

Notice of Meeting:

I hereby give notice that an ordinary meeting of the District Licensing Committee will be held on:

Date: Tuesday 10 November 2020
Time: 1.00 pm
Venue: Edinburgh Room, Municipal Chambers, the Octagon, Dunedin

Sandy Graham
Chief Executive Officer

District Licensing Committee**New Off-Licence Application – Wobblys Sports Bar
PUBLIC AGENDA**

MEMBERSHIP

Chairperson	Colin Weatherall
Deputy Chairperson	Andrew Noone
Members	Rakei Amohau
Senior Officer	Kevin Mechen, Secretary, District Licensing Committee
Governance Support Officer	Lynne Adamson

Lynne Adamson
Governance Support Officer

Telephone: 03 477 4000
Lynne.Adamson@dcc.govt.nz
www.dunedin.govt.nz

Note: Reports and recommendations contained in this agenda are not to be considered as Council policy until adopted.

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1 APOLOGIES

At the close of the agenda no apologies had been received.

2 CONFIRMATION OF AGENDA

Note: Any additions must be approved by resolution with an explanation as to why they cannot be delayed until a future meeting.

PART A REPORTS

REPORT FOR NEW OFF-LICENCE, "WOBBLYS SPORTS BAR", 146 VICTORIA ROAD, DUNEDIN – FROM SECRETARY, DISTRICT LICENSING COMMITTEE

Department: Customer and Regulatory Services

APPLICATION DESCRIPTION

Applicant's Name:	Adiaar Holdings PVT Limited
Site Address	146 Victoria Road, Dunedin
Trading Name:	Wobblys Sports Bar
Style of Licence	Tavern
Application Number	OFF-5-2020
Date received by Council	27 August 2020

EXECUTIVE SUMMARY

- 1 This is a report for an application for a new off-licence. The criteria found at section 105 of the Sale and Supply of Alcohol Act 2012 (the Act) apply to this application.
- 2 The applicant is seeking the off-licence for a premises that has held an on-licence for over 20 years, but this will be the first time an off-licence has been sought in the last 10 years.
- 3 There have been no public objections made however the Police and Medical officer of Health have opposed the grant of this licence.

APPLICANT AND APPLICATION

Applicant

- 4 The applicant has held an on-licence for the premises since 2018 and trades as "Equinox Restaurant and Bar". In the time the applicant has had the premises there have been no matters of concern. The applicant has another premises in Dunedin and this also operates without issues.
- 5 The applicant is seeking an off-licence to sell alcohol Monday to Sunday between 9am and 10pm. The activity is covered by an existing Land Use Consent.

- 6 The premises is below one of the stands belonging to the Forbury Park Trotting Club. The area owned by the Club is approximately 12 ha with the buildings near one corner. There is an early childhood service on one boundary, but it is approximately 267m from the entrance of this premises.
- 7 It is proposed that sales take place over the bar but there will be an open area where alcohol will be displayed.

OBJECTIONS

- 8 There were no objections received after public notice of the application. However, both the Police and Medical Officer of Health have opposed the grant of the licence.

Police

- 9 The Police have no suitability concerns regarding the applicant. However, they do have concerns about the layout of the proposed off-licence area which is situated within the current on-licensed area. There will be shelving forming an alcove adjacent to the bar which raises concerns about the security of stock on a busy night.

Medical Officer of Health

- 10 The Medical Officer of Health (MoH) has raised several areas of concern.
 - The Act refers to the principle business of a premises and, while “Wobblys Sports Bar” has the appearance of a tavern, “Equinox” does not. The applicant advised that 60-65% of his existing business is from the sale of food which would mean the principle business is not that of a tavern.
 - The population living in this area is at a higher risk of experiencing alcohol-related harm due to factors such as area deprivation.
 - The design and layout will mean patrons will select alcohol off the shelves to take to the bar for purchase.
 - The premises is within 1km of four schools and four early childhood services, including one which has a common boundary.
 - The Local Alcohol Policy states that “*new hotels, taverns or bottle stores will not generally be granted for premises that is near to or adjacent to any ‘sensitive facility’*” and to “*avoid misinterpretation, ‘near to or adjacent to’ will be defined as being within **100m** of the nearest boundary to the sensitive facility.*” An early childhood service is a ‘sensitive facility’.

CONCLUSION

- 11 The Police and MoH have opposed the grant of the licence pursuant to:
 - s.32 – the kinds of premises that can be granted an off-licence
 - s.105(1)(a) – the object of the Act
 - s.105(1)(e) – design and layout of the premises

- s.106(1)(b)(i) – the purposes for which land near the premises is used.
- 12 The Committee will first need to consider whether the premises can be granted a licence before considering the location of and layout of the premises.

Signatories

Author:	Kevin Mechen - Secretary, District Licensing Committee
Authoriser:	

Attachments

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PUBLIC NOTICE

Section 101(a), Sale and Supply of Alcohol Act 2012

Adiaar Holdings P V T Limited has made application to the District Licensing Committee at Dunedin for the grant of an Off Licence number OFF-5-2020 in respect of the premises situated at 146 Victoria Road St Kilda and to be known as Wobblys Sports Bar.

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

The applicant seeks the licence on the following hours:

Monday to Sunday 9.00 am to 10.00 pm

First publication date: Saturday, 8 August 2020

Second publication date: Saturday, 15 August 2020

Objections Close 5:00 pm Friday, 28 August 2020

- The application may be inspected during ordinary office hours at the office of the Dunedin District Licensing Committee at 50 The Octagon, Dunedin, or on-line at www.dunedin.govt.nz/alcohol-applications
- No objection to the issue of a licence may be made in relation to a matter other than a matter specified in section 105(1) of the Sale and Supply of Alcohol Act 2012
- Any person who is entitled to object and who wishes to object to the issue of the application may, not later than 15 working days after the date of the first publication of this notice, file a notice in writing of the objection with the Secretary of the Dunedin District Licensing Committee at 50 The Octagon, PO Box 5045, Dunedin 9058

Application for an Off-Licence

Incomplete applications will not be processed

- The application must be accompanied by the correct fee (see page 2)
- Accepted methods of payment are either by cash, eftpos or cheque
(Cheques payable to Dunedin City Council)
- When a licence has been granted it will not be issued until the Annual Fee has been paid
- Administration will notify the public of this application via the Dunedin City Council website and the Otago Daily Times (advertising is included in the application fee). The contact person will be emailed a copy of the public notice to be displayed on the premises
- If you have any queries while completing this form please contact Administration on 03 474 3481 or email dla@dcc.govt.nz

Please read and complete the following checklist before submitting the application

