

Decision Number: 60E [2025] 22718

IN THE MATTER OF the Sale and Supply of Alcohol Act 2012

AND

IN THE MATTER OF an application by **Wine Spot NZ Limited**
for an **Off-Licence** pursuant to s 99 of the
Act in respect of premises situated at
G01 177 Cashel Street, Christchurch to
be known as '**SIP**'

BEFORE THE CHRISTCHURCH DISTRICT LICENSING COMMITTEE

Hearing: 30 and 31 July 2025 (at Christchurch)

Committee

Chairperson: Mr D L Blackwell, QSM

Members: Mrs M Redstone, JP
Mr D Ivory

Appearances: Mr N Laing, Counsel for the Applicant.
Ms M Brownlee, Counsel for the Applicant.
Mr V Ganta, Director of the Applicant.
Mr J Reid, Christchurch City Council Licensing Inspector.
Mr G Hay, Christchurch City Council Chief Licensing Inspector.
Sergeant D Robertson, New Zealand Police.
Senior Constable G Jolliffe, Witness New Zealand Police.
Constable D Stevenson, Witness New Zealand Police.
Ms P Williams, Representative of the Medical Officer of Health.
Dr E Gordon, Counsel for Mr Fox.
Mr J Sullivan, Counsel for Ms M Duncan.
Dr M Qiu, Objector.
Dr A Kerr, Objector.
Councillor Mr J McLellan, Objector.
Ms C McMillan & Mr K McMillan, Objector.
Councillor Mr J Davies, Objector.
Mr C Webster, Objector.
Mr R Fox, Objector.
Ms F Young, Witness for Mr Fox.
Ms J Rooney, Objector.
Ms A Walsh, Objector.
Ms A Cole, Objector.

The Committee was assisted by Ms N. McDonnell, the Christchurch City Council Hearings Advisor.

RESERVED DECISION OF THE COMMITTEE

Introduction

[1] The Committee has before it an application for an Off-Licence by Wine Spot NZ Limited ('the applicant') for premises situated at G01 177 Cashel Street, Christchurch ('the premises'), known as 'SIP'.

[2] The proposed location is in a vacant shop on the ground floor of a modern mixed-use residential and commercial complex known as the Carriage Quarter. The Liquor Licensing Inspector advises, in his report, that a Certificate of Compliance pursuant to s100(f) of the Sale and Supply of Alcohol Act 2012 has been issued dated 11 March 2025 which states the premises meet with the requirements of the Building Act 2004, Building Code and Resource Management Act 1991.

[3] The proposed Off-Licence location has its entrance off Manchester Street and would be next to another vacant retail designated site on the corner of Cashel and Manchester streets. The proposed site is part of a body corporate which, we understand, has over 50 residential members.

[4] The proposed premises is within a Liquor Ban area and is approximately two hundred metres from the new Christchurch stadium which is due for opening in April 2026. The site for the proposed Off-Licence is brand new and vacant.

[5] There were initially 33 public objections lodged within the designated time frame. Two withdrew immediately after they were contacted by the Licensing Inspector, 7 advised they would be attending the hearing and 12 had not responded to multiple attempts to contact them by the secretariat. Twelve objectors attended the hearing either in person or by AVL.

Preliminary matters.

[6] The Chair raised concern that there were a number of objectors not making contact, despite numerous attempts by our secretariat. He said the District Licensing Committee (DLC) does not know if they are genuine or just 'one key board warrior' making objections. The DLC has no issues with those objectors who filed a brief of evidence and appeared at the hearing, and this would also include Ms Duncan (paras 8 and 168).

Matters arising

[7] Two matters arose during the hearing that required a decision by the Chair.

[8] Objector Ms Duncan initially advised her objection was withdrawn but then supplied a brief of evidence via Counsel but did not appear at the hearing. Mr Sullivan appeared at the hearing to represent her and advised she was currently carrying out humanitarian work in Africa and said she could not connect by AVL. Mr Sullivan also offered to pass any DLC questions via email to Ms Duncan and to circulate the answers to the parties. The Chair ruled that the DLC would accept all the documents sent by the objectors, including those who did not appear, but as the documents could not be tested at the hearing it was likely little or no weight would be given to them. With the agreement of all the parties Mr Sullivan did read Ms Duncan's brief of evidence.

[9] Counsel for the applicant wanted to ask objectors what they paid for their properties which the Chair stopped. He said where the objectors live in relation to the proposed liquor store is a reasonable question, but as the price they paid is on the public record it would be inappropriate to air it at the hearing. It is noted that most of those giving evidence included their address in their brief of evidence.

Summary of result

[10] Having had regard to the matters in sections 105 and 106 of the Sale and Supply of Alcohol Act 2012 ('the Act'), and for the reasons set out in this document, the Committee declines the application.

The hearing

Opening submissions Mr Laing

[11] Mr Laing's opening submissions had previously been circulated. Mr Laing spoke briefly to his written opening submissions and said the application was not opposed by the Licensing Inspector but was opposed by the Medical Officer of Health (MOH) and the New Zealand Police. He noted there were a number of public objectors.

[12] Mr Laing said matters raised by the public objectors could be categorised as proximity to other outlets, vulnerable persons in the area, amenity and good order and current alcohol related harm.

[13] Mr Laing noted the Medical Officer of Health's and the Police's opposition revolve mainly around concerns of amenity and good order particularly in regard to density and locality.

[14] Mr Laing noted that with the Sale and Supply of Alcohol Act 2023 (Community Participation Act) now in force there is no ability to examine witnesses. He included a number of questions the DLC may consider asking the agencies.

[15] Mr Laing said that the application by Wine Spot NZ Limited is for 10.00 am to 9.00 pm however under his lease with Peebles Group he will only be open until 8.00 pm and is seeking licensed hours to reflect this.

[16] Mr Laing noted the tri-agencies have no issues with the suitability of the applicant and he said it is apparent that the public objectors' reasons for objection do not relate to the suitability of the applicant.

[17] Mr Laing said Mr Ganta can demonstrate the wealth of experience he has in the sale and supply of alcohol and can demonstrate his understanding of the risks present when alcohol is sold.

[18] Mr Laing then outlined several other matters related to section 105.

[19] Mr Laing spoke of the Christchurch City Council's recent Local Alcohol Policy (LAP) determinations that will place a freeze on off-licences in areas of high deprivation (decile 8 – 10) but the proposed location of the applicant's store will operate in a decile 3 area. He also said the proposed LAP adopts a control of a maximum trading hours to 9.00 pm for off-licences. He said this proposed store will only operate until 8.00 pm.

[20] Mr Laing outlined the locational controls in the proposed LAP such as within 50 metres of the bus exchange, primary or secondary schools and within 100 metres of addiction treatment/rehabilitation facilities. He said there are none around the site of the proposed store.

[21] Mr Laing outlined a number of discretionary conditions the licensee is open to help ensure the Object of the Act is met.

Opening Submissions Christchurch City Council Licensing Inspector, Mr Reid

[22] Mr Reid gave brief opening submissions saying that the role of the Inspector is to inquire into and raise any matters under section 105 and 106 of the Act to assist the Committee.

[23] Mr Reid noted the alcohol ban area and while he had visited the premises he was unable to get access due to the fit-out not being completed.

Opening submissions Sergeant Robertson, New Zealand Police

[24] Sergeant Robertson clearly state The Police are opposed to the application.

[25] Sergeant Robertson said in his initial report Senior Constable Jolliffe reflected that the primary grounds for opposition were pursuant to section 105(1) of the Act. He said the Committee should also consider matters arising from the applicant's evidence and associated matters.

[26] Sergeant Robertson raised suitability suggesting Mr Ganta's evidence and approach indicated that he had no understanding of the alcohol related harm occurring within the central city, nor the detrimental effect on the amenity and good order of the locality.

[27] Sergeant Robertson noted the applicant does not operate his current store in a manner which the original application proposed, being that he would stock mostly high-end NZ wines, craft beer and a limited range of spirits.

[28] Sergeant Robertson raised Police concerns with staff and training systems.

[29] Sergeant Robertson outlined the evidence of the Police MOH and the objectors, suggesting the reduction in the amenity and good order of the location would be significant not minor. He said the proposed site brings major-risk being a major thoroughfare for both pedestrians moving between the bus exchange, One NZ Stadium (opening April 2026), the city mall and various entertainment and hospitality sites.

