

## OFF-LICENCE

Sections 17 to 20 and Section 64, Sale and Supply of Alcohol Act 2012

PURSUANT to the Sale and Supply of Alcohol Act 2012 **Rabbit22 Limited** is authorised to sell or deliver alcohol on or from the premises situated at **23 Huangarua Road, Martinborough**, and known as **Rabbit by Coney**, to any person for consumption off the premises and to supply complimentary samples of alcohol on 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 OF LICENCE

- (a) All alcohol products for consumption off the premises must be sold in a sealed container.
- (b) Alcohol may be sold on, or delivered from the premises for consumption off the premises, or supplied free as a sample for consumption on the premises, only on the following days and hours:  
**Monday to Sunday between 11:00am to 5:00pm**
- (c) No alcohol is to be sold or delivered from the premises on Good Friday, Easter Sunday, Christmas Day or before 1:00 pm on Anzac Day.
- (d) No alcohol is to be sold or delivered on Easter Sunday unless the alcohol is grape wine, or fruit wine, or vegetable wine made:
  - on the premises;
  - or from grapes of fruit harvested from land on which the premises are situated.
- (e) Drinking water is to be freely available to customers while alcohol is being supplied free as a sample, from the location at which the sampling occurs.
- (f) A properly appointed certified manager must be on duty at all times, within the licensed area, when the premises are open for the sale and supply of alcohol and their full name must be on a sign prominently displayed in the premises.
- (g) The licensee must ensure that the provisions of the Act relating to the sale and supply of alcohol to prohibited persons are observed and must display:
  - At each principal entrance to the premises, the ordinary operating hours during which the sale of alcohol is permitted.
  - A copy of the licence and all conditions subject to which it is issued, to the inside of the premises so to be easily read by all people entering at each principal entrance.
  - At every point of sale for alcohol, signs detailing restrictions on the sale and supply of alcohol to minors and intoxicated persons.
- (h) Adhere to the noise management plan developed by SLR dated 15 January 2025 and submitted as part of the Certificate of Compliance application;
- (i) Keep an updated log of all noise incidents, including those dealt with internally by staff within the premises;
- (j) Ensure the driveway and parking spaces are regularly swept for loose gravel to reduce the noise impact of moving vehicles;
- (k) Cap the number of patrons to a maximum of 60 people and place signage at the entrance of the driveway to inform the public that the venue is full if the premises reaches capacity;
- (l) Keep a log of the days and the hours the premises is open to the public; and
- (m) Limit all public activity at the premises to the hours indicated on the licences.

### THE LICENSED PREMISES

The premises, situated at **23 Huangarua Road, Martinborough** are more precisely identified as outlined in a plan date received by the South Wairarapa District Licensing Committee on the **8/09/25**, as shown on the rear of the licence.

### DISPLAY OF LICENCE AND PRINCIPAL ENTRANCE/S

A copy of this licence must be displayed at the principal entrance to the premises. The entrance from **23 Huangarua Road, Martinborough** is designated as the principal entrance.

### 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) Until the close of the period of 3 years commencing with the date of its issue; or
- (b) If an application for the renewal of the licence is duly made, until the application is determined; or
- (c) If the licence is renewed, until the close of the period for which it is renewed.