- Planning & Building Certificates *Per issued.* ☒
- Certificate of Incorporation (or equivalent document) ☒
- Written statement from the owner of the building or property giving you approval to sell alcohol from the premises
An email is acceptable, this can be sent to dla@dcc.govt.nz with the name of the premises and applicant included as a reference ☒
- **Supermarket or Grocery Stores** must provide a **scale floor plan** showing the single area and any sub area for the display and promotion of alcohol ☐
- **All other premise types** must provide a **scale floor plan** of the premises showing the principal entrance, and the areas where alcohol is to be sold, with an indication of whether the area is to be:
 - Undesignated - anyone of any age allowed
 - Supervised - minors must be with their parent/guardian
 - Restricted - R18☐
- Location map showing location of 'sensitive' locations (e.g., school, early childhood facilities, hospitals, churches, etc.) together with a Risk Mitigation plan detailing how you will ensure impact upon the community will be minimised (e.g. control of noise and litter; parking; dispersal of patrons) ☒
- Copy of Host Responsibility Policy ☒
- If the application is for a **Grocery Store** you will also need to complete the Statement of Projected Annual Sales Revenue Declaration (attached) and have it **verified by a chartered accountant** ☒ *N/A*
- Letter of authorisation for a consultant where a consultant is completing form ☒ *N/A*

Received 5/8/2020



Dunedin DLC - Off Licence Application - DDLC-NEWOFF-V2-2018

Calculate your fee

Find your premise type:

Type of premises	Points
Supermarket, grocery store, bottle store	15
Off-licence in a hotel or tavern	10
Remote sale premises or premises not otherwise specified	5
Winery cellar doors	2
Premises points	

Find the latest time you intend to sell alcohol:

Latest alcohol sales time	Points
Off licences closing before 10.00 pm or earlier	0
Off licences closing after 10.01 pm	3
Trading hours points	

Add the premises points to the trading hours points to get your total points =

Use the table below to work out the fee payable:

Total points	Risk rating	Application fee (GST Inc)	Annual Fee (GST Inc)	Total fee required
0-2	Very low	\$368.00	\$161.00	\$529.00
3-5	Low	\$609.50	\$391.00	\$1000.50
6-15	Medium	\$816.50	\$632.50	\$1449.00
16-25	High	\$1,023.50	\$1,035.00	\$2058.50
26 plus	Very high	\$1,207.50	\$1,437.50	\$2645.00

Application for Off-licence

Section 100, Sale and Supply of Alcohol Act 2012

TO the Secretary

Dunedin District Licensing Committee

Application for an Off-Licence is made in accordance with the particulars set out below:

Endorsements (tick if applicable)

- ☐ Auctioneer – s39
- ☐ Remote (internet) seller – s40

Contact Person

Full Name: M. Alexander Chirion

Phone No.: [REDACTED]

Mobile No.: [REDACTED]

Email address: [REDACTED]

Postal address for documents: [REDACTED] Dunedin

Preferred mode of contact: Phone [REDACTED]

Details of the Applicant

Full legal name/s of the person/s or company who will receive any proceeds from alcohol sales:
Include any other names you may be known by e.g. maiden names, alias

Adiaar Holdings PVT Limited.

Applicant status please select from the below options

<input checked="" type="checkbox"/> Individual	<input type="checkbox"/> Partnership	<input type="checkbox"/> Body Corporate
<input type="checkbox"/> Public Company	<input checked="" type="checkbox"/> Private Company	<input type="checkbox"/> Club
<input type="checkbox"/> Trustee	<input type="checkbox"/> Local Authority	<input type="checkbox"/> Licensing Trust
<input type="checkbox"/> Government Department or other Instrument of the Crown	<input type="checkbox"/> Manager under the Protection of Personal Property Rights Act 1988	<input type="checkbox"/> Board, organisation or other body

Address:	[Redacted] <i>Dunedin</i>
Occupation:	<i>Restaurant Owner</i>
(if individual) <input checked="" type="checkbox"/> Male <input type="checkbox"/> Female <input type="checkbox"/> Other	
(if individual) Applicants place and date of birth:	[Redacted]
Postal address for documents:	<i>Same as above</i>
Is this your principal business? <input checked="" type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Please state any other businesses:	
Further details where the applicant is a company or an incorporated society	
For a company (whether incorporated under the Companies Act 1993 or equivalent foreign legislation), give full legal names of directors: (use a separate sheet if necessary)	
<i>M. Alexander Cherran</i> [Redacted] <i>Dunedin</i>	
Where the applicant is a private company give full details of each person who holds any shares issued by the company as follows: full name, address, date of birth, place of birth, designation in company and percentage of shares held (use a separate sheet if necessary)	
[Redacted]	
Private companies please state the following:	
Authorised Capital:	<i>/</i>
Paid up capital:	

Where the applicant is a **public company** give full details of each person who holds 20 percent or more of the shares, or any particular class of shares, issued by the company, as follows: full name, address, date of birth, place of birth, designation in company (use a separate sheet if necessary)

Further details where the applicant is a partnership

Full details of each partner as follows: Full legal name, address, date of birth, place of birth

Signature of each partner (use a separate sheet if necessary)

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Body Corporates please state the authority under which incorporated:

Criminal Convictions

Please state all criminal convictions against any applicants including Directors or Shareholders (except convictions for offences to which the Criminal Records (Clean Slate) Act 2004 applies)

Full Name	Conviction	Date of Conviction

(Use a separate sheet if necessary)

Details of Premises

Proposed trading name: Wobblys Sports Bar

Current trading name (if applicable): Same

Name of the building (if applicable):

Address of premises: 146 Victoria Road St Kilda Dunedin

Does the applicant own the premises? ☐ Yes ☒ No

If "no" Full legal name and address of the owner:

Fashbury Park Trading Club Incorporated

A written statement is required from the owner of the building or property giving you approval to sell and supply alcohol from the premises. This can be sent to _____ with the name of the premises and applicant included as a reference

What type of lease does the applicant have and when does it expire?

Is the licence conditional on completion of building work? ☐ Yes ☒ No

If yes detail:

Does the building have a current Building Warrant of Fitness (BWOF)? ☒ Yes ☐ No

WOF - 300232

What is the maximum occupancy of your entire premises including outside areas? 2500

Please describe in detail the number and nature of the toilet arrangements e.g.: number of toilets male and female, number of urinals, unisex facilities and accessible facilities:

Fire Evacuation Declaration - Fire and Emergency Act 2017

Which of the following fire evacuation statements applies to you?

If unsure, check with Fire and Emergency New Zealand

- ☒ The owner of the building in which the premises is situated provides and maintains an evacuation scheme as required by section 76 Fire and Emergency Act 2017
- ☐ Because of the building's current use, the owner is not required to provide and maintain an evacuation scheme
- ☐ Because of the nature of the building, the owner is exempt from the requirement to provide and maintain an evacuation

Signed M. Henderson Date

Business Details

Is there a current alcohol licence for the premises? Yes ☒ No ☐ Type: On/Off/Club

Licence number: ecg/ON/70/2018 expiry: 29/10/2022

What is the general nature of the business to be conducted under the licence?