[30] Sergeant Robertson said the Police ACF data will show relevant incident numbers far in excess of those the Committee has seen in other areas of Christchurch.

[31] Sergeant Robertson said should the licence be granted the applicant will be directly enabling individuals and groups to breach the alcohol ban and facilitating pre-loading as they make their way to and from the new stadium.

[32] Sergeant Robertson pointed the Committee to case law to assist it in assessing the application.

Opening submissions Ms Williams, representative of the Medical Officer of Health

[33] Ms Williams said the MOH is opposed to the application.

[34] Ms Williams outline the criteria as set out in section 105 and 106 of the Act.

[35] Ms Williams said the evidence to be presented will demonstrate to the Committee that existing amenity and good order concerns in the locality indicate that the locality is not suitable for an off-licence.

[36] Ms Williams submitted that the applicants current premises, tucked away as it is in Cathedral Junction, is a far cry from the proposed main road location for the proposed new premises.

[37] Ms Williams said there is a distinct lack of evidence of community engagement by the applicant and urges the committee to attach considerable weight to this lack of engagement.

[38] Ms Williams also raises matters around density of premises and financial viability highlighting her direct personal experience of considerable alcohol harm from the existing outlets.

[39] Ms Williams said the applicant has chosen this site unwisely and that conditions cannot cure a poor application.

[40] Ms Williams said this application cannot meet the Object of the Act.

Opening submissions Dr Gordon on behalf of Mr Fox.

[41] Dr Gordon said Mr Fox is a local resident living on Manchester Street just two doors from the proposed site in the same high density complex.

[42] Dr Gordon said Mr Fox's objection is based on sections 105 and 106 of the Act and particularly suitability, design and layout, staff and training, amenity and good order and an inability to meet the purpose and Object of the Act.

[43] Dr Gordon outlined in detail Mr Fox's concerns under section 105 & 106 and noted that Mr Fox will testify in his brief of evidence that he might not have purchased his townhouse at all had he known a liquor store was intending to move in 20 metres away.

[44] Dr Gordon outlined the purpose of the Act and the Object of the Act.

[45] Dr Gordon said the risk of having a new liquor store embedded within a high density residential apartment complex outweighs any benefit that is claimed for it.

Evidence of Mr Ganta

[46] Mr Ganta read his brief of evidence that had been pre-circulated prior to the hearing.

[47] Mr Ganta outlined his background, saying he holds a graduate diploma in Applied Business Management and he has 15 years experience in the Fast Moving Consumer Goods (FMCG) managing retail stores selling restricted products.

[48] Mr Ganta said he moved to Christchurch in 2013 with the aim of starting his own business and has been operating his retail business since shortly after that time. He opened his convenience store in Cathedral Junction.

[49] Mr Ganta said customers at his convenience store asked to have a wine store closer as the nearest supermarket was an 18 – 20 minute walk away. He decided to start Wine Spot next to his convenience store.

[50] Mr Ganta said his current store and the proposed store are within a liquor ban area. He said he has consistently fulfilled all licencing requirements and has not received any enforcement actions from the tri-agencies nor community complaints.

[51] Mr Ganta said he has a well-trained team and he works himself as a duty manager alongside another staff member who also have this qualification. He said as Director and Duty Manager he oversees all aspects of the business.

[52] Mr Ganta said the proposed site had been vacant for over a year. He said the Cashel Street area is undergoing significant transformation with Christchurch City Council targeting a central city population of 20,000. He also noted some of the development happening or planned to happen in the vicinity.

[53] Mr Ganta said the One NZ Stadium is nearing completion and will draw more visitors and energy into the area. He said the area at 177 Cashel is a mixed-use area with both commercial and residential properties and he is committed to working in a way that does not contribute to public nuisance or disorder.

[54] Mr Ganta said his vision is to create a responsible high quality store that reflects his professionalism and care.

[55] Mr Ganta explained that the store front will be clean and professionally branded. He said store signage will consist of a sign displayed near the entrance with the name SIP featuring a black background with the name in white. He said there will be no promotional material on the windows glass or doors to achieve an unobtrusive appearance that compliments the modern revitalised central city.

[56] Mr Ganta said the point of sale area near the entrance and will be monitored by CCTV. He said all the surveillance systems will operate continuously 24/7.

[57] Mr Ganta said the store will be staffed by three employees, two being duty managers and as required a duty manager will be onsite during the sale of alcohol.

[58] Mr Ganta outlined the in-house and external training to ensure responsible alcohol service. He covered ID verification, dealing with difficult or intoxicated customers and customised modules on robbery response and incident handling.

[59] Mr Ganta said that operating his existing store in an alcohol ban area equips him well to operate the proposed store in a similar environment.

[60] Mr Ganta said staff will be given training to remind customers that alcohol consumption is prohibited in public areas and refuse sales to those attempting to drink outside and displaying anti-social behaviour.

[61] Mr Ganta said he would be happy to agree to a condition that he did not sell high strength mainstream beers.

[62] Mr Ganta said on event days at One NZ Stadium they would have additional controls to prevent alcohol related harm. He said this will include staffing levels, having trained security personnel outside the store and he was open to additional controls for those event days. He gave an example of no single sales of beers within 2 hours of the commencement of events. He said this will reduce the risk of patrons breaching the liquor ban.

[63] Mr Ganta said under the conditions of his lease he would close at 8.00 pm.

[64] Mr Ganta said with his 15 years retail experience, 10 years in alcohol sales, and a track record of zero complaints or issues, he is committed to operating a safe, responsible compliant business that aligns with the Act and community expectations.

[65] Mr Ganta in his rebuttal evidence said he would be selling tobacco products and adult flavours of vape products, Mint, Tobacco and Menthol only. These would all be contained in a closed cabinet behind the counter.

In response to questions from the Committee, Mr Ganta confirmed or said the following.

1. He clarified his involvement with a central city security group but had never had to call them.
2. He had called the Police relating to a theft from his store.
3. He said the name of the proposed store means restraint in consumption.
4. He had never been before the Committee previously.
5. He outlined the schools and churches in the area.
6. He said his current customers are tourists, business people and those working in the area.
7. He said there is homelessness in the city but he does think it has increased.

8. He has been operating his current store for 10 years. He said in his view violence has not increased but he is aware of the issues at the bus exchange.
9. Asked if he had thought about closing on major event days at the stadium he said he had not considered that.
10. He expected the whole city including his proposed store would be busy on major event days and he would have a security guard on the premises to check ID and control the crowd.
11. He said he did not know what stock he would need as the new stadium is new and no one knows what it will be like.
12. He would expect to be profitable from year one.
13. He said the store is not just for big event days.
14. On big event days he would expect big sellers to be beers and RTDs.
15. He would not use dump stacks in the new store.
16. He would not be part of a franchise and would control his own prices and there would be no specials.
17. He said he came to the city after the earthquake and it was very quiet. Slowly things like the library and the convention centre have been built bringing more people to the city.
18. He had always been compliant and had never had issues with the agencies or the Labour Inspectorate.
19. He said he supported the community around his current store with some money, chocolates and a bottle of wine for a raffle.

20. He said he wants the new store to be a nice, good looking store and he would stock more gift type products that he does not have room to do at his current store.
21. He confirmed there is an increase in the homeless but he does not see this in the central city. He has not communicated with the City Mission.
22. He said at the new store when it was really busy he would have two people working.
23. He said RTDs came in 6 packs, 12 packs and 18 packs. Beers in 6 packs and 12 packs. Craft beer in singles and 6 packs. He does not sell single RTDs and does not sell high strength beers over 5.2% on any day. He will not sell any craft singles on event days.
24. He said the stadium will assist the whole city.
25. He will make it clear to everyone in the store it is a liquor ban area.
26. He explained that the signage would be just one sign with the name on the wooden wall.
27. He said he would work in the store 3 – 4 days each week.
28. He said at his current store he sells 35- 40% wine, 12% RTDS and 28% beers.
29. He said deliveries would be made between 10.00 am and 5.00 pm and old packaging would be placed in a bin in the store.
30. Asked about consultation with residents he said his consultation has been with his landlord, Peebles Group. He had not consulted the local residents.
31. He had not had any engagement with the City Mission or people working with those with addiction problems.
32. He stressed that he had many years experience in the Central city and knew the area well.

