

**OFF-LICENCE**  
**(Remote Seller)**

Sections 17 and 64, Sale and Supply of Alcohol Act 2012

**Section 40 of the Act applies to this licence**

**PURSUANT** to the Sale and Supply of Alcohol Act 2012 Sandymount Kilns Distillery Limited is authorised to sell alcohol from the premises situated at 71 Sandymount Road, Dunedin, and known as "Sandymount Kilns Distillery", and to deliver it to any person for consumption off the premises.

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

**CONDITIONS**

This licence is subject to the following conditions:

- (a) No alcohol shall be delivered on Good Friday, Easter Sunday, Christmas Day or before 1.00 pm on Anzac Day.
- (b) **Orders may be taken at any time on any day**  
**Deliveries may be made Monday to Sunday 6.00 am to 11.00 pm**
- (c) The licensee shall ensure that the provisions of regulation 14 of the Sale and Supply of Alcohol Regulations 2013 relating to the sale and supply of liquor to prohibited persons are observed and shall display appropriate signs on the Internet web page detailing the statutory restriction on the supply of alcohol to minors.
- (d) The Licensee must display on its website and in its catalogue and on every receipt issued for alcohol sold remotely:
  - (i) The licence holder's name and licence number;
  - (ii) The date on which the licence expires;
  - (iii) A legible image of the licence, or a clearly identified link to such image, to be displayed in a prominent place on the website.

**DISPLAY OF LICENCE AND PRINCIPAL ENTRANCE/S**

A copy of this licence must be displayed on the website for the company.

**DURATION**

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

- (a) either –
  - (i) until the close of the period for which it was last renewed; or
  - (ii) if it has never been renewed, until the close of the period of 12 months after the day it was issued; but
- (b) if an application for the renewal of the certificate is duly made before the certificate would otherwise expire, either –
  - (i) until the close of the period of 3 years after the period for which it was last renewed; or
  - (ii) if it has never been renewed, until the close of the period 4 years after the day it was issued.

**DATED** at Dunedin this 12<sup>th</sup> day of July 2021



*Kevin Mechen*

Kevin Mechen  
Secretary

**DUNEDIN DISTRICT LICENSING COMMITTEE**

**NOTE:** This licence expires on the 12<sup>th</sup> day of July 2022

**IN THE MATTER**

of the Sale and Supply of Alcohol Act 2012

**AND**

**IN THE MATTER**

of an application by Sandymount Kilns Distillery Limited for an off-licence pursuant to s.99 of the Act, endorsed pursuant to section 40 of the Act (remote seller), in respect of premises situated at 71 Sandymount Road, Otago Peninsula, Dunedin, and known as "Sandymount Kilns Distillery"

**DECISION OF THE DUNEDIN DISTRICT LICENSING COMMITTEE**

In accordance with section 191(2) of the Sale and Supply of Alcohol Act 2012 this application has been considered under delegated authority.

**DECISION**

This is an application by Sandymount Kilns Distillery Limited for an off-licence, endorsed as a remote seller, in respect of their premises situated at 71 Sandymount Road, Otago Peninsula, Dunedin, and known as the "Sandymount Kilns Distillery".

The application is in respect of **new** premises in which the production and remote selling of alcohol is the principal business.

The application was duly advertised and no objection or notice of desire to be heard has been received. However, it was revealed during the interviews that the applicant had been producing and selling alcohol without a licence and premises was not registered as required by the Food Act. As soon as the applicant became aware of the requirements immediate steps were taken to ensure compliance. The Licensing Inspector also noted issues with their applicant's website and has offered suggestions to remedy the faults.

Accordingly, we deal with the matter on the papers.

We are satisfied as to the matters to which we must have regard as set out in s.105 of the Act and we grant the applicant an off-licence authorising the sale and supply of alcohol for consumption off the premises.

Although sales are made remotely, the licensee must ensure a certified manager is appointed to the business at all times.