**DATED** at Greytown this **22nd January 2026**.

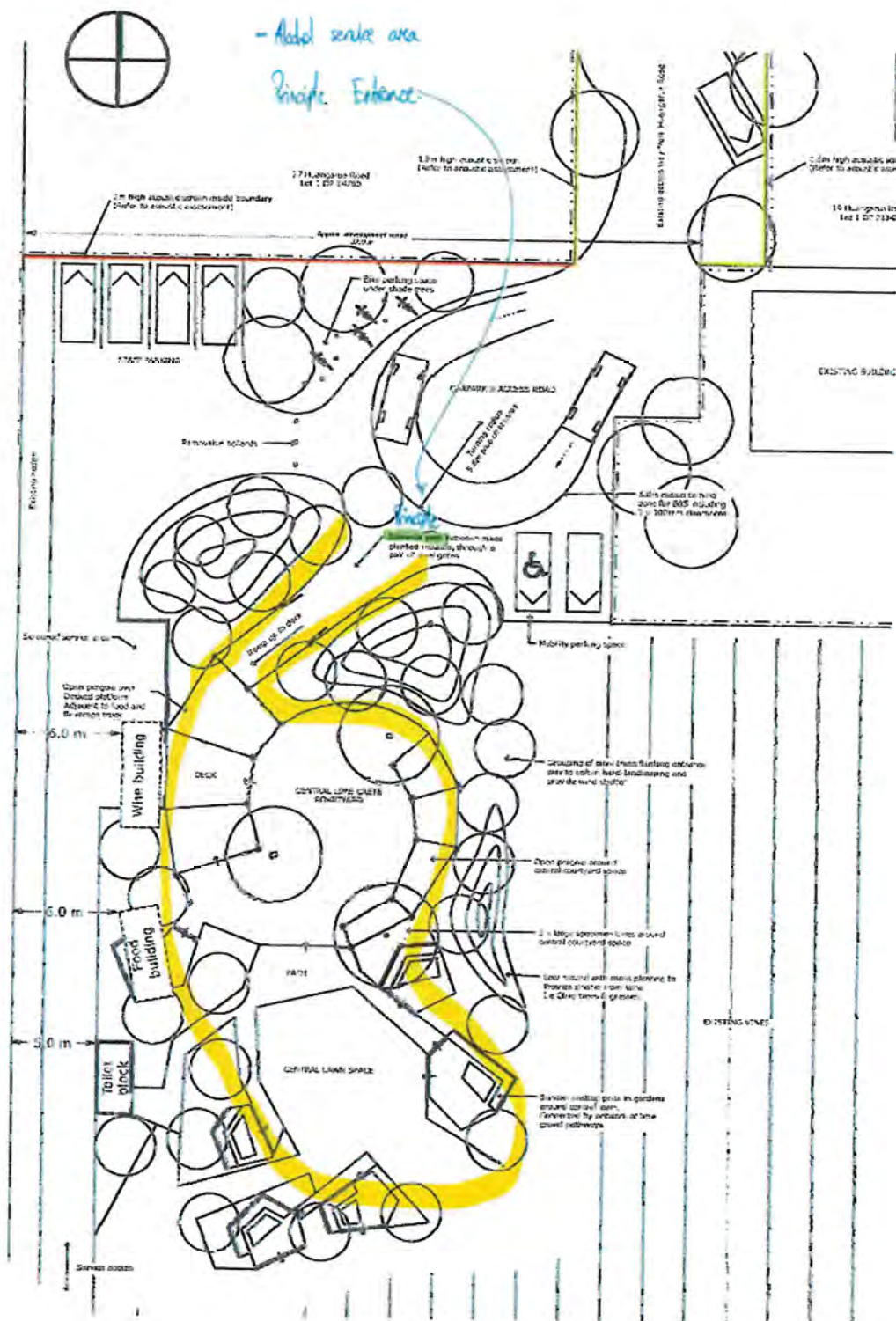


Janice Smith  
Secretary  
South Wairarapa District Licensing Committee



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, the licence expires on:

**22 January 2027**



Site plan  
Wild Vineyard

**IN THE MATTER:** of the Sale and Supply of Alcohol  
Act 2012 (The Act)

**AND**

**IN THE MATTER:** of an application by  
**RABBIT22 LIMITED** for a new  
On and Off-Licence pursuant to  
s105 of the Sale and Supply of  
Alcohol Act 2012 in respect of  
premises situated at 23  
Huangarua Road,  
Martinborough, known as Rabbit  
by Coney.

**BEFORE THE SOUTH WAIRARAPA DISTRICT LICENSING COMMITTEE**

|         |                              |
|---------|------------------------------|
| Chair   | Mrs Catherine Rossiter-Stead |
| Members | Mrs Robyn Cherry-Campbell    |
|         | Mr Craig Bowyer              |

**HEARING**

Held at the Waiinga Centre, Martinborough, South  
Wairarapa on 25 November 2025.

**APPEARANCES**

**Applicant**

|                  |           |
|------------------|-----------|
| Ms Lisa Coney    | Applicant |
| Mr Russell Hight | Applicant |

Witnesses for the Applicant

Mr Chris Parkin – for the Applicant  
Mr Tim Coney – for the Applicant  
Mr Conor Kershaw – for the Applicant

**South Wairarapa District Licensing Inspectors**

|                 |                                     |
|-----------------|-------------------------------------|
| Ms Mia Wilton   | Chief Licensing Inspector           |
| Ms Hazel Turner | Licensing Inspector (the Inspector) |

**South Wairarapa Planning Officer**

Mr Mathew Gulson – technical assistance on Certificate of Compliance

**In Opposition**

Mrs Philpa Broom – didn't speak  
Mr Nigel Broom  
Mr Tim Barton

## DECISION OF THE DISTRICT LICENSING COMMITTEE

### INTRODUCTION

1. Rabbit 22 Limited applied for both a new on and off licence pursuant to s100 of the Sale and Supply of Alcohol Act 2012 (The Act) for a new winery cellar door business known as 'Rabbit by Coney'. The business premises is located at 23 Huangarua Road, Martinborough. Both applications were lodged on 8 September 2025.
2. The winery cellar door is within a uniquely developed outdoor venue which is landscaped with 6m deep, 2m high bunds, densely planted with a variety of vegetation, and serviced by a bar caravan and food truck with seating. The applicant intends to serve its own brand of wines, alongside a range of small plates of tapas style food options as part of a relaxed outdoor dining and socialising experience with soft background music. It is described by the applicant as a 'small, low intensity, winery cellar door experience'.
3. The main aim of the business is to provide the applicant with an opportunity to sell wine directly to the consumer and the applicant does not intend to have live music, or use the property for weddings, birthdays or other events.
4. Martinborough is well known for its boutique vineyards and is promoted as a 'Wine Village' where visitors can 'escape to relaxed vineyards along quiet country roads'. Visitors are encouraged to spend the 'day cycling between the wineries on flat roads while enjoying wine tastings and a vineyard lunch as you go'<sup>1</sup>. The Wairarapa Visitor Guide lists 22 vineyard cellar door operations in Martinborough.
5. There are two other cellar doors no further than 170m of the neighbouring property. These are Margrain Vineyard and Schubert Wines. Margrain in particular, hosts live music during the summer months.
6. The premises is located in the Special Rural Zone and was issued a Certificate of Compliance (COC) to Lisa Coney and Russell Hight pursuant to s136 of the Resource Management Act 1991 on 17 February 2025.
7. The COC decision stated that the establishment of an outdoor wine tasting venue at 23 Huangarua Road, Martinborough, meets the relevant permitted activity requirements of the Wairarapa Combined District Plan and can be done lawfully without resource consent as at the date on which the authority received the request being the 1 September 2023.
8. Included in the application for the COC was a comprehensive noise management plan and acoustic report developed and written by SLR, a professional acoustic company. The report was submitted to South Wairarapa District Council and peer reviewed by the Styles Group.
9. The applicant, Rabbit 22 Limited, is a legal company incorporated on 4 August 2022, with two directors listed as Lisa Margaret Coney and Russell Herbert Ernest Hight, who own 50 shares each (100 total shares).
10. The Licensing Inspector, NZ Police and Medical Officer of Health have not raised any objections to the applications.
11. One objection was lodged on 16 October 2025 from the residents of a neighbouring property. It was lodged within the 25 working day public notice.
12. Two of the three Committee members undertook a site visit to the premises in the week prior to the hearing.