33. He will not sell hip flasks.
34. He said normally people only spend 1 – 2 minutes in the store but when they are very busy they may need to queue outside the store.
35. He said people will buy alcohol from the store and take it to their home to drink it. He said he would tell people they could not drink in public spaces or on the road.
36. He confirmed, in addition to undertakings given, he would include picking up all rubbish within 100 metres each way from the store every morning.
37. In answer to a matter raised by Mrs McMillan, Mr Ganta said City Investment Partners are the landlords as set out in the application form. He said they are part of the Peebles Group and Ben Owen from the Peebles Group signed the lease.

Evidence of Mr Reid, Christchurch City Council Licensing Inspector.

[66] Mr Reid read his brief of evidence that had been pre-circulated prior to the hearing

[67] Mr Reid said the location is potentially controversial due to its location on the ground floor of a residential complex in the inner city.

[68] Mr Reid said he supports the Tri-agency partners' opposition but cannot advance details of their opposition further.

In response to questions from the Committee, Mr Reid confirmed or said the following.

1. He said if he had read the Police data on alcohol related harm before he wrote his report he would have taken a stance of opposition.
2. He understands the applicant will not offer remote sales.
3. He considers the City is well served with the current number of alcohol outlets.

4. He said the applicant's reference to additional security on stadium event days would indicate he is anticipating high turnover on those days.
5. He noted the now proposed hours are less than those proposed in the pending LAP.
6. He raised his concern over community engagement only through the landlord and his personal experience in the city for 15 years.
7. He agreed the applicant's experience is relevant and transferable.
8. All the RMA consents are in order for a bottle store at the proposed location.
9. He had never heard of a queue forming outside a bottle store in Christchurch.
10. He said in his experience there had been an increase in homeless persons.
11. He said the risks for this store were around pre-loading and side-loading on stadium event days, and other major events in close proximity, i.e. in Cathedral Square and at Hagley Park.
12. He said the number of objections and particularly the content of those objections is important when preparing his report. He said the value of the so called jotforms where people tick a box is questionable.
13. He said the applicant has offered a number of controls in his evidence, signage, pricing single sales etc.
14. He said there are almost two businesses in one, a stadium event day with additional controls and security, and a normal day with less controls. He questioned how achievable that was.
15. He said the proposal with signage is a positive and Mr Ganta has gone to a lot of trouble in this area.

16. He said under the proposed new LAP there are no sensitive sites within the required distance.

17. On the second day of the hearing, Mr Reid said he had undertaken research overnight and was advised the new stadium would be allowed 15 so called loud events each year and unlimited other events. The loud events were permitted to have in excess of 65 decibels over a 15 minute average at the boundary. He said sports events were not considered loud events.

Evidence of Senior Constable Jolliffe, New Zealand Police

[69] Senior Constable Jolliffe said the primary grounds for the Police opposition are that the application cannot meet the Object of the Act and that it will have a significant negative impact on the amenity and good order of the locality.

[70] Senior Constable Jolliffe said the site is just 350 metres away from the new One NZ Stadium, due for completion in early 2026, which can be seen from the site.

[71] Senior Constable Jolliffe noted the applicant already operated an off-licence nearby and the Police is concerned the proposed store would be targeting those people going to the stadium or people going to consume alcohol in a public area within the CBD alcohol ban area. He said he believed it will also contribute to further significant alcohol related issues that arise within the central city area.

[72] Senior Constable Jolliffe addressed the application for the applicant's other store in Cathedral Junction. He noted the 2014 application was for a small store which would stock mostly high end New Zealand wines, craft beer and a limited range of spirits.

[73] Senior Constable Jolliffe said the Cathedral Junction store had been renewed three times and had never been opposed by the agencies. He said it appears the name of the premises (Wine Spot) and the content of the initial business case documents, the new or renewal applications have resulted in those premises 'flying under the radar' to a degree. He said, for the Police at least, the store has been a small specialty type shop with a focus on NZ

wine and other high end products. On a recent visit he noted a wide range of products including mainstream beer and RTD's.

[74] Senior Constable Jolliffe said the site (Cathedral Junction) does not come to the attention to the Police very often and he acknowledged there is no evidence of significant alcohol harm coming from it. He said this is very likely because the store is not clearly visible from the street and it is not particularly obvious that it is even there.

[75] Senior Constable Jolliffe said the new proposed site is a different proposition as it is on a wide, busy intersection and faces west onto Manchester Street. He said the Police have consistently maintained the position that any off-licence bottle store in the central city will be problematic.

[76] Senior Constable Jolliffe said the existence of the 24 hour alcohol ban in public areas should be a clear signal that the Council have identified the area as one that is prone to people consuming alcohol in public with associated alcohol harm arising. He said the Committee will recognise the relevant societal trends in terms of the propensity of people to both pre-load and side-load alcohol in the area.

[77] Senior Constable Jolliffe said the central city has been identified as experiencing the highest volume of disorder and violence as the result of alcohol consumption in any city area. He produced Police ACF data report which he said reflects the volume of Police related incidents where alcohol has been positively identified as a contributing factor.

[78] Senior Constable Jolliffe said the ACF incidents are within a 1km radius of the proposed site and are amongst the highest in the city. He said the data over the past 5 years showed a total of over 8,500 incidents.

[79] Senior Constable Jolliffe said the area immediately around the proposed site and the CBD is generally one for which the amenity and good order is very badly affected by the issue of existing licences. He said the number of existing licences are highlighted in the ACF data.

[80] Senior Constable Jolliffe said the proximity of the bus exchange, city mall, Manchester Street and surrounding entertainment precincts increase the specific risk for this site. He said ACF data for the radius around the site reflects a consistent demand between 9.00 pm and 3.00 am with a peak at 12.00 am.

[81] Senior Constable Jolliffe said there was a recent application for a bottle store in Lichfield Street about 300 metres from this proposed store. That application was declined and this application is almost identical albeit closer to the stadium and slightly further away from the bus exchange.

[82] Senior Constable Jolliffe said in his experience people purchasing from existing sites are often doing so with the intention of consuming alcohol within close proximity of the premises. This can be pre-loading or side-loading.

[83] Senior Constable Jolliffe said people often drink in carparks and he noted the Wilsons car park over the road from the proposed site. He said he regularly noted empty alcohol containers, predominately RTD products and main stream beers.

[84] Senior Constable Jolliffe said both pre-loading and side-loading is well established, particularly with younger people who have less discretionary spending money and seek to consume cheaper alcohol before going to public events or into bars and taverns.

[85] Senior Constable Jolliffe said given the proximity of the new stadium the proposed premises will attract people moving towards the stadium which will host events with up to 37,000 people. He said Venues Otautahi acknowledge there will be issues and have agreed to work with the agencies to develop appropriate systems in the immediate locality of the stadium.

[86] Senior Constable Jolliffe said an off-licence as proposed will both increase the immediate availability of alcohol in the area and further enable individuals and groups to consume alcohol in public areas of the central city. He said this will lead to a further reduction in the amenity and good order of the locality, in an area already badly affected.

In response to questions from Sergeant Robertson and the Committee, Senior Constable Jolliffe confirmed or said the following.

1. He said there was an issue with some errors with the graphs in his evidence but the data and statistics are correct.
2. He said the Police data covers the last 5 years and he believes the data to be consistent.
3. He said Kensington House was immediately over the road from the proposed store which has been the subject to noise complaints. There appeared to be pre-loading in the carparks either side of Kensington House.
4. He thought the proposed site would be a good place for people to go before an event at the stadium to pre-load. He compared it to a major event in Hagley Park with pre-loading and issues with rubbish and pre-loading.
5. He said people going to the stadium will likely flow past the proposed site on their way to the stadium, although there will be various drop off points for people travelling by Uber, taxis etc.
6. He said queuing at an off-licence is almost unheard of but if it did happen queuing does cause behaviour issues.
7. He said there are some positives with the application such as minimal signage, and hours.
8. He said in his opinion an off-licence in this locality is a bad idea.
9. He said Police policy on new licenses is that each one is taken on its merits.
10. Asked why the Police had not opposed the applicant's other store renewals, he said the store is a bit out of the way but as Police data gets better they may hold a different view.