- ☐ Tavern ☐ Grocery ☐ Supermarket
- ☐ Hotel ☒ Bottle Store
- ☐ Other (specify)

Please select which days and during which hours you wish to be licenced to sell alcohol:

Day	<input checked="" type="checkbox"/> Mon	<input type="checkbox"/> Tues	<input checked="" type="checkbox"/> Weds	<input checked="" type="checkbox"/> Thurs	<input type="checkbox"/> Fri	<input type="checkbox"/> Sat	<input type="checkbox"/> Sun
Start time	<u>9:00 am</u>						<u>9</u>
End time	<u>10:00 pm</u>						<u>→</u>

Is the sale of alcohol intended to be the principal purpose of the business? ☒ Yes ☐ No

If no, specify what is the principal purpose of the business?

.....

.....

Does the applicant supply or sell, or intend to supply or sell, any goods other than alcohol and food?

☐ Yes ☒ No

If yes, provide details:

Does the applicant provide, or intend to provide, any services other than those related to the sale or supply of alcohol or food?

☐ Yes ☒ No

If yes, provide details:

What designation(s) are required for the premises?

- ☐ Undesignated (people of any age are permitted)
- ☐ Supervised (people under 18 years must be accompanied by parent or legal guardian)
- ☐ Restricted (people under 18 years not permitted)

If different designations are required for different areas, please describe:

Manager Details			
Provide the below details for each manager or proposed manager			
Full Name	Date of Birth	Managers Certificate Number	Expiry Date
M. Alexander Chorian		069/Cert/301/2010	Aug/22
Solly Joseph		069/Cert/222/2016	June/20
Arun Ashok Ashok		23/Cert/5039/2016	March 21
Toni Michelle Phillip		069/Cert/153/2014	Oct/21
Saowanne Uthachon		069/Cert/117/2015	Mon 22

(Use a separate sheet if necessary)



Conditions

- 1) What experience and training in relation to premises licensed to sell and/or supply alcohol does the applicant have?

Have Been in the restaurant industry for
since 1999

- 2) What steps will be taken to prevent the sale and supply of alcohol to prohibited people (minors and intoxicated people)?

→ Check IDs (passport 18+, NZ Licence)
→ No intoxicated person will be served any alcohol

- 3) How does the applicant intend to train staff to ensure compliance with the Act?

Train new staff along with the duty managers
and have a weekly briefing on all alcohol
related matters

- 4) What other steps does the applicant propose to promote the responsible consumption of alcohol?

Signed M. Anderson Date 5/ Place Dunedin





07th of May 2020
Dunedin City Council
Secretary of the Dunedin District Licensing Committee

Dear Sir or Madam
Letter of Support – Off License Application by Adiaar Holdings Ltd to operate an off-license at the Wobblys Sports Bar, located at Forbury Park Trotting Club Inc.
Mr Alex Cherian of Adiaar Holdings Ltd is a leaseholder at Forbury Park Trotting Club Inc, situated at 146 Victoria Road, St Kilda, Dunedin. Adiaar Holdings operate the onsite Equinox Restaurant and Wobblys Sports Bar.
Mr Cherian has been an exemplary tenant and operator and Forbury Park Trotting Club Inc. has no objection to his Off License Application for the Wobblys Sports Bar.
We wish Alex and his team all the very in their endeavours.
Should you require further information about this letter of support please contact me by emailing gm@forburypark.co.nz or phoning 03 455 2154.

Yours Sincerely

Della Henderson
General Manager/CEO
146 Victoria Rd, St Kilda, Dunedin
PO Box 4010, St Kilda, Dunedin
Phone: +64 3 455 2154
www.facebook.com/ForburyParkTrottingClub



Certificate of Incorporation

ADIAAR HOLDINGS PVT LIMITED

6879033

NZBN: 9429046828255

This is to certify that ADIAAR HOLDINGS PVT LIMITED was incorporated under the Companies Act 1993 on the 7th day of June 2018.



Registrar of Companies
14th day of July 2020



Printed on recycled paper 60% fibre content 100% acid free

Equinox Restaurant and Bar

Host Responsibility Policy

- Customers who are visibly intoxicated will not be served alcohol, and will be asked to leave the premises. They will also be encouraged to take advantage of safe transport options.
- It is against the law to serve alcohol to minors. If we are in doubt about your age we will ask for identification. Acceptable forms of proof of age are photo drivers licence, 18+ card, or a current passport.
- There is ongoing staff training on monitoring of people intoxicated and checking identification for their age.
- Our policy is zero tolerance for aggressive, coercive or violent behaviour.
- A good range of food is always available. Menus are visible at all times.
- We provide and promote a range of low alcoholic drinks including low alcohol beer, soft drinks, fruit juice, tea and coffee.
- Drinking water is available at all times and served on all tables while dining. Water is also kept visibly on the bar at all times.
- We provide and actively promote a range of transport options to get you home safely.
- We encourage people to have a designated driver. We will make the driver's job more attractive by providing an interesting range of alcohol-free drinks.
- If no designated drivers are available, we will be more than happy to arrange alternative transport, such as a taxi. Just ask the duty manager when you are ready to leave.
- All of these services are well promoted along with signage required under the Sale and Supply of Alcohol Act 2012.
- We maintain a training and management policy to give our staff the skills and support they need to do their job responsibly.

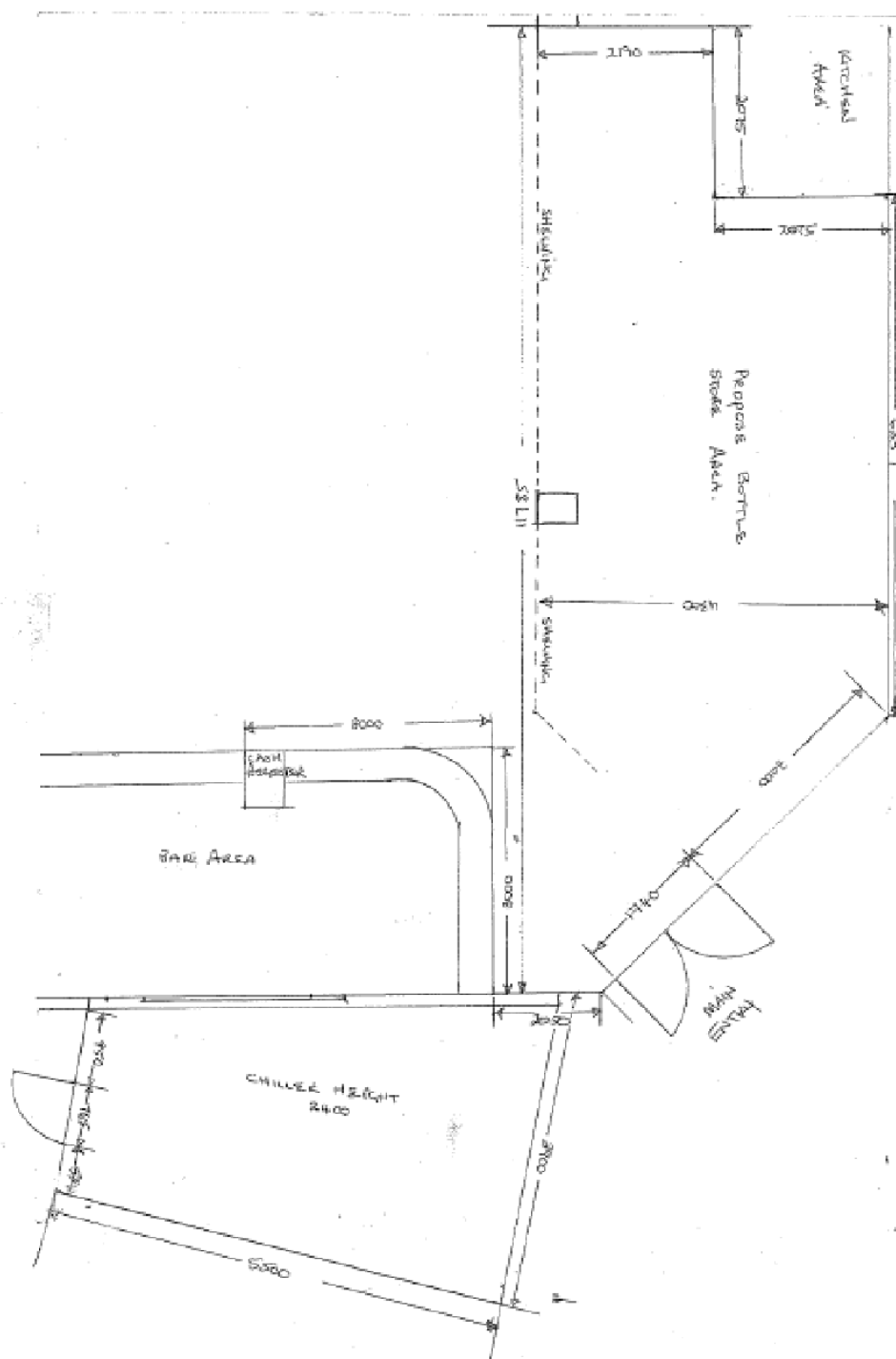
Please remember that Host Responsibility ensures that everyone has a great time and gets home safe, so that we can be of service to you again.

