohol causes harm i.e. harm caused by *excessive or inappropriate* consumption of alcohol.

[152] “Harm caused by excessive and inappropriate consumption” is defined broadly in section 4(2) of the Act to include harm in the form of crime, damage, disorderly behavior, illness or injury to individuals and to society generally and includes direct and indirect cause or contribution to harm.

[153] We now make assessments, based on the evidence before us and the various reports received, on each of the criteria contained in section 105 of the Act.

²⁰ See Shorter Oxford Dictionary; *Re Peony Spirits Limited* [2014] NZARLA 696 at [19]; *Linwood Food Bar Ltd v Davison* [2014] NZHC 2980 at [18] and *Auckland Medical Officer of Health v Birthcare Auckland Limited* [2015] NZHC 2689 at [115].

²¹ Alcohol related harm is defined in s5 to mirror that in s4(2) of the Act.

- ***The suitability of the applicant***

[154] The DLC notes that except for Ms Henderson, no objector had raised the matter of suitability of the Applicant to hold a Licence. Agencies have not raised the issue of suitability. We find that the Applicant is a suitable entity to hold a Licence and has considerable experience in holding a Licences for Liquorland Shirley. Neither the Inspector nor the Police could point to any problems that had arisen in respect to the operation of the proposed premises.

- ***Any relevant local alcohol policy***

[155] There is a new Christchurch LAP in place. The Inspector provided the Committee with the "Summary of Submissions on the draft Local Alcohol Policy for Christchurch and Banks Peninsula" setting out the submissions and feedback received by Council which assisted it in reaching its various decisions in relation to the Policy.

[156] Policy 2 addressed "Place a freeze on new off licences in high deprivation areas". This Policy received a variety of feedback but with "broad support for reducing alcohol-related harm in areas of high deprivation, reflecting concern from submitters citywide". There were two proposed exemptions, those being applicants who can show their primary purpose is not the sale and supply of alcohol, and existing off-licence renewals or change of ownership.

[157] The focus of opposition by the Objectors and Agencies is clause 6.2 of the LAP. The clause states that there should be a freeze on the issuing of new off-licences in "areas of high deprivation" (see Appendix 1 to the LAP). The location of the proposed premises is within the boundary of one of the areas shown.

[158] Counsel for Ms Henderson cited the Authority at paragraph 121 of the Hendry decision²². The DLC places no weight on this decision, in the context of this matter, and is in shared agreement with Counsel for the Applicant. The Applicant does not argue that the "high deprivation" areas defined in the LAP should be considered old and out of date. The Applicant's position is not that the location of its proposed premises should be considered to be outside the relevant area (shown on Appendix 1 to the LAP).

²² NZARLA [2025] 181.

[159] Under Section 105(1)(c) of the Act, the DLC must have regard to the Council's policy in clause 6.2 of the LAP, including 6.2.2 "where a freeze applies, the DLC and ARLA should refuse to issue any new off-licences".

[160] The Committee acknowledges the applicant's view that the premises would be at the outer edge of a freeze zone, and that there is a lot of new housing development going on in the area. However, as stated elsewhere in this decision, future development and the nature of that is currently unknown, and the Committee particularly notes section 6.4 which states:

"6.4 The presumption of a freeze does not apply to applications for new off-licence premises located outside of the areas specified and shown in Appendix 1. However, the DLC and ARLA may consider whether issuing a licence would, in its opinion, contribute to the further concentration of off-licensed premises **servicing** high deprivation areas." (highlight added).

[161] Section 108 of the Act allows the DLC to refuse to issue a licence if, in its opinion, the issue of the licence, or the consequences of the issue of the licence, would be inconsistent with the policy.

[162] The DLC acknowledges and agrees with the view of Counsel for the Applicant, that the requirement to have regard to the policy is not a requirement to give effect to it. Further, it is agreed that Section 108 does not remove the obligation for the DLC to give genuine thought and attention to the policy, as required by Section 105(1)(c), before deciding whether to refuse, or issue, a licence.

[163] The purpose or aim of the policy has been considered by the DLC.

[164] The DLC's focused "thought and attention" considers that a community is entitled to expect the LAP on which they were consulted, and voted on by Council, will stand²³. The LAP is supported by research and reflects community consultation. A clear focus of the LAP is to minimise alcohol-related harm, especially in areas of deprivation. The DLC does not share the view of the Applicant the area for the new licences is arbitrary in nature.

[165] During the hearing the Applicant's position was the area did not have the deprivation level that existed when the LAP was developed. This position is not consistent with the data provided by Police and the evidence heard from Objectors who provided evidence on the high levels of deprivation in the Rowley area. The DLC is of the belief that the Rowley area would be a strong

²³ Woolworths New Zealand Limited v Auckland Council [2023] NZSC 45, at [81].

existing market for the proposed premises. We also need to make a decision based on what information exists or is known, not the unknown. Should the area environment change in time it can be reassessed when the LAP is reviewed.

[166] The DLC after hearing all evidence from those with lived experience, particularly from Objectors, and considering the reports from the Inspectorate and MoH, together with the wording contained in section 6.2 and 6.4 (in particular) of the recently completed Christchurch Local Alcohol Policy, has concluded granting the application will cause “further concentration” of off-licensed premises in an area of high deprivation, or **servicing** an area of high deprivation

[167] Further, granting of the licence would also be likely to increase alcohol-related harm in the area or, as recorded by the Inspector, not assist in minimising it. Therefore to grant this licence would be inconsistent with the new Christchurch LAP (Section 108).