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<sup>1</sup> <https://wairarapanz.com/collections/martinborough>

13. The application was set down for a formal hearing as the Committee needed to hear the concerns of the objectors (known in this decision as the primary objectors), which took place in Martinborough on 25 November 2025.

## PRELIMINARY MATTERS

14. There were two late objections received after the public notice period ended on 21 October. The first late objection was received three days after the close of the public notice period. The second late objection was received on 18 November, almost a month after the end of the public notice period. Although this objection was described as a 'submission', for all intents and purposes it has been deemed an 'objection' by the Committee.
15. Both these objections were allowed to be included in the hearing pack by the Committee Chair pursuant to s208 of the Sale and Supply of Alcohol Act and following the decision in *Golden Empire Holdings Ltd v Police* [2023] NZARLA 231, where the Authority held that s208 could be used to allow the late filing of an objection provided the failure was not willful. Although it is highly possible that these objectors were subsequently prompted by the primary objectors, it appears that both objectors were initially unaware of the hearing, so as a result the Chair did not believe that either of the late filings were 'willful'. One of the objectors was out of the country during the public notice period. The objections were duly forwarded to the applicant for their response prior to the hearing.
16. According to the notice of hearing, the applicant had until 4pm on 18 November to respond to any written evidence or documentation provided by other parties. As a result of these late filings, the Chair also extended the time the applicant had to respond to these written objections and these responses were included in the hearing pack.
17. The Chair also acknowledged the receipt of an email with further evidence from the primary objectors in counter response to the applicant's response to their initial objection. However, this was sent on 19 November and was eight days after the end of the notice period for evidence of 11 November. At the hearing, the Chair stated that the primary objectors would have received the notice of hearing for the applications, and it seemed reasonable to assume that they would be aware of the deadline. As a result, this additional information was not included in the hearing pack.

## APPLICANT EVIDENCE

18. The applicant provided the Committee with a very detailed set of documents. These documents included a COC Report including site maps, a noise management plan, a timeline of events, three responses to the three letters to the District Licensing Committee from the objectors, and letters of support from seven Martinborough businesses, including other wineries. These provided a good background to the application and the mitigations put in place to reduce the impact of any noise created by the new business. These were noted by the Committee and taken as read.
19. Ms Coney was the first to speak on behalf of two Rabbit 22 Limited Directors. She acknowledged the concerns of the objectors and hoped that as a result of the hearing it would provide reassurance about how the business will operate and how seriously the applicant takes its obligations under the Sale and Supply of Alcohol Act 2012.
20. She emphasised that the licence applications were for a "small, low intensity winery cellar door experience", centred on wine tasting, accompanied by small plates of food in a relaxed family friendly setting. They were not proposing late night events, live music functions or high risk alcohol activities. She added that the requested hours of 11am to 5pm were amongst the most conservative in the district, and were low impact and entirely daytime.

21. Ms Coney went on to explain that the business held a COC certifying the venue as a permitted activity, which will operate within a comprehensive noise management plan. The peer reviewed plan places limits on patron daytime hours and numbers, as well as strict limits on music. The speakers are facing away from the neighbours dwelling and calibrated to below 60 decibels with an A rating. There is also a prohibition on live music. This is to ensure that the operation complies with the 55 dBA L10 daytime limit within the notional boundary of any dwelling. The plan also includes staff protocols and complaint procedures addressing noise.
22. The Committee also noted within the written evidence that the plan included other mitigations such as no external generators, acoustic screening and fencing, and a tar-sealed driveway free of loose gravel or chip, to be frequently swept. Visitor buses must also drop people at the end of the driveway on the main road.
23. Ms Coney acknowledged that any new activity would create uncertainty for neighbours. She believed that over the last three years the applicants had been proactive by contacting neighbours early, attending facilitated meetings, redesigning elements of the site and upgrading the driveway. She felt they had consistently demonstrated "a willingness to adapt and mitigate".
24. The Committee noted in the timeline documents supplied by the applicant that they contacted nearby residents about the new operation in August 2022. Although they were able to talk to most of the neighbours and allay concerns, they did not receive a response from the residents at 27 Huangarua Road.
25. However on 23 August 2022, the residents at 27 Huangarua filed a complaint to SWDC stating the COC should not have been granted (it was originally granted in January 2022) and they wished to request a judicial review of the process. In response, SWDC organised a mediation meeting between the parties on 3 November 2022 to see if the issues could be resolved. This was unsuccessful.
26. As a result, SWDC asked the applicants to resubmit the COC application with more detailed information around parking, noise management etc. A professional acoustic company was engaged in January 2023 and a noise management plan developed. The new application was submitted on 31 August 2023. Further amendments and additions were made and the new COC granted in February 2025.
27. Ms Coney added that the intent was to create a small, peaceful, wine tasting space that complements the cultural identity of Martinborough without compromising the enjoyment of residents. She said: "We live in this community, our reputation and relationships matter deeply to us. A responsible operation is not just a legal obligation, it is essential to our long term success as a family-owned business".
28. The members of the Committee who visited the site were impressed with the layout of the venue. They could see that a lot of thought had gone into shielding the neighbouring properties from the sounds of the operation. There was a high bund with lots of shrubs and foliage, as well as high fencing where the caravans were sited. Two speakers were set into two different parts of the bund, and both were facing away from the property boundary located at the southern end of the venue. The speakers were set at their maximum volume and could not be heard outside the perimeter of the 2m high bund.
29. Outside of the perimeter, the only sounds that could be heard were a tractor, a chainsaw and various birds. However, the Committee members did note that the driveway "crunched under the wheels of parking cars". When questioned about this noise by the Committee, Mr Hight explained that the remaining loose gravel will be swept off the driveway before the venue is opened to the public. The Committee acknowledged that this would be a cause of noise concern for the residents living either side of the driveway and believe this would have to be swept regularly to reduce any noise impact on neighbours.