11. He said the change in style of his current business had changed over the years since opening and it shows he is able to change to meet the market.
12. He said Mr Ganta's other store did not come to their attention so he could presume he was a good operator.
13. He said what he has seen at other events people would buy the alcohol on their way to the stadium and consume it, as they would not be allowed to take it into the stadium.
14. Asked if the Police would have the resources to deal with liquor ban breaches in the likes of Aurora Park, he said Police will always do what they can do with the resources they have at the time.

Evidence of Constable Stevenson, New Zealand Police

[87] Constable Stevenson said his current role is Central Beat Section Officer and previously he was part of the Community Services Team based out of Christchurch Central Police Station. He said he had been in those roles for 17 years and is familiar with the CBD area.

[88] Constable Stevenson said there is a high demand for Police services in the central city for all types of incidents including incidents where alcohol is a contributing factor. He said the bus exchange is a high demand site with a high level of disorder and crime which is only a short walk from the proposed site.

[89] Constable Stevenson said the stadium is perhaps just 200 metres away from the proposed site. He said most days they are working with 'streeties/homeless' who are in possession of alcohol or are intoxicated with empty cans or bottles around them. He said they are often begging for money to spend on drugs and alcohol.

[90] Constable Stevenson said the off-licence premises within the central city are subject to a lot of theft including alcohol. He said one of their well know offenders is stealing 2 – 3 casks of wine every day or two.

[91] Constable Stevenson said a lot of the disorder and assaults that they deal with in the inner city are fuelled by alcohol and often both the offender and victim are under the influence from drinking at bars and from pre-loading.

[92] Constable Stevenson said when working his team walk around the inner city area there are usually a large amount of empty alcohol cans lying around inner city premises, car park areas and garden areas.

[93] Constable Stevenson said the proposed site is on a major intersection and will become a beacon for those walking through the area, including events at the new stadium. He said the immediate availability of alcohol from an off-licence at this proposed location will definitely have further negative impact on the area.

[94] Constable Stevenson said any more inner city alcohol outlets are only going to increase alcohol related disorder and crime and have a negative impact for locals and tourists.

In response to questions from the Committee, Constable Stevenson confirmed or said the following.

1. Police have recently introduced a specialist beat unit in the central city area. This was to get more Police in the area and was pushed for by the Business Association and the Council. He said there had been some decrease in disorder from this initiative over the last 12 months.
2. He outlined the security persons employed by the Business Association and said they act as another pair of eyes and can be called by businesses should they have any issues.
3. He said the new proposed site would make it easier for people purchasing alcohol when going to the new stadium.
4. Any additional site selling alcohol will create issues and he felt there were already enough alcohol outlets in the central city.

5. He said with the proposed site and from what he has seen elsewhere there would be a decline in the area.
6. Asked about potential queuing on event days he said he had never really seen it for off-licences. He was unaware of problems with the applicant's Cathedral Junction store but he was aware of a theft a year or two ago.
7. He said most of the issues were alcohol related and on Friday and Saturday nights and this seemed to happen from 10.30 – 11.00 pm onwards, predominately people coming out of bars but there would be pre-loading in the mix.
8. He said they deal with 'streeties/homeless' in the area and theft of alcohol from the likes of supermarkets is common.

Sergeant Robertson

1. Sergeant Robertson did not supply a brief of evidence but some of the parties/Committee had questions for him so he agreed to be sworn in to answer those questions.
2. Asked what is the Police policy regarding off-licences anywhere in New Zealand, he said there was no policy as such and there is an individual assessment of each application. He said their focus was generally around amenity and good order with a crime lens.

Evidence of Ms Williams, Representative of the Medical Officer of Health

[95] Ms Williams noted in the application the applicant had indicated he would not be selling tobacco and vaping products but in Mr Ganta's evidence he said there is significant policy associated with stocking and selling these products.

[96] Ms Williams said on a site visit it seemed an incredibly inappropriate site for an off-licence with co-located residential tenancies, nearby parks, playgrounds, cycle ways, the new stadium practically on its doorstep, attractive tree lined walkways and a liquor ban.

[97] Ms Williams said in her experience, while the amenity and good order of the locality during the day time was pleasant, there are times when she has noted litter, anti-social and abusive behaviour, begging and more recently graffiti. She said she has seen family groups using the nearby park and playground facilities, children on scooters or small pushbikes and families are always present at the nearby Margaret Mahy playground.

[98] Ms Williams said she walks around the inner city most days and she can confirm the comments by the objectors regarding Huanui Lane and Rauora Park, that at times there is a presence of those who may be using drugs and alcohol. She said those locations may provide a convenient cut through from the City Mission to the inner city.

[99] Ms Williams said the Margaret Mahy playground is popular with the homeless rough sleepers or beggars as a place to congregate as there are toilets there. She said to add an off-licence to this area would reduce the amenity and good order considerably.

[100] Ms Williams said while the location of the proposed premises is not one of high deprivation in her experience it is a high risk vulnerable area due to its proximity to the entertainment precinct, its inner city location for pre-loading or side-loading, the prevalence of beggars and an increasing number of homeless folk. Also its increasing residential population and in particular the modern housing precinct on its doorstep.

[101] Ms Williams said it is important to remember the proposed premises fall within the alcohol ban area.

[102] Ms Williams outlined a meeting the agencies had with Mr Ganta at his Cathedral Junction store in April 2025. She said Mr Ganta advised that he currently owns a convenience store next to his Cathedral Junction bottle store, he has an interest in a vape shop next door and is the owner of an Indian restaurant almost directly opposite the proposed store. He confirmed he intended to keep the two bottle stores if the proposed one is granted a licence.

[103] Ms Williams said Mr Ganta said he would seek to stock more wine, 6 packs of beer and RTDs at the proposed site. His target market would be tourists and local residents.

[104] Ms Williams said they discussed that some local residents did not want the proposed bottle store and had lodged objections. She said Mr Ganta confirmed despite the objections he wanted to proceed. She also said they discussed the alcohol ban and the need for robust systems but he did not seem concerned.

[105] Ms Williams said commonly referred to and well known research confirms that increased outlets and availability leads to increased alcohol related harm.

[106] Ms Williams said a new entrant in the market is likely to increase alcohol related harm.

In response to questions from the Committee, Ms Williams confirmed or said the following.

1. She believed the proposed premises are quite large and if a licence was granted there should be conditions around flags and sandwich boards.
2. She said the site is inappropriate due to the location of residential tenancies, cycle ways, parks and the likes.
3. She questioned the delivery of stock, as her experience is that such products often comes on pallets which sit on the road side creating an exposure to alcohol.
4. She said she walks around the city almost every workday and has noticed there is always a lot of litter, antisocial behaviour and recently she has notice graffiti in Rauora Park.
5. The area is always family focused with lots of families. She often sees streeties/ homeless people and people who migrate from the City Mission into and out of town. She said it is often intimidating for some people.

6. She said to introduce an off-licence to this area would reduce the amenity and good order considerably. She said she believes it is a high risk vulnerable area being in the inner city with the opportunity for pre-loading and side-loading. She said the area also contained the City Mission and the parks.
7. She said the proposed outlet would create opportunities for people to breach the alcohol ban area going to the stadium.
8. She said there are ample locations for residents to purchase alcohol without this proposed outlet.
9. She said the people in the homes nearby have the right to live peacefully.
10. She said it is her personal view that Mr Ganta has chosen this site unwisely.
11. Asked about the LAP she said it is coming but the Committee should not lose track of the other criteria in sections 105 and 106.
12. She said if this store was to be granted a licence there would be increased alcohol related harm.

Evidence of the public objectors

Ms Jones

[107] Ms Jones said she lives nearby and overlooks Rauora Park. She said particularly in the warmer months she observes people drinking and sleeping rough in Rauora Park and the presence of intoxicated individuals creates unease for residents.

[108] Ms Jones said Rauora Park is meant to be a community asset yet open drinking and loitering undermines its value as a public space.

[109] Ms Jones said she strongly opposes the application as more alcohol in the area will exacerbate existing harm, reduce community amenity and threaten the safety and wellbeing of residents like her.