Remote sellers have different requirements to other premises. The first is a response to the fact the buyer is not confronted at the time of purchase and to this end, regulation 14 of the Sale and Supply of Alcohol Regulations 2013 details the requirements imposed on licensees to ensure prohibited people do not purchase alcohol. This regulation is reproduced here for clarity:

**14 Reasonable steps to verify that people not under purchase age**

(1) The procedures described in subclauses (2) to (4) are reasonable procedures for the purposes of complying with [section 59\(3\)](#) of the Act (which requires the holder of an off-licence to take reasonable



*steps to verify that the buyer of any alcohol that the holder sells by remote sale (and, if a person other than the buyer is to receive it, to verify that the receiver) is not under the purchase age).*

*(2) In the case of an order made using an internet site, the procedure is to—*

- (a) ask the prospective buyer to declare, by ticking an on-screen box, that he or she is 18 years of age or over (and, where a prospective receiver is involved, that the prospective receiver is also 18 years of age or over)—*
  - (i) once when the prospective buyer first enters the internet site; and*
  - (ii) again, immediately before the sale of any alcohol is completed; and*
- (b) refuse to sell alcohol to the prospective buyer unless, on both occasions, he or she declares that he or she is 18 years of age or over (and, where a prospective receiver is involved, also declares that the prospective receiver is 18 years of age or over).*

*(3) In the case of a telephone order, the procedure is to—*

- (a) ask the prospective buyer to declare, orally, that he or she is 18 years of age or over (and, where a prospective receiver is involved, that the prospective receiver is also 18 years of age or over)—*
  - (i) once when the conversation concerned begins; and*
  - (ii) again, immediately before the conversation is completed; and*
- (a) refuse to sell alcohol to the prospective buyer unless, on both occasions, he or she declares that he or she is 18 years of age or over (and, where a prospective receiver is involved, also declares that the prospective receiver is 18 years of age or over).*

*(4) In the case of an order made on a physical order form, the procedure is to—*

- (a) ensure that the form—*
  - (i) requires the prospective buyer to sign the form at a place at or near its end; and*
  - (ii) contains 2 requests for the prospective buyer to declare, by ticking a box, that he or she is 18 years of age or over (and, where a prospective receiver is involved, that the prospective receiver is also 18 years of age or over)—*
    - (A) one at the beginning of the form; and*
    - (B) the other, immediately before the place on the form where the prospective buyer is required to sign it; and*
- (b) refuse to sell alcohol to the prospective buyer unless he or she has ticked both boxes and signed the form.*

Regulation 15 describes the information to be provided by remote sellers. When using an internet website the licence holder must display prominently on the website, any catalogue produced and every receipt issued for alcohol sold remotely:

- (a) The licence holder's name and licence number
- (b) The date the licence expires.
- (c) And in addition to this either a legible image of the licence, or a clearly identified link to such image, must be clearly displayed on the website.

The licence will be subject to the following conditions:

- (a) No alcohol shall be delivered on Good Friday, Easter Sunday, Christmas Day or before 1.00 pm on Anzac Day.
- (b) **Orders may be taken at any time on any day**  
**Deliveries may be made Monday to Sunday 6.00 am to 11.00 pm**





- (c) The licensee shall ensure that the provisions of regulation 14 of the Sale and Supply of Alcohol Regulations 2013 relating to the sale and supply of liquor to prohibited persons are observed and shall display appropriate signs on the Internet web page detailing the statutory restriction on the supply of alcohol to minors.
- (d) The Licensee must display on its website and in its catalogue and on every receipt issued for alcohol sold remotely:
  - (i) The licence holder's name and licence number;
  - (ii) The date on which the licence expires;
  - (iii) A legible image of the licence, or a clearly identified link to such image, to be displayed in a prominent place on the website.

**DISPLAY OF LICENCE AND PRINCIPAL ENTRANCE/S**

A copy of this licence must be displayed in a prominent position on the website or, as an alternative, a clearly identified link to such an image to be displayed.