Alexander Cherian
Director Equinox Restaurant and Bar



EQUINOX Mitigation Plan

- No schools in close proximity to the premises
- There is an Early Childhood Centre – which is a couple of blocks away
- No residents immediately next to the premises
- There are around 300 carparks inside our complex
- No live music or bands on a regular basis
- No religious places in close proximity to the premises



INSPECTOR'S REPORT ON LICENCE APPLICATION

Applicant	ADIAAR HOLDINGS PVT LIMITED
Trading Name	Wobblys Sports Bar
Address of premises	146 Victoria Road St Kilda
Type of licence	Off licence
Pathway number	OFF 5 2020
Application type	New application
Date of application	5 August 2020
Interviewee	Alex Cherian
Date of interview	27 August 2020

Applicant details

ADIAAR HOLDINGS PVT LIMITED
Company number: 6879033
NZBN: 9429046828255
Incorporation Date: 07 Jun 2018
Company Status: Registered
Entity type: NZ Limited Company

The sole director and shareholder is Maicherry Alexander CHERIAN
The company holds the on licence for the same premises.
The company is associated with Black Dog Café on Princes Street.

General nature of the business (description/background/previously licensed)

The application is to create a sel-service retail space within the existing bar with sales being completed at the bar.

Site Location (zoning/surrounding uses or activities)

General residential 2. Resource consent RMA-1997-361240 (formerly referred to as RMA970839) has been granted in February 1998 for the operation of a tavern on the site at 146 Victoria Road. The operation of a licensed premises for off-licence sales is within the scope of the resource consent.

Manager details

Current Manager's Certificate holders are
ARUN ASHOK KUMAR MADATHIPARAMBIL
GAEL CHAPMAN
TONI MICHELLE PHILLIPS
SAOWANEE UDKAWE
MAICHERY ALEXANDER CHERIAN
SOLLY JOSEPH

Applications expected from
Nil

Licensing hours sought

Monday to Sunday from 0900 to 2200

Are there any changes from the existing licence or Temporary Authority?

The premises does not have an existing off licence.

Designation sought

Supervised

Correct signage on display?

The applicant is aware of the signage requirements

- 1. Copy of licence at principal entrance**
- 2. Duty Manager**
- 3. Prohibited persons**

Host Responsibility

- Customers who are visibly intoxicated will not be served alcohol, and will be asked to leave the premises. They will also be encouraged to take advantage of safe transport options.
- It is against the law to serve alcohol to minors. If we are in doubt about your age we will ask for identification. Acceptable forms of proof of age are photo drivers licence, 18+ card, or a current passport.
- There is ongoing staff training on monitoring of people intoxicated and checking identification for their age.
- Our policy is zero tolerance for aggressive, coercive or violent behaviour.
- A good range of food is always available. Menus are visible at all times.
- We provide and promote a range of low alcoholic drinks including low alcohol beer, soft drinks, fruit juice, tea and coffee.
- Drinking water is available at all times and served on all tables while dining. Water is also kept visibly on the bar at all times.
- We provide and actively promote a range of transport options to get you home safely.
- We encourage people to have a designated driver. We will make the driver's job more attractive by providing an interesting range of alcohol-free drinks.
- If no designated drivers are available, we will be more than happy to arrange alternative transport, such as a taxi. Just ask the duty manager when you are ready to leave.
- All of these services are well promoted along with signage required under the Sale and Supply of Alcohol Act 2012.
- We maintain a training and management policy to give our staff the skills and support they need to do their job responsibly.

Does the premises utilise DCC owned footpath?

No

What is the maximum occupancy number for the premises?

The Building Compliance Officer has advised the occupancy should not exceed 250 for the Ground Floor.

Public Notification process

The application was advertised in the Otago Daily Times of 8 and 15 August

Public Objections (interest in the application/reasons for)

None

Section 105 Criteria

In deciding whether to issue a licence, the licensing authority or the licensing committee concerned must have regard to the following matters:

(a) the object of this Act:

Primarily the Act requires that the sale of alcohol should be undertaken safely and responsibly and that harm should be minimised. The application reflects this.

(b) the suitability of the applicant: (any previous issues)

No issues. Mr Cherian has a long history in hospitality with Little India, Black Dog and more recently with Equinox/Wobbly's with no problems

(c) any relevant local alcohol policy:

1. The hours applied for comply with the 2018 Local Alcohol Policy.

2. Part 2 of the LAP is repeated below.

While there is no restriction on the location of licensed premises other than defined in the Dunedin District Plan, licences for new hotels, taverns or bottle stores will not generally be granted for a premises that is near to or adjacent to any 'sensitive facility', such as schools and playgrounds (see the glossary for the full definition). Applications for other types of new premises, for example restaurants/cafes, etc, will be considered on a case by case basis.

To avoid any misinterpretation, 'near to or adjacent to' will be defined as being within 100m of the nearest boundary to the sensitive facility

Little Wonders Childcare is 300 metres from the premises entrance although adjacent to the section itself.