[110] Ms Jones raised the issue of Odyssey House which she said was a nearby alcohol rehabilitation centre. She was questioned about this and another witness confirmed that Odyssey House was situated in a totally different part of Christchurch.

In response to questions from the Committee, Ms Jones confirmed or said the following.

1. They had no idea a liquor store would open near where they had decided to live.
2. She said the amenity and good order of the location has deteriorated since they shifted into the area four and a half years ago.
3. She said if they buy alcohol they purchase it from the supermarket.

Dr Qiu

[111] Dr Qiu said he objected under section 105 Amenity and Good Order, the design and layout of the premises and appropriate systems, staff and training.

[112] Dr Qiu outlined some of the current disorder, litter and graffiti he sees from his home which fronts Hereford Street.

[113] Dr Qiu said he is a frequent user of the bus exchange, about ten minutes' walk away, which is already well known for loitering, violence and vaping involving teenagers. He said the opening of the proposed liquor store may attract more irresponsible alcohol drinkers to his neighbourhood.

[114] Dr Qiu questioned the applicant's statement that there will be no promotional material on the window glass or doors. He noted this was not the case with the applicant's other store.

[115] Dr Qiu questioned staff training, as set out with the application, stating that it appears out of date. He said the applicant had not done due diligence in answering this question.

[116] Dr Qiu referred to a Christchurch City Council document dated January 2025. (LAP2024 Research Report January 2025) which discussed alcohol related harm, density of outlets and alcohol related harm in areas of high deprivation.

In response to questions from the Committee, Dr Qiu confirmed or said the following.

1. He feels the applicant should have reached out and consulted the community which he has not done.
2. When he purchased his property he did not expect the premises to be an alcohol store.
3. He thought a fast food outlet would be more acceptable for the retail site.
4. He said the body corporate has made a decision not to object but has advised the residents to individually object. He said he understands the body corporate has been considering trying to change the body corporate rules to restrict use of the premises but he does not know how successful they would be.
5. He said in his initial objection he thought the proposed premises were the corner site but he now knows it was the site next to the corner. He said this does not change his opposition to the application.

Dr Kerr

[117] Dr Kerr said he lives in the area and he walks, runs and bikes around Christchurch which he said gives him a detailed and expansive view of how the city lives and breathes.

[118] Dr Kerr said the proposed site is in a residential building, a concentrated area where families live and increased access to alcohol will negatively affect the amenity value and good order of not just the immediate residents but the surrounding housing.

[119] Dr Kerr said the proposed location is on the route of foot traffic to/from the stadium as well as local bars. He said this will mean more rubbish and potential use of gardens as toilets. He mentioned the nearby Margaret Mahy Park. He noted and quoted from a recent DLC decision 27-06-25.

[120] Dr Kerr said the new stadium will bring more rubbish and more potential use of garden areas as toilets and noted it was an alcohol ban area.

[121] Dr Kerr said the Carriage Quarter is high density living and there are 64 apartments right next to the proposed store and that there is incompatibility between the needs of the residents and the goal of the proposed premises. He said this application is not in a commercial area and being in a residential area amplifies the impacts of nuisance events. He also said this proposed store sits directly beside and below residential houses and will seriously reduce the amenity value and good order for those humans.

[122] Dr Kerr raised matters relating to the body corporate rules and accepted those issues are for the building owner.

[123] Dr Kerr said it is difficult to see how a full service liquor store would not have a material impact on the amenity value of the neighbouring properties.

[124] Dr Kerr said there is no car parking at the site.

[125] Dr Kerr requested the licence be declined.

In response to questions from the Committee, Dr Kerr confirmed or said the following.

1. The issue is in the Police report outlining matters of amenity and good order.

2. He said all the other controls discussed do not really matter.
3. He said if the conditions did not allow the store to be open on days of major events at the stadium or other major events in the city together with not selling vapes and cigarettes and several other conditions, then that would be excellent.

Councillor McLellan

[126] Councillor McLellan said he was the City Councillor for the central city ward and wants to add his voice to the large number of people who do not want a liquor store in the central city.

[127] Councillor McLellan said he believed that the aim of the application was to take advantage of the increased foot traffic when the new stadium opens. He said this brings increased risk for those that work in the city and those residents in the immediate area.

[128] Councillor McLellan noted the Police data and said that more alcohol will lead to more such crime, especially violent crime.

[129] Councillor McLellan said it seems to him that the only reasonable approach would be to decline the application.

In response to questions from the Committee, Councillor McLellan confirmed or said the following

1. He said his objection is on his personal behalf. He said the proposed store was in his Council ward although he did not live in the area.
2. He said as a Councillor he was part of the recent LAP considerations and discussions and when several Councillors wanted an expansion of the deprivation area in the central city area they were not able to get that through.

3. He said they were hoping that a large number of persons heading to and from the stadium will use public transport. He said many will still drive to the stadium and at night there will be other off-street parking available in the area.
4. He said he has major concerns of people flowing from the bus exchange to the location of the proposed store and the stadium.
5. He said the undertakings by the applicant do reduce the concerns but the concerns are significant with such a large number of people coming into the area. He did not think the offered mitigation would work.
6. He said he understood that the time of the most concern for noise at the new stadium was 8.30 pm – 11.30 pm.
7. He said he voted for the adoption of the new proposed LAP.

Mr & Mrs McMillan, delivered by Mrs McMillan

[130] Mrs McMillan said they live directly above the proposed site and they are opposed to the application.

[131] Mrs McMillan said there are already quite a lot of issues in the area.

[132] Mrs McMillan raised their concerns about the proposed sale of cigarettes and vape products and the added risks of crime associated with that.

[133] Mrs McMillan said they had concerns that people buying alcohol will drink it on the streets before attending an event at the new stadium and that the applicant appears to be targeting these people.

In response to questions from the Committee, Mrs McMillan confirmed or said the following

1. She said no one would want to live next door to an alcohol store and they had no idea when they purchased their property that such a store would open there.

2. She said an alcohol store so close to the stadium is there to sell alcohol and thus encourage people to drink on the streets and try to sneak alcohol into the stadium.
3. She said the vacant land over the road on Manchester is currently on the market with consent for a 13 story-hotel.

Councillor Davies

[134] Councillor Davies said he lives in the Carriage Quarter, and he bought his house with the intention of raising his future family there.

[135] Councillor Davies said he had not seen the financials of the proposed store but he imagines the running costs will demand high sales and will be focused on passing trade to the new stadium. He said the applicant's evidence confirms this.

[136] Councillor Davies said he does not see any benefits to the local residents and there are many problems with the proposal.

In response to questions from the Committee, Councillor Davies confirmed or said the following

1. He said his front door is within 20 metres of the proposed store.
2. He said the area is one of extremes with million plus dollar properties but an area with a high level of crime. He said he feels safe in the area.
3. He confirmed he was at the hearing in a personal capacity and not as a regional Councillor.

Mr Webster

[137] Mr Webster said the approval of an off-licence in the Carriage Quarter will generate and bring into the area behaviours and social mayhem that residents do not want.

[138] Mr Webster said the ultimate calamity would be the attendees from the stadium gravitating at the wine and liquor outlet.

In response to questions from the Committee, Mr Webster confirmed or said the following

1. He said the stadium is no issue as when people are there they will be looked after.
2. He said we know some people will be problematic but we should not give them the mechanism to be more problematic.
3. He said he lives in Latimer Terraces about 200 metres away.
4. He said there is a City Mission nearby.

Mr Fox

[139] Mr Fox said he lives on Manchester Street in the Carriage Quarter and the proposed site would be only 20 metres from his front door.

[140] Mr Fox said his main opposition is that the amenity and good order will be reduced by more than a minor extent should the licence be issued. He said street drinking in the CBD area is rife despite the alcohol ban area, and he produced a number of photos highlighting the litter.

[141] Mr Fox said there is often alcohol related litter around the street near his home and he is concerned there are seats outside the proposed bottle store that would become magnets for street drinkers, general loitering and begging.

[142] Mr Fox said he feels there has been an increase in homeless people on the streets in the 15 months that he has lived there. He produced several photos of what looked like homeless people in the general area

[143] Mr Fox said the proposed store is a full-service bottle store and is far from being a 'boutique wine shop' as the name suggests. He also expressed concern that the store intends to sell cigarettes and vapes.