30. The Committee commend the efforts the applicant has gone to mitigate potential noise issues and believe that these mitigations appear to be above and beyond what is required for the majority of cellar doors in Martinborough.
31. Both Ms Coney and Mr Hight answered questions from the Committee.
32. To address one of the main concerns by the objectors, the Committee wanted a much better understanding of how the applicant was going to address the parking issues and the potential increase in noise from the driveway. Mr Hight said there would be signs asking people not to park on the public berm, but acknowledged it was council land and they "couldn't tell people what to do". He added that they had 17 car parks, which was more than the off street parking of Margrain and Schubert combined.
33. Mr Hight confirmed that people arriving on bicycles will be using the driveway to enter the venue and there will be a place for them to leave their bikes. Ms Coney added that they may leave their bikes at the entrance of the driveway.
34. The Committee enquired into the relationship between the primary objectors and the applicant. Ms Coney said they didn't know them. When questioned further about the mediated meeting organised by SWDC, Mr Hight said it was arranged so they could come to an agreement and lasted about four hours. They had entered into it with an open mind but it quickly became untenable.
35. When asked how the applicant was going to manage the limit of a 100 patrons stated in their noise management plan, Mr Hight said their actual capacity was 68, but realistically they didn't want that many people. They have seating for 60 people. Ms Coney explained that the limit will be managed through staff training and keeping an eye on how many people are in the venue so they don't exceed the capacity. Mr Hight added that they will place a sign at the entrance of the driveway to indicate they are at full capacity.
36. During the hearing the applicant called three witnesses to provide additional evidence to the Committee. The first was Chris Parkin who lives at 19 Huangarua Road and is located on the western side of the driveway.
37. He declared that he was related to the applicant through his wife who is the aunt of Russell Hight and he was also a former business partner of Lisa Coney's father, but has no financial interest in the applicant's business.
38. The Committee took particular note of his experience living close to Margrain and Schubert wineries over the last 10 years. Margrain in particular, has live music every Sunday afternoon during the summer. He said that the music can be clearly heard by the neighbourhood, but it wasn't a problem. He said most of the activity from both wineries takes place on Saturday and Sunday, and mainly "people riding bicycles enjoying themselves", but he and his wife have never been troubled by this.
39. He went on to say that it is not a residential area, but an active farming area and most of the noise was from agricultural implements. He felt that there was a far greater unpleasantness and concern from this.
40. He stated that there are a number of existing cellar door operations relatively close to residences and he wasn't aware that any of these were causing problems or raising objections. He also added that they had never experienced any nuisance or vandalism, and that guests of both wineries were well behaved judging by their demeanour and he didn't think they would be any different at the applicant's new venue.
41. When asked by the Committee if Mr Parkin had any issues with people parking in front of his property, he did state although the area is public property and he couldn't do anything