(d) the days on which and the hours during which the applicant proposes to sell alcohol:

Anticipated trading hours are Monday-Thursday – 4pm-10pm Friday-Sunday – 11am-10pm

(e) the design and layout of any proposed premises:

The suggested position for the display of products for sale is unclear. If the licence is granted this will need to be confirmed.

(f) 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:

None

(g) whether the applicant is engaged in, or proposes on the premises to engage in, the provision of services other than those directly related to the sale of alcohol, low-alcohol refreshments, non-alcoholic refreshments, and food, and if so, which services:

None

(h) whether (in its opinion) the amenity and good order of the locality would be likely to be reduced, to more than a minor extent, by the effects of the issue of the licence:

See Inspector's comment

(i) the amenity and good order of the locality

(a) Noise. Not applicable

(b) Nuisance and vandalism. Nothing currently significant.

(c) Licensed premises in the vicinity.

The closest off licensed premises are as below

Ocean Beach Hotel 850 m
St Clair Four Square 1300 m
St Kilda Tavern 1500 m
Thirsty Liquor 1900 m
Countdown Andersons Bay 2000 m
Super Liquor Andersons Bay 2100 m

Pak n Save 2400 m

(j) whether the applicant has appropriate systems, staff, and training to comply with the law:

- (a) Building.** The premises has a current BWOF
- (b) Fire.** FENZ approval was gained 7 August 2020
- (c) Security.** Not required.

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

The Medical Officer of Health has opposed the issue of the licence on the following grounds

Section 32 Kinds of premises for which off-licences may be issued

The premises has two areas where the sale and supply of alcohol takes place under the existing on licence, Equinox Restaurant and Wobbly's Sports Bar. While Wobbly's Sports Bar alone has the appearance and characteristics of a tavern, Equinox does not. The definition of tavern in the Act refers to the principle business of the premises. The applicant has advised that 60-65% of his existing business is from the sale of food.

Section 105 Criteria for issue of licences

1.a. the object of this Act (ref Section 4)

The population living in this area is one who are at higher risk of experiencing alcohol related harm due to factors such as area deprivation.
The applicant intends to have a wide selection of alcoholic products available, including RTDs, bottles of spirits and 24 packs of beer.

1.e. the design and layout of any proposed premises

The applicant intends to have alcohol on shelving in the body of Wobbly's Sports Bar with patrons selecting alcohol off these shelves and then taking it to the bar to purchase. The design and layout create a risk of patrons helping themselves or passing to others, bottles/packs of alcohol and it being consumed in the bar.

1.h. whether (in its opinion) the amenity and good order of the locality would be likely to be reduced, to more than a minor extent, by the effects of the issue of the licence

and

Section 106 1.b.i the purposes for which land near the premises is used

Within 1km of the premises there are four schools and four early childcare settings. Including one which is directly next door (at 146a Victoria Rd) to the Forbury Racetrack (where the premises is located).

Ref Dunedin Local Alcohol Policy:

Section 2.0 Location

The design and layout of the intended alcohol area has the effect of creating something akin to an internal bottle shop, while not actually being a separate store. Dunedin LAP states that "new hotels, taverns or bottle stores will not generally be granted for a premises that is near to or adjacent to any 'sensitive facility'" and "To avoid any misinterpretation, 'near to or adjacent to' will be defined as being within 100m of the nearest boundary to the sensitive facility." Sensitive facility is defined as "any educational or recreational facility or playground likely to attract predominantly young people under the legal purchase age and any health facility."

146 and 146a Victoria Rd share a boundary.

The police have commented

There is no question of the applicant's suitability, or the systems and training of the premises. The only area of concern for police is the intended layout of the off-licence, which is situated within the current on-licence. Normally such a off-licence is conducted by way of over the bar sales, whereby the stock is placed behind the bar and the purchase is handed over the bar. In the case of this application the stock will be displayed in shelving situated adjacent to the bar, forming a standalone alcove. Such a layout raises questions regarding security of the stock on a busy night.

Another unintended consequence of this layout means the patron carries the intended purchase across the from the shelves to the bar.
As such police oppose this application under section 105 (e), the design and layout of the proposed premises.

Inspector's comment

This report is prepared for the District Licensing Committee's consideration.

There are no issues as to the suitability of the applicant.

The premises has previously not held an off licence with the applicant seeking to add another revenue stream to the business.

The applicant has no intent to sign up to a franchise and to remain as an independent retailer.

The layout suggested by the applicant is confused and is not one currently operated by any other premises

The admission by the applicant that the restaurant side of the business means food sales are higher than the alcohol sales suggests that the application may fail at the first hurdle.

I do not oppose the issue of the licence but the issues relating to how the process of displaying and selling alcohol will occur and whether the premises is foremost a tavern need to be resolved.

Ultimately, the committee should hear the application and gain first hand information that will assist in the decision-making process.



21 September 2020

Tony Mole
Licensing Inspector

From: [Melissa Joyce](#)
To: [Dunedin Licensing Agency](#)
Subject: OPPOSITION OFF-5-2020 Wobbly's Sports Bar/Equinox Restaurant
Date: Monday, 14 September 2020 01:01:19 p.m.
Attachments: [image001.png](#)
[image002.png](#)
[Opposition Wobblys Off.pdf](#)

Please find attached our letter of opposition for this application

Thanks,

Melissa Joyce | Administration Officer, Public Health Service | Southern District Health Board

Private Bag 1921, Dunedin 9054, New Zealand | Level 2, Main Block, Wakari Hospital, Taieri Road, Dunedin 9010
Office: 03 4769864 | fax: 03 4769858 | melissa.joyce@southerndhb.govt.nz



Southern District Health Board

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Application No. OFF-5-2020

14 September 2020

The Secretary
District Licensing Committee
Dunedin City Council

Attention: Kevin Mechen

Dear Sir

RE: SALE AND SUPPLY OF ALCOHOL ACT 2012 – APPLICATION FOR NEW OFF LICENCE – Wobbly's Sports Bar/Equinox Restaurant

I refer to the application received on 5 August 2020 from Adiaar Holdings P V T Limited, for a new Off for the premises situated at 146 Victoria Rd.

I have considered this application with respect to the public health issues involved. This report advises that **the application is opposed** and the grounds for our opposition are as follows.

Ref Sale and Supply of Alcohol Act 2012:

Section 32 Kinds of premises for which off-licences may be issued

The premises has two areas where the sale and supply of alcohol takes place under the existing on licence, Equinox Restaurant and Wobbly's Sports Bar. While Wobbly's Sports Bar alone has the appearance and characteristics of a tavern, Equinox does not. The definition of tavern in the Act refers to the principle business of the premises. The applicant has advised that 60-65% of his existing business is from the sale of food.

Section 105 Criteria for issue of licences

1.a. the object of this Act (ref Section 4)

The population living in this area is one who are at higher risk of experiencing alcohol related harm due to factors such as area deprivation.

The applicant intends to have a wide selection of alcoholic products available, including RTDs, bottles of spirits and 24 packs of beer.