[144] Mr Fox said if he had known there was a liquor store opening in the commercial space of the Carriage Quarter he would have had second thoughts about buying there.

[145] Mr Fox said he was concerned about the possible negative effects this proposed liquor store will have when the new stadium opens as the store will be on a direct route to and from the stadium. He said he believes there is little doubt they will see a huge increase in patronage on event days which will lead to public drinking in the local parks and additional vandalism and alcohol related disorder.

[146] Mr Fox said the proposed store will increase harm from alcohol and he quoted section 4(2) of the Act.

[147] Mr Fox requested the application be declined.

In response to questions from Dr Gordon and the Committee, Mr Fox confirmed or said the following

1. Mr Fox said he had a concern from the applicant's evidence about him having a security guard on event days at the stadium. He said the thought of a queue outside, as Mr Ganta mentioned, could end up running outside his front door. He said the thought of people sitting on his door step while waiting is abhorrent.
2. He said there is already alcohol harm in the area with an increase in homelessness and the new store would encourage preloading for events at the stadium.
3. He said he was concerned that persons would use the alleyway behind their property for urinating as it is off the road but in full view of the residents who access their property through that alleyway.

4. He said he did not see any undertakings that would mitigate his opposition.

Ms Young – Witness for Mr Fox

[148] Ms Young said she is a counsellor who lives and works in the city. She said she has worked with street-based sex workers since 2017 as a therapist for NZ Sex Workers Collective and she said alcohol misuse/abuse presents the single most burdening impacts and challenges for many of her client base.

[149] Ms Young said there are so many vulnerable populations in the area: youth, homeless and sex workers among others.

[150] Ms Young said there are well known individuals in the sex worker community, including their clients who are highly vulnerable to alcohol fuelled crime and disorder. She said this group tends to have significant unmet mental health needs which negatively impact the Manchester Street community as a whole, some are homeless and many carry weapons.

[151] Ms Young said over the last 8 years she had had countless conversations with her sex worker clients and street-based community outreach workers. This has disclosed horrible accounts of violent incidents and alcohol misuse has been a primary foundational factor.

[152] Ms Young said many younger street workers rely on alcohol to desensitise themselves to carry out street-based work.

In response to questions from the Committee, Ms Young confirmed or said the following

1. She said her reason for being at the hearing was to back the evidence of the Police with her professional experience in the area.
2. She estimated there may be 20 -30 sex workers working on Manchester Street on a warm evening.
3. She confirmed Odyssey House was not situated in the inner city.

4. Asked what relation she saw to harm and the proposed store she said it was just the access to alcohol.

Ms Rooney

[153] Ms Rooney said she lives on Manchester Street in the Carriage Quarter near where the proposed store is planned. She said she works in the central city and walks to her place of work daily.

[154] Ms Rooney said she wishes to argue that the amenity and good order will decrease by more than a minor amount should the licence be issued.

[155] Ms Rooney said she regularly encountered multiple rough sleepers on her neighbour's garden bed and has encountered a disorientated man wandering in the complex looking for shelter.

[156] Ms Rooney said the current issues will be significantly worsened by a bottle store in the location. She said it would attract street drinking and loitering, reduce feelings of safety, increase noise and litter near her home and increase the alcohol related harm among vulnerable people in the area.

[157] Ms Rooney listed a number of vulnerable locations within 600 metres of the site including the bus exchange 300 metres, City Mission 600 metres, a soup kitchen for homeless people 300 metres and Margaret Mahy Playground 600 metres.

[158] Ms Rooney raised some issues with the proposed layout of the store which she said will not be sophisticated and unobtrusive.

[159] Ms Rooney raised numerous issues relating to the new stadium which is 200 metres away from the proposed store. She said should a licence be granted it would encourage pre-loading and contribute to alcohol harm before and after events. She also said with Rauora Park being between the proposed store and the stadium the park will become a pre-loading lounge.

In response to questions from the Committee, Ms Rooney confirmed or said the following

1. She said the applicant had made no attempt to consult with the neighbouring residents.
2. She said New Zealand's pre-loading culture will no doubt happen around the new stadium. She also said she has walked around the city when major events are at Hagley Park and this disturbs her.

Ms Walsh

[160] Ms Walsh said she lives in the Carriage Quarter about 50 metres from the proposed site and has been a resident for two years.

[161] Ms Walsh said she regularly sees alcohol related litter, including cans and bottles in common areas and in planters along Cashel Street, in public spaces across and along Manchester Street. She supplied photos. She said she regularly reports graffiti, has smelt people smoking joints at Rauora Park and has even had to clean urine off her front door.

[162] Ms Walsh said the cumulative effect of more alcohol outlets will only worsen the alcohol related harm and anti-social behaviour.

In response to questions from the Committee, Ms Walsh confirmed or said the following

1. She outlined an incident involving concerns for her safety. When she visits friends they always ask her to contact them once she has returned home.

Ms Cole

[163] Ms Cole said she lives about 500 metres from the proposed site and had lived there for 5 years.

[164] Ms Cole outlined her personal experience with drunken disorder around her home, including youth and adults who appear to be suffering from long-term addiction and homelessness. She said she had called the Police multiple times.

[165] Ms Cole said her concern is that people having access to cheaper alcohol will see a rise in unsafe incidents in the area.

[166] Ms Cole raised issues with the body corporate.

In response to questions from the Committee, Ms Cole confirmed or said the following

1. She noted with the evidence already given she accepts the hours have been amended by the applicant to fit into the body corporate rules

Mr McDonald

[167] Mr McDonald, an objector, did not supply a brief of evidence but asked to give a verbal submission. He was given a scheduled time but did not appear.

Ms Duncan

[168] As outlined earlier in this decision, Ms Duncan supplied a brief of evidence but did not appear at the hearing due to her being overseas. She was represented by Mr Sullivan who, with the agreement of the parties, read her short brief of evidence.

Ms Passmore

[169] Ms Passmore supplied a brief of evidence but advised she would not be attending the hearing.

Detective Senior Sergeant Simmons

[170] Detective Senior Sergeant Simmons was scheduled to appear by AVL from overseas but the Police were unable to make contact with her. A brief of evidence was supplied.

Reverend Maslin

[171] Reverend Maslin was scheduled to appear as a witness for Mr Fox but failed to arrive at the hearing. He supplied a brief of evidence.

Closing submissions

[172] Ms Williams for The Medical Officer of Health

[173] Ms Williams said the applicant's evidence was not compelling and quoted

In Nishchay's Liquor Centre [2013] NZARLA 837 the Authority recorded:

In this case, the suitability of the applicant needs to be determined in the context of the location of the proposed premises..... In this context, any applicant would face real difficulties in establishing its suitability.

[174] Ms Williams said the applicant displayed no insight into the risk of crime being directly linked to his premises and the effect it would have on the residential community.

[175] Ms Williams noted there was no or little community engagement

[176] Ms Williams said the Police evidence was compelling of alcohol related harm in the area and the strong chance of pre-loading for those heading to major events at the new stadium

[177] Ms Williams said the objectors were well entitled to speculate as to the effects on the amenity and good order of the locality and the inevitable increase in alcohol harm.

[178] Ms Williams quoted other case law to support the opposition to the granting of a licence and said the application should be declined.

[179] Mr Reid – Alcohol Licensing Inspector.

[180] Mr Reid said he did not oppose the application but if he had received the Police's Alcohol Related Harm Data prior to his reporting date the application would have been opposed.

[181] Mr Reid said Mr Ganta's evidence indicates that he has chosen the proposed site because of its proximity to Te Kaha Stadium and the potential for high turnover on event days.

[182] Mr Reid said the Police highlighted the new stadium in their evidence voicing concerns around pre-loading.

[183] Mr Reid said when questioned by the Committee Mr Ganta said his only engagement with the community was with his landlord. He said this was not meaningful.

[184] Mr Reid quoted case law and recommends the application be refused.

[185] The Police – Sergeant Robertson

[186] Sergeant Robertson outlined a number of issues that give rise for the Committee to decline the application. These included the clear evidence in relation to ongoing disorder, criminal offending and nuisance within the locality.