- about it, he would prefer people didn't park there, but he felt Margrain and Schubert had enough off street parking and this type of parking would probably only occur on the busiest Saturdays.
42. The Committee took on board Mr Parkin's comment about the future economy of Martinborough being more and more dependent on the value of visitations to the district's vineyards, which he felt was a benefit to all the residents of Martinborough.
  43. The second witness was Tim Coney, the founder of Coney Wines and Lisa Coney's father. Mr Coney explained that the family founded Coney Wines 25 years ago and that Ms Coney had been involved in the business since 2009. Ms Coney now runs the business with Russell Hight.
  44. The Committee were particularly interested in Mr Coney's perspective on the local winery sector. He said having moved to Martinborough in 1993, many of the vineyards were now owned by corporates and believed that family-owned operations should be preserved. He said visitors especially liked the interaction with vineyard owners, while pricing by corporate owners had been to the detriment of local sales. He added that small operations were currently under pressure and that a viable commercial proposition was to permit the addition of cellar doors where prices were more sustainable as he felt Martinborough risked economic stagnation like during the 1990s.
  45. Supporting Mr Coney's perspective was a comment made by Clive Faton from Ata Rangi Vineyard in his supporting letter stating "as a small winery it is essential that there is the ability to sell our product direct to customers", this was supported further by Graham Margrain from Margrain Vineyard who wrote "without the contribution of small businesses surely Martinborough will be doomed to go the way of so many other rural towns across the country".
  46. The last witness was a member of the Martinborough Business Association, Connor Kershaw, who is also owner of the local Pain and Kershaw supermarket and Martinborough's Mitre 10. He said he had worked with Ms Coney since 2009 and explained that she takes her responsibilities seriously and is professional in everything she does.
  47. He said in comparison to the multitude of other cellar doors, the applicant's venue was special and very unique and is exactly what Martinborough needs. He added that Martinborough is both boutique and world class, where visitors bike between the venues. He said it is a multi-visitation place, and not homogenised like other wine regions in New Zealand. He believed more experiences like this will bring more people to the region and in turn, provide the ability for local wineries to sell more wine.
  48. When questioned by the Committee about the sector, Mr Kershaw explained that Martinborough had two very different markets. The weekday market was "price conscious" and the weekend market had "people wanting to buy wine and expensive champagne". He estimated that his weekend trade was 40% more than during the week.
  49. Mr Hight said that there was no ability in the licence application form to apply for only three months in the summer and confirmed that the venue would probably be shut for three to five months of the year, as it will depend on weather conditions. Ms Coney added that they would initially be open from Wednesday to Sunday, from September to April, again depending on the weather.
  50. Ms Coney said from her experience of running Coney Wines Cellar Door, the busiest hours are typically 12pm to 3pm or 4pm. Saturday and Sunday are certainly the busiest days of the week.

## OBJECTORS' EVIDENCE

51. The Committee received three written letters of objection which were included in the papers. These were noted by the Committee and taken as read.
52. Two of the objectors spoke to their objection. The primary objectors Mr and Mrs Broom, who were represented at the hearing by Mr Broom, live next door to the applicant at 27 Huangarua Road, and Mr Barton who lives 50m from the applicant at 35 Huangarua Road. The third objectors, Mr and Mrs Church, who live across the road from the applicant at 26 Huangarua Road, were away travelling on the day of the hearing, so did not appear.
53. Mr and Mrs Broom's written objections spoke to s105(1)(d),(e),(h) and (j) of the Sale and Supply of Alcohol Act 2012 and are summarised as:
- i. **Section 105(1)(d): Days and Hours**

The proposed alcohol sale hours of 11am–5pm (daily), will result in ongoing noise and disturbance from increased traffic (cars, bikes and on foot), music and general patron activity next to their property.
  - ii. **Section 105(1)(e): Design and Layout**

The location borders their property and is 'nestled' among other residential properties, while the fully outdoor operation raises concerns about persistent noise exceeding District Plan limits, despite mitigation efforts put in place by the applicants.

Their house is less than 5m from the parking bays at the western side of the house and it is less than 20m to the northern boundary fence.
  - iii. **Section 105(1)(h): Amenity and Good Order**

Anticipated noise from patrons, music, and vehicles could disrupt the enjoyment of their property, as well as their wellbeing.

Limited parking may result in patrons parking in front of their property.

They noted that the business is the only operation along Huangarua and Puruatanga Roads which is situated near neighbouring residential properties that are occupied by residents who are not the owners of the business.

The cellar door operation is incompatible with the 'tranquil and peaceful' environment.
  - iv. **Section 105(1)(j): Appropriate Systems**

Despite compliance requirements and noise management plans, they also doubted noise levels will consistently meet the District Plan standards due to continual activity and patron numbers.
54. Mr and Mrs Broom have lived at their property for 24 years. Mrs Broom was born and raised in Martinborough and after they got married they moved to the town to bring up their family. Mr Broom works from home and enjoys taking in the "quiet and serenity while he drinks his cup of coffee every morning on his deck". They both really enjoy living at 27 Huangarua Road and choose to live at the address because of the "peace and quiet in the rural lifestyle".
55. They live happily amongst normal rural noises such as tractors, sprayers and frost fans, but believe the noise from the venue will be very different from these noises and will emanate

from traffic, people and music. Although the applicant has undertaken measures to reduce noise, Mr Broom feels that the increase in noise will have an impact on their enjoyment of their property due to the extremely close proximity of the venue. Mr Broom explained that the driveway is only 5m from their house and the venue is on the northern boundary within 20m of their house.