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

[168] The Applicant sought the following trading hours: **Monday to Sunday, between the hours of 9:00am and 9:00pm**. These hours are shorter than the default maximum trading hours for Off-Licences.

- ***The design and layout of any proposed premises***

[169] During the hearing, reference was made to the Applicants premises at Liqourland Shirely which had undergone a revamp and enhancement in May of 2025. The DLC was advised that a similar layout would be reciprocated at the proposed premises. Matters of store signage were still uncertain and involved on-going discussions with the Developer. However, an expectation was expressed there would be limited difference to the approach at Liqourland Shirely. External signage was an unknown.

- ***Whether the applicant is engaged in, or proposes on the premises to engage in, the sale of goods other than alcohol, low-alcohol refreshments, non-alcoholic refreshments, and food, and if so, which goods and services:***

[170] The Applicant during the hearing stated they would not be selling any tobacco or vape products.

- ***Whether the applicant has appropriate systems, staff, and training to comply with the law:***

[171] The Applicant has appropriate systems and will employ sufficient staff and provide training to comply with the law. The Applicant provided a comprehensive training plan, and a Host Responsibility Plan attached to its application. Further, the DLC learnt from the real time experience of the Applicant in operating Liquorland Shirely.

- ***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:***

[172] Amenity and good order is defined in section 5 of the Act as:

“in relation to an application for, or for the renewal of, a licence, means the extent to which, and ways in which, the locality in which the premises concerned are situated is (or, in the case of a conveyance, the localities where the conveyance is likely to travel are) pleasant and agreeable.”

[173] Section 106 requires the DLC to consider whether the amenity and good order of the locality would be likely to be reduced, by more than a minor extent, by the effects of the issue of this licence:

- (a) The following matters (as they relate to the locality):
 - (i) Current, and possible future, noise levels;
 - (ii) Current, and possible future, levels of nuisance and vandalism;

[174] Counsel for the Applicant notes the new growth and development of Halswell, the boutique nature of the proposed premises, and the operational experience of the Applicant in a similar location. This view was opposed to that held by the Agencies and three Objectors. In the view of all Objectors there were sufficient outlets available within a locality with a concentration of existing liquor outlets in what is evidence of being a highly deprived area.

[175] Objectors reported that medium density housing was in place and planned which was confirmed by a site visit of the DLC. The new housing stock was not necessarily at the high level stated in various developer’s promotional materials.

[176] Children playing on the local streets were reported by Objectors as a feature of the locality, the initial aspiration or promise for the area was a mixed housing model community with amenities as described by Mr Kenneally, unfortunately this was never realized.

[177] The DLC is charged with making a decision based on the known facts or evidence, not what may exist at a future point in time. The Rowley area, immediately adjacent to the proposed premises, is one of high deprivation, containing high levels of social housing and where there are regular expressions of poverty evident. Police data confirms the level of alcohol related harm in this area is significant.

[178] During the hearing the DLC learnt of a time where the Hoon Hay Convenience Store in McCarthy Street stocked alcohol and it was not a positive story. Alcohol is no longer stocked. We learned of an incident where young people stole alcohol during opening hours in a grab raid at the store and on another occasion a staff member significantly injured at the site.

[179] **With respect to the Applicant**, the DLC accepts that a strong connection exists with the area by the Applicant and it is an experienced and skilled operator, good systems and processes will be in place at the proposed premises, there will be technologies to protect staff including two fog cannons, and we all acknowledge what appears to be very robust conditions proffered. The DLC commends the Applicant on the steps it has taken to ensure safety around the sale of alcohol in relation to their own staff, and potential customers.

[180] The DLC refers to the principal under which the Law Commission said it had approached its review:

"New Zealanders live in a free and democratic society. They are subject to only such limitations in their freedom as can be justified in such a society. They have liberty to behave as they choose as long as their actions respect the rights of others and are not contrary to the law. Public policy decisions that are made to restrict activity have to be justified by strong arguments that it is in the public interest that individuals and corporations do not exercise their freedoms in particular ways."

[181] The DLC must weigh up restricting the rights of responsible citizens with reducing the harm caused to themselves and others by those whose actions and behaviour is contrary to the law.

[182] In this regard the DLC has considered the new LAP in place, together with the opposition from all the Agencies and the Objectors who shared evidence of their lived experience of the area and the alcohol-related issues in this location.

[183] The DLC notes the response of the Inspector that he had no part in, and is unable to comment on, where Council decided the delineation of freeze zones should be. Having read the submissions and feedback to the LAP the DLC accepts that Council considered the delineations carefully in reaching their decision in regard to their placement.

Decision

[184] Accordingly, having regard to the matters in sections 105 and 106 of the Act together with the evidence and submissions of the Applicant, the Agencies and the Objectors, the DLC finds that the amenity and good order of the locality would likely be reduced by the granting of this licence, and the potential for alcohol related harm would be increased to an extent where it would be unsafe to grant the licence.

[185] Further, the DLC also declines to grant this licence as its issue and consequences would be inconsistent with the new Christchurch LAP, particularly sections 6.2 and 6.4.

[186] For these reasons the application is declined.

DATED at CHRISTCHURCH this 19th day of December 2025

A handwritten signature in black ink, appearing to read 'D. Ivory', with a stylized flourish extending from the end.

David Ivory
Chairperson
Christchurch District Licensing Committee