[187] Sergeant Robertson said consumption in public areas within the area is specifically prohibited under the local alcohol ban but continues to occur on a large scale due to societal trends and pre-loading and side-loading of alcohol.

[188] Sergeant Robertson said the new Stadium will host large-scale public events and will result in a surge in the consumption of alcohol in public areas.

[189] Sergeant Robertson submitted that the recently Christchurch City Council LAP only has a secondary relevance to this application. He said the LAP is not an automatic green light to sites located outside the prohibited distance.

[190] Sergeant Roberson quoted case law and a Law Commission report.

[191] Sergeant Robertson said the submission of the Police is that the application should be declined.

[192] Dr Gordon - for Mr Fox.

[193] Dr Gordon said due to the area being one of significant vulnerability the applicant must meet a higher standard of suitability. She said no suitable operator would propose a bottle store in this location

[194] Dr Gordon said the passing trade from the new stadium is of serious concern as it must result in customers either pre-loading purchasers in an alcohol ban area or illicitly taking, or attempting to take, alcohol into the stadium.

[195] Dr Gordon notes the applicant had not consulted anyone in the local area as is required in an area of high vulnerability.

[196] Dr Gordon raised issues around the issue of deliveries to the store when there is no loading zone. She also expressed concerns about the applicant's evidence about the likelihood of queues and that he would hire security to manage that.

[197] Dr Gordon raised matters under section 105 (i) and (h). She said the applicant barely seems to be aware of amenity issues even though his current premises are surrounded by notices about vagrancy and homelessness and is bracketed by two cardboard policemen.

[198] Dr Gordon outlined the Purpose of the Act and the object of the Act.

[199] Mr Laing for the Applicant

[200] Mr Laing said his client is a very experienced operator and his application for an off-licence is well within the LAP. He said he epitomises a suitable operator.

[201] Mr Laing said the evidence of the objectors cannot be linked to the inappropriate or excessive consumption of alcohol. He said there is a perception that there is a worry or

concern from those that objected but the locality is not currently badly affected by alcohol related harm, noise or vandalism.

[202] Mr Laing said the applicant accepts there is homelessness in the city but is of the opinion that it has not increased. He noted Mr Reid stated that he would not expect beggars at the proposed location and that Constable Stevenson said there are not so many sleeping rough in the central city.

[203] Mr Laing said the applicant acknowledges the evidence of the Police as to crime and he is aware of homelessness, but this is not a neighbourhood of high deprivation and therefore not an area where an extended or enhanced definition of suitability applies.

[204] Mr Laing said the LAP should not be put to one side as it has been adopted and is the most recent statement of the Community. He said Mr Reid confirmed that the application fits within the parameters of the LAP.

[205] Mr Laing said Mr Ganta clearly stated that the store is not targeting the stadium and has offered conditions for event days to minimise alcohol related harm. He noted objector Mr Webster stated the stadium is not an issue as those entering are entering a controlled environment.

[206] Mr Laing set out the lengthy list of conditions the applicant had agreed to. He said the probationary period allows reporting agencies to monitor the premises and engage with the applicant if there are any issues. He also noted that stadium does not open until April 2026.

[207] Mr Laing said the Applicant thanked the Committee for keeping an open mind about this application, and for considering the issues before it in a balanced and fair manner.

Site visits

[208] The Chair advised the hearing that he had visited the location on the previous Friday and walked around the surrounding streets to see the location of the store and to understand the layout of the so called Carriage Quarter. He saw the location of Rauora Park and the location

of the proposed store in relation to the new stadium which is only about 200 or so metres away. He also looked at the Alcohol Ban and how it might inter-relate to the proposed store. He also did a further drive around the area on the Sunday afternoon.

The two other members of the DLC did their own site visits.

Discussion

[209] We are dealing with an application for a new off-licence application for a new store more or less on the corner of Manchester Street and Cashel Street. The proposed store is technically not on the exact corner but next to a similar new empty site on Manchester Street. As both corner stores are vacant they could easily be mistaken as one site as one of the objectors did.

[210] The store is built as part of the Carriage Quarter facing Manchester Street which contained between 50 and 64 (several different figures were mention by objectors) individual apartments/town houses and the two retail units. A body corporate manages the units.

[211] The DLC was rather surprised that many of the resident objectors said they did not realise a liquor retailer was permitted in the units designated retail.

[212] An issue raised by many of the objectors and raised very strongly by the Police and representative of the Medical Officer of Health is that of pre-loading and side-loading in relation to patrons heading towards and leaving the new stadium, only 200 metres from the proposed store. Mr Ganta's evidence very clearly indicated that he will be catering for those attending the new stadium with his description of increased staff and security on major event days including potentially having a controlled queue for customers. The real concern for the Committee is that being in a liquor ban area, there will be no place for customers migrating to the stadium to legally drink alcohol between the proposed store and the stadium. One of the objectors referred to Rauora Park becoming a lounge area for pre-loading by persons heading to the stadium.

[213] The Police ACF data within a 1 kilometre of the proposed site is very powerful over a 5 year period and was very useful to the Committee. So too was the evidence of Ms Young who described in considerable detail her workings with very vulnerable sex workers who use Manchester Street as their base.

[214] Mr Ganta told us that in the 10 years he has been operating his other store in Cathedral Junction he has never had any issue reported to him by the agencies.

Proposed hours of operation

[215] The applicant was seeking trading hours of Monday to Sunday 10.00 am to 9.00 pm which are less than the default maximum hours. Prior to the hearing the Committee was advised the proposed closing hours were now amended to 10.00 am to 8.00 pm to meet the body corporate requirements.

The Type of Premises

[216] Before dealing with the s105 factors we have considered the question of whether we are authorised to issue an Off-licence for the type of retail premises proposed. An Off-licence may only be issued to specified types of premises.¹ One of those is for a “retail premises” where in the opinion of the Committee at least 85% of the annual sales revenue is expected to be earned from the sale of alcohol for the consumption elsewhere.

[217] The applicant states in the application relating to s32, that at least 85% of his sales revenue is to be from the sale of alcohol for consumption elsewhere.²

[218] Mr Ganta has advised us that he does not intend for this store to join a franchise and will remain an independent store. He said he would not have specials or discounts and as such he would generally be more expensive than other stores. Mr Ganta gave a range of undertakings and or conditions that he would offer. This is not the full list but included not

¹ SSAA, s32(a)-(f), which includes hotels, taverns, retail premises, supermarkets, grocery stores and manufacturers of alcohol.

² SSAA, s32(b).

selling high strength beers, no single sales of beers or RTDs except craft beer and a staff member would pick up rubbish within 100 metres of his proposed store every morning.

The Christchurch City Council Local Alcohol Plan (LAP)

[219] The Christchurch City Council has recently prepared a LAP which we understand, subject to no Judicial Review, comes into force late August and late October 2025. This has a number of requirements for all off-licences including a 9.00 pm closing and a minimum distance from certain designated vulnerable sites for new licences.

[220] The Committee has considered the application against the proposed LAP but has determined it does not over-ride the Committee's assessments in sections 105 and 106 and particularly the Object of the Act.

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

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

"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 one."

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. 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

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.

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

- a) Any crime, damage, death, disease, disorderly behaviour, 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 behaviour, illness, or injury of a kind described in a) above.

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

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. 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.”

[222] 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. 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.

[223] ‘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 behaviour, illness or injury to individuals and to society generally, and includes direct and indirect cause or contribution to harm.

[224] 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.

[225] We shall deal with these in order:

The Object of the Act

As Heath J. said in *Re Venus NZ Ltd* CIV 2014-419-420 [2015] NZHC 1377:

“Having considered all the factors set out in s105(1) (b) to (k) of the 2012 Act, is the Authority satisfied that grant of an off-licence is consistent with the object of the Act?”

It follows that we defer this consideration to last.

The suitability of the applicant

[226] The applicant currently has another off-licence store in Cathedral Junction which has been operating for about ten years. The store has not come to the attention of the Police and

the licence has been renewed on several occasions. Mr Ganta and the Police noted a theft from the store where Mr Ganta sought Police assistance.

[227] Mr Ganta was a good witness at the hearing, he willingly answered the Committee's many questions and was very respectful towards all the participants.

[228] The Committee is aware his current store is very small and tucked away in Cathedral Junction making it more or less not visible from the road. This makes it a very different proposition to the proposed store in a highly visible location on Manchester Street.