1.e. the design and layout of any proposed premises

The applicant intends to have alcohol on shelving in the body of Wobbly's Sports Bar with patrons selecting alcohol off these shelves and then taking it to the bar to purchase. The design and layout create a risk of patrons helping themselves or passing to others, bottles/packs of alcohol and it being consumed in the bar.

1.h. whether (in its opinion) the amenity and good order of the locality would be likely to be reduced, to more than a minor extent, by the effects of the issue of the licence
and

Section 106 1.b.i the purposes for which land near the premises is used

Within 1km of the premises there are four schools and four early childcare settings. Including one which is directly next door (at 146a Victoria Rd) to the Forbury Racetrack (where the premises is located).

Ref Dunedin Local Alcohol Policy:

Section 2.0 Location

The design and layout of the intended alcohol area has the effect of creating something akin to an internal bottle shop, while not actually being a separate store.

Dunedin LAP states that "new hotels, taverns or bottle stores will not generally be granted for a premises that is near to or adjacent to any 'sensitive facility'" and "To avoid any misinterpretation, 'near to or adjacent to' will be defined as being within **100m** of the nearest boundary to the sensitive facility." Sensitive facility is defined as "any educational or recreational facility or playground likely to attract predominantly young people under the legal purchase age and any health facility."

146 and 146a Victoria Rd share a boundary.

I oppose the issue of this licence.

Yours sincerely,



Toni Paterson

Delegated by the Medical Officer of Health under Section 151 of the Sale and Supply of Alcohol Act 2012



Report for Off Licence Applications

Social Responsibility, Sale and Supply of Alcohol Act and Smoke-free Environments Act Considerations

GENERAL INFORMATION			
Licensing Agency	Dunedin City Council	Application/licence number	OFF-5-2020
Date application received	5/08/2020	Date of visit	27/08/2020
Type of application (check one of <u>each</u> item)	New	If a variation, what is being varied?	
Name of person interviewed	Alex Cherian	PHS Staff Member	Toni Paterson
Licensing Inspector	Tony Mole	Police	Ian Paulin
DETAILS OF PREMISES			
Name of premises	Wobblys Sports Bar		
Address of premises	146 Victoria Road, Dunedin		
Contact person if different from above	Alex Cherian		
Name of applicant/licensee	Adlaar Holdings P V T Limited		
General nature of business	Tavern		
Duty Managers	5 Intending to appoint 2 more	Designation of premises	Restricted: <input checked="" type="checkbox"/> Gaming area
Managers Register	Yes		Supervised: <input checked="" type="checkbox"/> Ground floor Undesignated: <input type="checkbox"/>
Comments	<p>Has no intention of joining a franchise.</p> <p>All sales will be over the bar, but the product will be on display on a shelving area in the bar (where the current gaming area is and back towards the kitchen). It will be walled off (half height) so that exit and entry from the display area is near the bar. A similar kind of concept to an alcohol area in a supermarket.</p> <p>Intends to sell a range of products including RTDs, bottles of spirits, and 24 packs of beer. Anyone who purchases alcohol as an off-site sale must leave the premises immediately. Food sales make up 60-65% of the on licensed premises revenue.</p>		
OBSERVATION OF PREMISES			
Licence able to be easily read as entering each principle entrance or, for a club, by people using the premises?	Is aware of requirement		
Signage displayed	<input checked="" type="checkbox"/> Minors <input checked="" type="checkbox"/> Duty Manager's name <input checked="" type="checkbox"/> Intoxication		
Hours	Displayed so easily read from immediately outside the entrance: Yes		

	Requested/licensed hours:	Monday-Sunday – 9am-10pm	
	Normal trading hours:	Monday-Thursday – 4pm-10pm Friday-Sunday – 11am-10pm	
If a supermarket or grocery store – comments re single alcohol area. Position/perimeter reducing exposure?	NA		
Comments			
ADVERTISING/PROMOTIONS			
Describe any concerns regarding advertising or promotions. E.g. appeal to young appeal, external advertising at a supermarket, external advertisements of discounts 25% or greater etc	Nil of note. No intention to do any discounts.		
Any loyalty programmes?	No	If yes, describe	
Does the premises host tastings?		If yes, is water available at the tasting?	Yes
Comments			
AMENITY AND GOOD ORDER			
Any concerns about noise levels?		Any concerns about nuisance and vandalism?	
If a new application, any concerns about the number of premises for which licences of a similar kind are already held?	Nearby Ocean Beach Hotel and St Clair Four Square. St Kilda Tavern is 1km away.	What is the neighbouring land used for?	Childcare centre next door to race track. Residential neighbourhood. St Clair School, Queens High and Kings High within 1km.
Comments			
STAFF TRAINING – RELEVANT TO THE SALE AND SUPPLY OF ALCOHOL ACT 2012			
Describe training or staff instruction provided	<input type="checkbox"/> On the job training <input checked="" type="checkbox"/> Mentoring/buddy system <input type="checkbox"/> Drinksafe/SASA workshops <input type="checkbox"/> Part of induction process <input type="checkbox"/> Servewise online training		
Comments	New staff begin in the restaurant. Has been recommended to use ServeWise.		
CONTROL OF PREMISES – MINORS			

<input checked="" type="checkbox"/> Appropriate control systems stated to be in place <input type="checkbox"/> Low-risk setting with adequate control procedures in place <input type="checkbox"/> Control systems and/or grasp of control issues seems questionable			
Comments		ID25 Knows the acceptable forms of ID	
CONTROL OF PREMISES – INTOXICATION			
<input checked="" type="checkbox"/> Appropriate control systems stated to be in place <input type="checkbox"/> Low-risk setting with adequate control procedures in place <input type="checkbox"/> Control systems and/or grasp of control issues seems questionable			
Comments		SCAB	
SOCIAL RESPONSIBILITY			
Does management have a suitable written Social Responsibility Policy?	No	Has a copy been supplied?	Yes
Comments		Needs adjustment to include off licence considerations	
SMOKEFREE ENVIRONMENTS ACT 1990			
Does the applicant sell cigarettes/cigars/tobacco?	No	If yes, are the displays visible?	NA
Comments			
REMOTE SALES			
Method of sale	<input type="checkbox"/> website <input type="checkbox"/> mail <input type="checkbox"/> telephone <input checked="" type="checkbox"/> none		
Comments			
RECOMMENDATION			
Opposition			

RESOURCES PROVIDED
<input checked="" type="checkbox"/> Managers Guide
<input checked="" type="checkbox"/> DOB Chart
<input checked="" type="checkbox"/> SCAB – Intoxication Assessment Tool
<input checked="" type="checkbox"/> Servewise coaster
<input type="checkbox"/> Managers Register template



Kevin Mechen

From: PAULIN, Ian <Ian.Paulin@police.govt.nz>
Sent: Saturday, 19 September 2020 08:51 p.m.
To: Dunedin Licensing Agency
Subject: FW: New OFF Licence application -OFF-5-2020 - Adiaar Holdings P V T Limited, Wobblys Sports Bar, 146 Victoria Road St Kilda.pdf
Attachments: New OFF Licence application -OFF-5-2020 - Adiaar Holdings P V T Limited, Wobblys Sports Bar, 146 Victoria Road St Kilda.pdf; OFF-5-2020 Wobblys Sports Bar cover sheet.pdf

Good evening

Police and reporting agencies attended a meeting with the application 27 August at the intended location of the off-licence.