**DATED** at Dunedin this 12<sup>th</sup> day of July 2021

  
Kevin Mechen  
Secretary  
**DUNEDIN DISTRICT LICENSING COMMITTEE**



# 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](mailto:dla@dcc.govt.nz)

## Please read and complete the following checklist before submitting the application



- Planning & Building Certificates ☐
- 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](mailto: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** ☐
- Letter of authorisation for a consultant where a consultant is completing form ☐



## 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
<b>Premises points</b>	

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
<b>Trading hours points</b>	

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	<b>\$529.00</b>
3-5	Low	\$609.50	\$391.00	<b>\$1000.50</b>
6-15	Medium	\$816.50	\$632.50	<b>\$1449.00</b>
16-25	High	\$1,023.50	\$1,035.00	<b>\$2058.50</b>
26 plus	Very high	\$1,207.50	\$1,437.50	<b>\$2645.00</b>

## 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: Richard Wilson

Phone No.: 0223056547

Mobile No.: 0223056547

Email address: Richard@sandymount.nz

Postal address for documents: 71 Sandymount Rd  
Rd2 9077 Dunedin

Preferred mode of contact: Phone

### 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

Sandymount Kilns Distillery Limited.

Applicant status please select from the below options

<input 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"/> Licencing 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: <b>71 SANDYmount Rd</b>
Occupation: <b>owner distiller</b>
(if individual) <input type="checkbox"/> Male <input type="checkbox"/> Female <input type="checkbox"/> Other
(if individual) Applicants place and date of birth:
Postal address for documents:
<b>71 SANDYmount Rd</b>
Is this your principal business? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Please state any other businesses:
<b>Further details where the applicant is a company or an incorporated society</b>
For a company (whether incorporated under the Companies Act 1993 or equivalent foreign legislation), give full legal names of directors: <i>(use a separate sheet if necessary)</i>  <b>Richard William James Wilson</b>
Where the applicant is a <b>private company</b> 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 <i>(use a separate sheet if necessary)</i>  <b>Richard William James Wilson</b>
<b>Private companies</b> please state the following: Authorised Capital: <b>—</b> Paid up capital: <b>—</b>



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*)

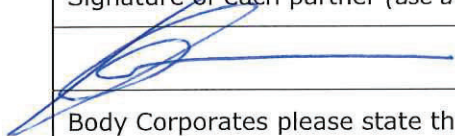
N/A

#### 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

N/A

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



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
N/A		

(*Use a separate sheet if necessary*)

## Details of Premises

Proposed trading name: Sandymount Distillery

Current trading name (if applicable): .....

Name of the building (if applicable): .....

Address of premises: 71 Sandymount Rd 9077

Does the applicant own the premises? ☒ Yes ☐ No

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

*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 [dla@dcc.govt.nz](mailto:dla@dcc.govt.nz) 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 (BWOFF)? ☐ Yes ☐ No

N/A

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

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 ..... Date 6 4 21 .....

## Business Details

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

Licence number: ..... expiry: .....

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

- ☐ Tavern ☐ Grocery ☐ Supermarket
- ☐ Hotel ☐ Bottle Store
- ☐ Other (specify) Distillery - Remote sale .....

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

Day	<input type="checkbox"/> Mon	<input type="checkbox"/> Tues	<input type="checkbox"/> Weds	<input type="checkbox"/> Thurs	<input type="checkbox"/> Fri	<input type="checkbox"/> Sat	<input type="checkbox"/> Sun
Start time	8am	8am	8	8	8	8	
End time	6pm	6pm	6	6	6	6	

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:

*No public access*

Manager Details			
Provide the below details for each manager or proposed manager			
Full Name	Date of Birth	Managers Certificate Number	Expiry Date
<i>Jamie Allan Hughes</i>			

(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?

.....

.....

.....

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

Restricted hours of sale and time  
delayed delivery after sale

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

No staff employed

.....

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.....

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

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Signed  Date 6 4 21 Place .....