56. Mr Broom acknowledged the mitigations put in place by the applicant such as the tar sealed drive, acoustic fences, berms at the entrance and speakers facing away from their property and the extensive noise plan, however, there will still be noise due to the extremely close proximity.
57. He further explained that there will be noise from cars moving up and down the driveway, people arriving on foot or by bike, music playing at the venue and patrons enjoying themselves.
58. He told the Committee that the sound of a single vehicle coming down the driveway seemed to be amplified by the echo effect of the fences on either side of the driveway and was enough to disturb the peace. The issue of the licences will significantly increase the traffic. The noise of cars arriving, people alighting, doors shutting, people leaving and every car having to use the turning bay to leave the venue.
59. He added that people on bikes often travel with portable speakers and it would be naive to think this wouldn't happen.
60. He said that irrespective of whether the noise was within permitted levels, they will still be able to hear it and it will certainly reduce the amenity of the locality for them by making it less pleasant and agreeable to live where they do.
61. Mr Broom also explained their concerns about parking on the street outside their property, as the venue has no street frontage, the only access was down a driveway, and with limited parking spaces. He added that one of the other objectors also shared these concerns.
62. Mr Broom said their principal objection lies under s105(1)(h) *Criteria for issue of licenses: whether the amenity and good order of the locality would likely be reduced, to more than a minor extent, by the effects of the issue of the licence.*
63. Mr Broom went on to point out to the Committee that in the Inspector's Report, Ms Turner had referred to s131(b) *Criteria for renewal: whether the amenity and good order of the locality would likely be increased, by more than a minor extent by the effects of a refusal to renew the licence.* He felt that the Inspector had applied the wrong test as there was a difference and asked the Committee to apply the test for s105(1)(h). He said under s131(b) if the licence was refused there would indeed be no change in the amenity and they would continue to live in peace and quiet.
64. However Mr Broom pointed out that under s105(1)(h) if the licences were granted, the amenity and good order would likely be *reduced* by more than a minor extent due to the increase in noise and the parking issues he had described. He said this error is fundamental and firmly believed that the legislation has not been applied correctly and the licences should not be issued on this basis.
65. Mr Broom went on to state that they wanted the Committee to know that they wholeheartedly support the growth of local wine business in Martinborough. If this venue, being anywhere but "literally on our back doorstep", they would likely be writing a letter of support of the application. He felt it was unfortunate that the location of the venue would have a major impact on their enjoyment of living where they do and similarly for the other objectors and again emphasised to the Committee that the issue of the licences would likely reduce the amenity and good order of the locality by more than a minor extent and

concluded that the licence does not meet the test of s105(1)(h) of the Act and therefore the licence should not be issued.

66. The Committee asked Mr Broom how much disturbance he experienced from the neighbouring vineyards, in particular Margrain when live music is playing. He said that Margrain was fine as it was quite a lot further away and the music is usually on Sundays in the summer and not every Sunday and only heard when the wind is blowing towards his house. He added that it wasn't offensive. He also doesn't hear anything from Schubert which he said was across the road.
67. Mr Broom was asked to clarify the distance from his house to the new cellar door venue. He said the 20 metres was from his house to his boundary fence, but the distance to the venue itself was greater than 20 metres.
68. When asked what outcome the Brooms were seeking, he reiterated that they didn't believe the licences should be issued because the application fails the test in the legislation.
69. The Committee asked Mr Broom whether he would accept a food-only operation at the same location if a licence wasn't issued. He said he was only dealing what was in front of him, and what the applicant was asking for was a liquor licence.
70. He was then asked whether he was using the sale and supply of alcohol act to potentially stop a business operation from occurring on his boundary. He added that the legislation has rules around how a licence should be issued and of those rules, it is the amenity test, and he said that this particular application fails that test.
71. Mr Broom was then asked by the Committee to list the specifics of where he believes the application fails the test according to the legislation. He again emphasised that the test is whether 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 licences. He stated that it was the impact of the noise and the nuisance that the issue of a licence causes that will reduce the amenity and good order of the locality to more than a minor extent.
72. Mr Broom was also asked whether he believed there would be even more traffic along the street as a result of a licence being granted. He said he thought the traffic wouldn't increase by much, but the problem was the traffic on the driveway and the fact the cars were angle parked and would need to use the turning bay and drive back up the driveway to get out on to the street.
73. The Committee appreciated Mr and Mrs Broom's point of view on the potential changes that would occur if the venue opened, as they had lived at the same property since 2001, and also understood Mr and Mrs Broom were exercising their legal rights to object to the applicant being granted an alcohol licence.
74. The Committee also acknowledge a misunderstanding by Mr and Mrs Broom to the reference made in the Chair's opening comments about the order of events. It appears the objectors thought they had the opportunity to present a closing statement. This was unfortunate as there were only two parties at the table for this hearing, the Applicant and the Inspector. It has been noted that the Committee needs to be much clearer who the parties are and who has closing statement rights in its opening comments going forward.
75. Mr Barton spoke to his written objection which focused on the new venue creating an increase in noise and the fact that his vineyard borders the venue, where there were active tractors, the spraying of herbicide and pest control, which he felt would raise the potential for further conflict between the applicant and the lessee of his vineyard.
76. Mr Barton moved to his property in 2006 to enjoy the peace and quiet. He said things had changed in Martinborough over the years, and in particular there were a lot more groups,

they were bigger and generated a lot more noise. Although he later admitted that he had only been living permanently at the property since 2021.

77. He stated that the venue would have no control on the activities that were happening on his vineyard which was right next to the venue. They would be serving food and alcohol where chemicals are sprayed, especially in spring.
78. The Committee asked Mr Barton to clarify whether he was thought there would be reverse sensitivity issues, to which he said there could be.
79. When asked if he was objecting to the noise of the venue, but was happy with the noise from his own business operations, he said that that was correct.
80. Mr Barton leases his vineyard to Escarpment Vineyard. The Committee noted that amongst the applicant evidence was a note that the General Manager of the Escarpment Vineyard had confirmed that spraying chemicals would not be a problem as they spray their site first thing in the morning, which would mean they would be off site when the venue was open. The manager also added that the prevailing wind is a north-westerly and would push any spray drift in the opposite direction to the venue.
81. Later in the hearing the Committee asked the applicant to confirm what conversations had been had and how this reverse sensitivity was going to be managed. Mr Hight restated that Martinborough is a "collaborative town, where people live and work beside each other". He said he knows the Escarpment General Manager well, and has spoken to him about what they are doing at the venue and he was reassured that it would not be a problem because they have a circular schedule and will ensure that the block next to the venue will be the first one of the day. He added that spraying was typically done early because invariably the wind picks up later in the day.
82. When asked about whether other wineries had the same issues with vineyards, Mr Barton explained that the wineries owned their vineyards and could therefore control the spraying schedule.
83. Mr Barton said that in his opinion the location of the venue was in the wrong place. Later, when questioned by the Committee, Mr Hight explained that they took advice and there were no other options to put the venue somewhere else, as the sub-soil overlay for the district is about protecting the special soil. As it was, they had to pull out some of the vines to make space and another location would have meant putting in a new driveway, which again would have disrupted the special soils.
84. As Mr and Mrs Church did not appear at the hearing, the Committee noted their objection and took their letter as read.