There is no question of the applicants suitability, or the systems and training of the premises. The only area of concern for police is the intended layout of the off-licence, which is situated within the current on-licence. Normally such a off-licence is conducted by way of over the bar sales, whereby the stock is placed behind the bar and the purchase is handed over the bar. In the case of this application the stock will be displayed in shelving situated adjacent to the bar, forming a standalone alcove. Such a layout raises questions regarding security of the stock on a busy night. Another unintended consequence of this layout means the patron carries the intended purchase across the from the shelves to the bar.

As such police oppose this application under section 105 (e), the design and layout of the proposed premises.

Regards

Ian






Acting Senior Sergeant Ian Paulin

District Deployment Coordinator | Dunedin | New Zealand Police

P +64 3 4714980 Extn: 33180 | **M** +64 021 1914981 | **E** ian.paulin@police.govt.nz
Dunedin Central Police Station, 25 Great King Street, Private Bag 1924, Dunedin 9016
www.police.govt.nz

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From: Karen Tytsma [mailto:Karen.Tytsma@dcc.govt.nz]
Sent: Wednesday, 5 August 2020 11:50 a.m.
To: Admin DHB ; Alison Blair ; PAULIN, Ian ; Kevin Mechen ; Mark Bredenbeck ; Melissa Joyce ; Tanya Morrison ; Toni Paterson ; Tony Mole
Cc: JONES, Stephen (Steve)
Subject: New OFF Licence application -OFF-5-2020 - Adiaar Holdings P V T Limited, Wobblys Sports Bar, 146 Victoria Road St Kilda.pdf

Karen Tytsma

Alcohol Licensing Administrator

Dunedin District Licensing Committee

50 The Octagon, Dunedin; PO Box 5045, Moray Place, Dunedin 9058, New Zealand

Telephone; 03 474 3481; Fax; 03 474 3523

Email: dla@dcc.govt.nz; www.dunedin.govt.nz

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16 June 2020

Adiaar Holdings P V T Limited
68 Maryhill Terrace
Dunedin 9011

Via email: sollyjosephalex@gmail.com

Dear Sir/Madam

**PLANNING COMPLIANCE CERTIFICATE SALE AND SUPPLY OF ALCOHOL ACT 2012 – POL-2020-12 – 146
VICTORIA ROAD, DUNEDIN**

Thank you for your recent application for a planning certificate for the purposes of the Sale and Supply of Alcohol Act 2012 for the premises called Wobbly's Sports Bar at 146 Victoria Road, Dunedin.

Please find enclosed the planning certificate. I have also forwarded a copy of the certificate to the Council's Liquor Licensing Coordinator for his information.

If you have any further queries regarding the planning certificate, please do not hesitate to contact me.

Yours faithfully

A handwritten signature in blue ink, appearing to be "Laura Mulder".

Laura Mulder
Planner



**CERTIFICATE FOR THE PURPOSES OF SECTION 100(f)
OF THE SALE AND SUPPLY OF ALCOHOL ACT 2012**

Planning Certificate Number:	POL-2020-12
Property Address:	146 Victoria Road, Dunedin
Applicant:	Adiaar Holdings P V T Limited
Premises Name:	Wobbly's Sports Bar
Legal Description:	LOT 1-16 BLK IX DP 2161 & LOT 3 DP 405932
Owner:	Forbury Park Trotting Club Incorporated
Dunedin City District Plan:	Residential 2
Proposed Second Generation Dunedin City District Plan:	General Residential 2

The Dunedin City Council hereby certifies that the premises operating under the name Wobbly's Sports Bar, located at 146 Victoria Road, Dunedin, meets the requirements of the Resource Management Act 1991 to operate as a licensed premises (on-licence and/or off licence) as defined by the Sale and Supply of Alcohol Act 2012 for the following reason:

Explanation

Operative Dunedin City District Plan

In terms of the Operative Dunedin City District Plan, the subject site is located in the Residential 2 Zone of the Dunedin City District Plan. Within this zone, licensed premises (defined as "...any land or buildings licensed under the Sale and Supply of Alcohol Act 2012") are a non-complying activity pursuant to District Plan rule 8.8.6(iii), and resource consent must be obtained before the activity may commence.

In this instance, licensed premises have previously operated from this site, and the proposed activity is authorised by resource consent RMA-1997-361240 (formerly referred to as RMA970839), issued in February 1998. Off-Licence sales are approved under that consent. The licensed premises can continue to operate on the basis of this consent as the consent has been given effect to. No specific conditions on days hours are specified in the resource consent.

Proposed Second Generation Dunedin City District Plan ("Proposed 2GP")

In terms of the Proposed Second Generation Dunedin City District Plan, the subject site is located in the General Residential 2 Zone. Within this zone, restaurants are a discretionary activity pursuant to Rule 15.3.3.15. The subject site is located within the South Dunedin Mapped Area and subject to the Hazard 3 (coastal) Overlay Zone which is under appeal ENV-2018-CHC-290 Reference (124).

Resource consent RMA-1997-361240 (formerly referred to as RMA970839) has been granted in February 1998 for the operation of a Tavern on the site at 146 Victoria Road. The operation of a licensed premises for off-licence sales is within the scope of the resource consent. The activity is permitted by resource consent and it complies with the resource consent.

Advice Notes

1. This activity must comply with the performance standards for noise, glare and electrical interference outlined in the Operative Dunedin City District Plan and the Proposed Second Generation Dunedin City District Plan.
2. New signage must comply with the rules set out in the Operative Dunedin City District Plan and/or the Proposed Second Generation Dunedin City District Plan, or else obtain resource consent. The alteration to any existing sign or the erection of a new sign may require resource consent.
3. The activity is the subject of resource consent RMA-1997-361240. The conditions in the resource consent must be complied with on an ongoing basis.
4. This consent has been assessed under the Resource Management Act 1991, the Dunedin City District Plan and the Proposed Second Generation Dunedin City District Plan. It does not remove the need to comply with other legislation and Dunedin City Council regulations. These include the Dunedin City Council District Licensing Agency Sale of Liquor Policy.



Laura Mulder
Planner

Authorised by:



John Sule
Senior Planner

Issue Date: 16 June 2020

From: [Bredenbeck, Mark](#)
To: [Dunedin Licensing Agency](#)
Subject: FW: New OFF Licence application -OFF-5-2020 - Adiaar Holdings P V T Limited, Wobblys Sports Bar, 146 Victoria Road St Kilda.pdf
Date: Friday, 7 August 2020 3:38:21 PM
Attachments: [0.png](#)
[image001.png](#)
[New OFF Licence application -OFF-5-2020 - Adiaar Holdings P V T Limited, Wobblys Sports Bar, 146 Victoria Road St Kilda.pdf](#)
[OFF-5-2020 Wobblys Sports Bar cover sheet.pdf](#)

Hi

There are no issues with this application from Fire and Emergency.