[229] The Committee notes his Cathedral Junction store, according to Mr Ganta, is 38 metres square while his new proposed store is 125 metres square. The skills required to run a much larger full-service off-licence are much elevated compared to a smaller store.

[230] A number of issues developed at the hearing that raised concerns as to whether Mr Ganta fully appreciates the vulnerability of the area in relation to current alcohol harm relating to homelessness, issues with alcohol litter, inappropriate alcohol related behaviours, the issues relating to the sex worker community and the current problems with breaches of the alcohol ban in the area.

[231] Mr Ganta said in his experience homelessness had not increased during his time running his other store and this is in contrast to some other evidence we heard. The Committee was concerned that he did not seem to understand the issues facing the local residents in the Carriage Quarter and other nearby residential areas. We are of the impression that once he has sold an alcohol product that was the end of his responsibility.

[232] Mr Ganta told us that he only consulted his landlord about the location and that he had not consulted with residents, even those next door or above the proposed site.

[233] Mr Ganta said on more than one accession that he was open to other conditions the Committee might impose. This was seen as a positive by the Committee but it needs to be put in context that it is expected an applicant would put his/her best foot forward when making an application and not adding things when under pressure at a hearing.

[234] The new stadium to open early in 2026 was discussed several times at the hearing and Mr Ganta told us all the additional measures he was going to take on major event days, such as additional staff and a professional security person, and quite clearly this shows he is anticipating much increased sales on these days.

[235] The Committee is aware that patrons going to the stadium are not permitted to take alcohol into the stadium and the whole area between the proposed store and the stadium is in an alcohol ban area. Mr Ganta was unable to tell us how the alcohol purchased by those going the stadium was going to be consumed legally. The Committee is most concerned places like Rauora Park will be used as one objector said 'as a lounge area for persons to consume alcohol'.

[236] The Committee does accept there may be some major events that finish before Mr Ganta's closing time of 8.00 pm and that they could take any alcohol purchased to their home to drink. We believe these events will be in the minority and there is potentially a risk that those people will consume the alcohol somewhere else in the central city alcohol ban area. The Committee noted the concern of Police that patrons at daytime events, for example rugby matches, will often fill in time wandering the central city waiting to attend Restaurants and other On-Licence premises for the evening, which increases the potential for side-loading before entering those premises.

[237] With the issues raised above we are unable to make a positive determination on Mr Ganta's suitability for this proposed store at this time.

Any relevant local alcohol policy

[238] As stated above, we have considered the proposed new Christchurch City Council LAP and have determined even if it was operational now there is nothing in it that would alter our decision. We believe LAP has been politically induced to further control alcohol sales and does not and was never intended to over-ride the requirements in sections 105 and 106 and particularly the Object of the Act.

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

[239] The proposed hours of operation are 10.00 am to 8.00 pm. These are well within the default hours for an off-licence.

The design and layout of any proposed premises

[240] Mr Ganta described to us and supplied some plans of the design and layout of the proposed store. He said he was proposing frosted windows with no product advertising or other unsightly objects such as the backs of refrigerators visible from outside the store. His proposed advertising appears to be appropriate for a modern store in a new residential complex. The Committee has no concerns under this heading.

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

We were advised he would sell tobacco products and adult flavour vapes which he said would be kept in a cupboard behind the point of sale counter.

Whether the applicant is engaged in, or proposes to engage in, the provision of services other than those directly related to the sale of alcohol, low alcohol refreshment, non-alcoholic refreshments, and food, and if so, which services:

[241] As per the previous heading we were advised he would sell tobacco products and adult flavour vapes which we were advised would be kept in a cupboard behind the point of sale counter.

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

[242] 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.

[243] Section 106 of the Act sets out the matters we are to have regard to when forming an opinion that the amenity and good order of the locality would likely be reduced, by more than a minor extent, by the effects of the issue of the licence.

Section 106 of the Act

(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:

(iii) the number of premises for which licences of the kind concerned are already held; and

(b) the extent to which the following purposes are compatible:

(i) the purposes for which land near the premises concerned is used;

(ii) the purposes for which those premises will be used if the licence is issued.

[244] The objectors, The Police and the Medical Officer of Health all felt that the presence of a bottle store where alcohol could be easily accessed would likely add to the problems in the area. We accept that argument.

[245] The Police Alcohol Harm data was very compelling and left us in no doubt that the area within 1 kilometre of the proposed store is an area of many alcohol related matters requiring Police action. A total of 8503 were recorded by Police over a five year period.

[246] It was raised that a 1 kilometre radius in the central city was too large an area and while the Committee understands that view, a study of the data shows that there is a huge concentration of incidences in the Cathedral Square area just one block from the proposed site. This Police data was of great assistance to the Committee's decision making.

[247] Many of the objectors who were residents in the Carriage Quarter outlined very clearly the current issues they face with litter, including alcohol litter and inappropriate alcohol

infused behaviours around their properties and Rauora Park. They expressed concern that a bottle store in the Carriage Quarter would just add to their problems.

[248] Very big in the Committee's deliberations were the unknown matters relating to the future opening of the new stadium early in 2026. The objectors were clearly of the view that it is highly likely that persons purchasing from the store on their way to the stadium would breach the alcohol ban area by drinking between the store and the stadium and between the stadium and other On-Licensed premises. They would then leave considerable additional litter behind around the residential areas, on the street as well as Rauora Park. The Committee accept the objectors view.

[249] The question we must answer is whether this bottle store is compatible with the vulnerable residential nature of the surrounding area. We must form our own opinion on that based on what we have heard as stated by Heath J in *Venus* already referred to above. We do not believe it is compatible.

Whether (in its opinion) the amenity and good order of the locality are already so badly affected by the effects of the issue of existing licences that-

(i) they would be unlikely to be reduced further (or would be likely to be reduced further to only a minor extent) by the effects of the issue of the licence; but

(ii) it is nevertheless desirable not to issue any further licences

[250] With all the evidence presented by the Police, the Medical Officer of Health and the objectors, as outlined above, we believe it would be unsafe to grant a new licence in this particular location.

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

[251] We accept Mr Ganta has operated another but much smaller site, for about ten years without coming to the attention to the authorities. We do however have some concerns that any level of systems, staff and training may not get this application over the line for this site.

Any matters dealt with in any report from the Police, an inspector, or a Medical Officer of Health made under section 103

[252] The Police, The Medical Officer of Health are both opposed to the application and the Christchurch City Council Licensing Inspector has taken a neutral stance.

[253] With all the evidence received and our discussion above we find the evidence of the Police and the Medical Officer of Health very powerful.

The authority or committee must not take into account any prejudicial effect that the issue of the licence may have on the business conducted pursuant to any other licence

[254] We have not done so.

Conclusion

[255] Having considered all the criteria to which we must have regard as detailed in section 105 and section 106 we now step back and consider the view we have formed against the object of the Act as set out in section 4:

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.

[256] We are mindful that as the High Court said in *Joban* referred to above,³ when a causal nexus is established between evidence and relevant risk, it is not necessary to qualify the nature of the link by reference to such words as “powerful” or “direct”. We accept that there is a nexus between the evidence given by the objectors about amenity and good order and

³ *Otara-Papatoetoe Local Board v Joban Enterprises Limited* [2012] NZHC 1406.

other matters and the risk of unfavourable consequences for the neighbourhood if the licence is granted. We are required to form an opinion as to whether the amenity and good order of the locality would be reduced, by more than a minor extent, if the licence were to be granted.

[257] The Committee is of the opinion, after listening to all the evidence, that the amenity and good order would likely be reduced by more than a minor amount should a licence be issued.

[258] As stated earlier we do not find a positive outcome when we consider the suitability of the applicant to open a new bottle store in the proposed location.

[259] Returning now to the Object of the Act, we do not think that the granting of this license would be consistent with the stated object and on that basis and on the evidence we have heard it is our decision to refuse it.

Decision

[260] The decision of the Committee is that the application by Wine Spot NZ Limited for a new Off-Licence at 177 Cashel Street, Christchurch is refused.

DATED at CHRISTCHURCH this 2nd day of September 2025.



David Blackwell, QSM
Chairperson
Christchurch District Licensing Committee