## **LICENSING INSPECTOR'S EVIDENCE**

85. The Committee noted the Inspector's reports for the on and off licences and they was taken as read. The Licensing Inspector did not oppose the application
86. Ms Turner acknowledged the concerns of the objectors. She looked at what mitigations were in place and what the applicant had undertaken with regard to the numerous mitigations to comply with s105 of the Act, such as reduced days and hours and being a daytime operation, and she did not think it was at odds with other surrounding activities in the area given there are many vineyards and wineries amongst residential properties along the same stretch of road.

87. She said the applicant has opted for daytime hours which is less than the other winery cellar door businesses in the same stretch of road and the wider Martinborough region.
88. She explained that the applicant had done the landscaping in a particular way. She felt that the sound bund and the noise management plan was above and beyond what she would normally expect to be supplied for a winery cellar door on and off licence application, as well as featured items like the placement of speakers and having the sound measuring devices. She also acknowledged the acoustic fencing to help mitigate the concerns.
89. Ms Turner also acknowledged the query raised by Mr Broom over the wording used with regard to criteria in s105(1)(h) versus s131(b), which is for a renewal. She stated that although the wording is different, the content is the same, and said she took her inspection and all her investigations outlined in her report with consideration of a new licence and not a renewal.
90. She concluded that the proposed activities complied with the Act and acknowledged that all new licences are granted for one year, which is in effect an unofficial "probationary period", so that allows time to look at how the processes are run throughout the year. If the Inspectors receive complaints that reduce amenity and good order such as noise and vandalism, then this information is collected and presented at the time of renewal. She made it clear that just because a licence was granted, it didn't mean that it would be renewed.
91. Ms Turner confirmed that she took the COC into consideration when she looked at the application. She said this was above and beyond what she would normally see in an application.
92. When questioned, Ms Turner confirmed that the normal hours of operation for this type of business was 10pm for an on licence and 9pm for an off licence. The maximum hours was until 1am, although she thought it wouldn't be unusual for an onsite dining premises or a winery cellar door to have a licence to 1am. She said the applicant's hours were significantly shorter.

#### **SOUTH WAIRARAPA DISTRICT PLANNER**

93. The Committee requested that a South Wairarapa Planning Officer be available to answer any questions it may have and Mr Gulson attended the hearing on behalf of SWDC.
94. Mr Gulson confirmed that a COC is a certificate, which ensures a proposed activity, whatever that may be, complies with all provisions in the relevant District Plan, in this instance is the Wairarapa Combined District Plan.
95. The Committee asked if there was an opportunity for the public to object to a COC and Mr Gulson replied that there was no opportunity because it was a permitted activity.
96. When questioned whether the setbacks met the requirements of the current district plan, Mr Gulson said his understanding was that the accessory buildings were 5m from the boundaries and therefore meet the requirements.
97. When it came to the speakers being set at 60 decibels, Mr Gulson said the Council would have looked at the existing rural chapter in the Operative District Plan and the

corresponding general noise rule in this chapter, the assessment of this would ensure it was compliant with the relevant rules.

98. Mr Gulson also confirmed that the process to obtain a COC is rigorous. The Council would need to see some highly significant evidence from an expert to show that things like noise will comply. The applicant would have to be able to prove the noise levels and then have it peer reviewed.

## RELEVANT LEGISLATION

### 99. Section 3. Purpose

- (1) The purpose of Parts 1 to 3 and the schedules of this Act is, for the benefit of the community as a whole,—*
- (a) to put in place a new system of control over the sale and supply of alcohol, with the characteristics stated in subsection (2); and*
  - (b) to reform more generally the law relating to the sale, supply, and consumption of alcohol so that its effect and administration help to achieve the object of this Act.*
- (2) The characteristics of the new system are that—*
- (a) it is reasonable; and*
  - (b) its administration helps to achieve the object of this Act.*

### 100. Section 4. Object

- (1) The object of this 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 minimised.*
- (2) For the purposes of subsection (1), 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 paragraph (a).*

### 101. Section 105. Criteria for issue of licences

- (1) 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:*
  - (b) the suitability of the applicant:*
  - (c) any relevant local alcohol policy:*
  - (d) the days on which and the hours during which the applicant proposes to sell alcohol:*
  - (e) the design and layout of any proposed premises:*
  - (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:*
  - (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:*
  - (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:*
  - (i) 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:*

- (j) whether the applicant has appropriate systems, staff, and training to comply with the law;*
- (k) any matters dealt with in any report from the Police, an inspector, or a Medical Officer of Health made under section 103.*