Regards

Mark

Mark Bredenbeck
Fire Risk Management Officer
East Otago – Area 24

We Are Better Together – Whanaungatanga

Dunedin Central Fire Station
85 Castle Street
PO Box 341
Dunedin 9054



M: 027 221 5141
P: 03 467 7565
mark.bredenbeck@fireandemergency.nz
www.fireandemergency.nz

From: Karen Tytsma <Karen.Tytsma@dcc.govt.nz>
Sent: Wednesday, 5 August 2020 11:50 AM
To: Admin DHB <admin@phsouth.co.nz>; Alison Blair <Alison.Blair@dcc.govt.nz>; Ian Paulin <ian.paulin@police.govt.nz>; Kevin Mechen <Kevin.Mechen@dcc.govt.nz>; Mark Bredenbeck <Mark.Bredenbeck@fire.org.nz>; Melissa Joyce <Melissa.Joyce@southerndhb.govt.nz>; Tanya Morrison <Tanya.Morrison@dcc.govt.nz>; Toni Paterson <toni.paterson@southerndhb.govt.nz>; Tony Mole <Tony.Mole@dcc.govt.nz>
Cc: JONES, Stephen (Steve) <Stephen.JONES3@police.govt.nz>
Subject: New OFF Licence application -OFF-5-2020 - Adiaar Holdings P V T Limited, Wobblys Sports Bar, 146 Victoria Road St Kilda.pdf

Karen Tytsma

Alcohol Licensing Administrator

Dunedin District Licensing Committee

50 The Octagon, Dunedin; PO Box 5045, Moray Place, Dunedin 9058, New Zealand
Telephone; 03 474 3481; Fax; 03 474 3523
Email: dla@dcc.govt.nz; www.dunedin.govt.nz
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PUBLIC NOTICE

Section 101(a), Sale and Supply of Alcohol Act 2012

Adiaar Holdings P V T Limited has made application to the District Licensing Committee at Dunedin for the grant of an Off Licence number OFF-5-2020 in respect of the premises situated at 146 Victoria Road St Kilda and to be known as Wobblys Sports Bar.

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

The applicant seeks the licence on the following hours:

Monday to Sunday 9.00 am to 10.00 pm

First publication date: Saturday, 8 August 2020

Second publication date: Saturday, 15 August 2020

Objections Close 5:00 pm Friday, 28 August 2020

- The application may be inspected during ordinary office hours at the office of the Dunedin District Licensing Committee at 50 The Octagon, Dunedin, or on-line at www.dunedin.govt.nz/alcohol-applications
- No objection to the issue of a licence may be made in relation to a matter other than a matter specified in section 105(1) of the Sale and Supply of Alcohol Act 2012
- Any person who is entitled to object and who wishes to object to the issue of the application may, not later than 15 working days after the date of the first publication of this notice, file a notice in writing of the objection with the Secretary of the Dunedin District Licensing Committee at 50 The Octagon, PO Box 5045, Dunedin 9058

The Secretary
Dunedin District Licensing Committee
PO Box 5045
Moray Place
Dunedin 9058

Public Notice Declaration

Premises Name: Wobblys Sports Bar
Premises Address: 146 Victoria Road St Kilda
Reference number: OFF-5-2020

The Public Notice of the above application was displayed on or adjacent to the site of the premises
in accordance with the requirements of the Sale and Supply of Alcohol Act 2012

The notice was displayed (describe where):

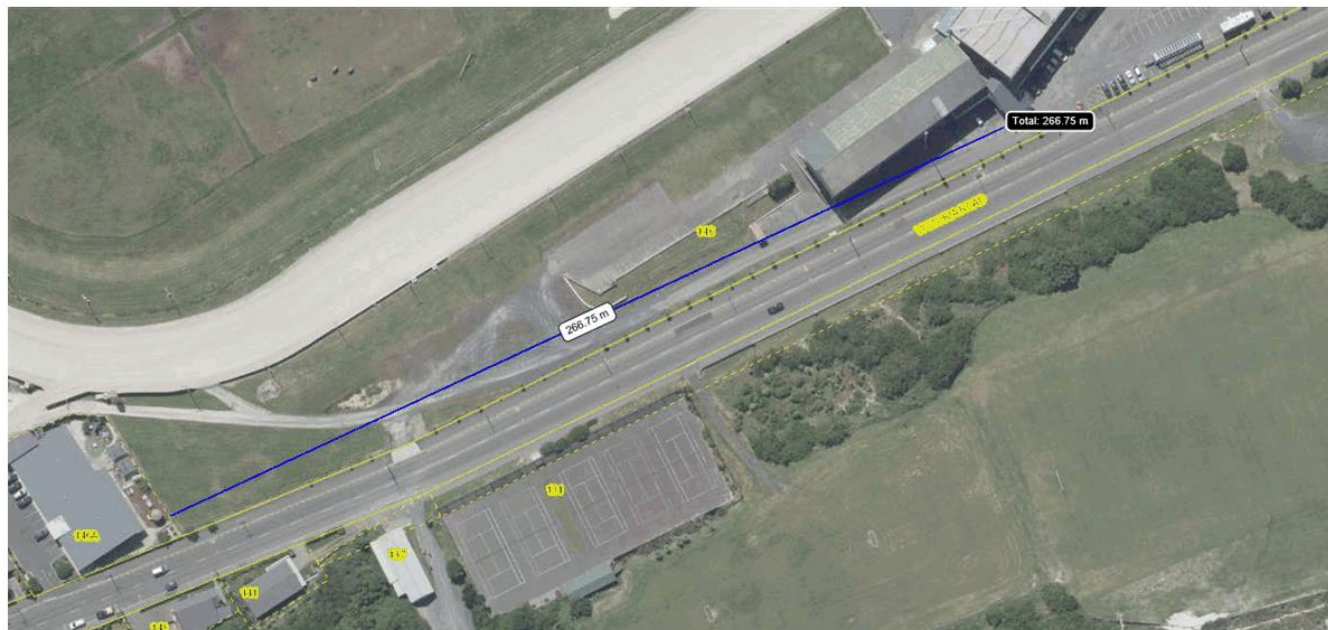
7th A Front Window of Wobblys Bar

From Date: 7/8/20 To Date: 19/8/20

Name: M. Alexander Chin

Signature: M. Alexander Chin

- Within 10 working days after filing the application with the District Licensing Committee the applicant must ensure that notice of the application in accordance with form 1A is attached in a conspicuous place on or adjacent to the site to which the application relates.
- The notice shall be displayed until the close of the public objection period. (The public objection period is 15 working days from the first public notice being advertised in the newspaper).
- This declaration shall be forwarded to the Secretary of the District Licensing Committee via email dla@dcc.govt.nz, posted to the above address, or faxed to 474 3523



Distance from door to Wobblys to boundary of ECE service: 266.75m