*(2) 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.*

**102. Section 106 Considering effects of issue or renewal of licence on amenity and good order of locality**

*(1) In forming for the purposes of section 105(1)(h) an opinion on whether the amenity and good order of a locality would be likely to be reduced, by more than a minor extent, by the effects of the issue of a licence, the licensing authority or a licensing committee must have regard to—*

- (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.*

## **REASONS FOR THE DECISION**

### **Criteria to be considered**

- 103. The Committee was satisfied that the application and supporting documentation met the criteria as set out in s100 of the Act.
- 104. Section 105(1)(a) of the Act requires the licensing committee to have regard to the object of the Act and in particular that the sale, supply and consumption of alcohol should be undertaken safely and responsibly.
- 105. It must also consider s3 of the Act together with s4 whilst administering the Act in a reasonable manner and for the benefit of the community as a whole.
- 106. Section 105(1)(b) says that the applicant must be a suitable entity to hold a licence. In this regard the suitability of the applicant was not challenged by any of the reporting agencies, and given the good conduct, history and experience in the alcohol and hospitality sector by its owners Lisa Coney and Russell Hight, the Committee considered the applicant suitable to hold a licence.
- 107. However since the objections to the application were specifically made in relation to s105(1)(d),(e),(h) and (j) of the Act, it is these sections that the Committee are specifically addressing in this decision.

### **Section 105(1)(d)**

- 108. The Committee was satisfied the application for the days and hours of sale met the criteria as set out in s105(1)(d) and noted the comments made by the applicant during the hearing that the venue would probably be operating reduced hours, limited days of the year i.e. during the summer months, and the fact that the application was for shorter hours than many of the other winery cellar doors in Martinborough.
- 109. The Committee concluded that it was highly unlikely that the operation will be open every day of the week or for most of the day, or all year round. It is more likely that it will be open

when the weather is favourable, and mostly at weekends during the summer months when Martinborough receives the majority of its visitors.

#### **Section 105(1)(e)**

110. The Committee was satisfied the design and layout met the criteria as set out in s105(1)(e). Whilst the Committee had a great deal of empathy with the objectors, given they had lived at their property since 2001, and a change in the normal sounds around their property was obviously not welcome, the Committee was satisfied that the applicant had gone above and beyond in their efforts to try and mitigate the volume and potential nuisance from these sounds, including the bund landscaping of the venue, the tar sealing of the driveway, the acoustic fencing, and the positioning and volume regulation of the music speakers.
111. There is, of course, no evidence of noise level issues coming from the venue as it has yet to open, however the Committee would expect the applicant to ensure that levels are monitored and kept within the levels outlined in the noise management plan submitted to the Council.
112. The Committee strongly advises the applicant to regularly sweep the driveway to ensure that noise from moving vehicles is kept to a minimum.

#### **Section 105(1)(h)**

113. The main issues affecting the amenity and good order of the locality described by the objectors appear to be focused on noise, patron traffic and parking on the street.
114. The Committee appreciated Mr Broom pointing out the difference between s105(1)(h) and s131(b) during the hearing. As the applications being heard were addressed under s(105) of the Act, this is the legislation the Committee have referred to in this decision.
115. The Committee noted that the Licensing Inspector had indeed referenced that *"The amenity and good order of the locality would unlikely change if the licence was refused. On this basis, the amenity and good order of the locality would not be likely to be increased, by more than a minor extent, by the effects of the refusal to grant this licence,"* in both their reports. However, the Committee were satisfied with the Inspector's intent, i.e. would the amenity and good order of the locality be changed by more than a minor extent?
116. The Committee weighed this up against the evidence and on balance was satisfied that the amenity and good order of the locality would be likely to be reduced to no more than a minor extent by the effects of the issue of the licence and therefore it met the criteria as set out in s105(1)(h) and s106(1).
117. The Committee acknowledge that it has no jurisdiction over street parking. That is a Council issue as the Council maintains the berm. The Committee took on board the comment that there were more parking spaces than the other vineyards in the street and that most patrons seem to arrive by bike. Whilst acknowledging that it is actually quite difficult to know if a car parked on the berm is a patron of the venue, the Committee strongly advises the applicant to manage the venue capacity effectively to avoid crowding issues out on the street.

#### **Section (105)(1)(j)**

118. The Committee is satisfied that the applicant has put in place appropriate systems, staff, and training to comply with the law as set out in s105(1)(j) so that the sale, supply and consumption of alcohol is undertaken safely and responsibly, and so that no harm will be caused by the excessive or inappropriate consumption of alcohol.

119. The Committee were also satisfied that the applicant has the appropriate systems and procedures to manage the levels of noise outlined in the noise management plan.
120. The Committee strongly advises the applicant to keep a log of all noise incidents.

### Case law

In coming to its decision, the Committee also looked to ***Pahia Saltwater (2001) Limited PH 391/2001***:<sup>2</sup>

121. In his decision, Judge EW Unwin gave credit to the applicant's approach to potential noise issues. *"We will always give full credit to those holders who acknowledge any existing noise problem and try to do something about it. In our view the term 'host responsibility' does not exclude the people who live nearby."*
122. The applicant has taken its host responsibilities seriously by contacting and including neighbours early on in the process, and as the Inspector said they had gone "above and beyond" what other winery cellar door businesses put in place to mitigate issues with noise.
123. Later in the decision the Judge stated that *"Many licensed premises have shown that they can operate in harmony with their residential neighbours. It is no coincidence that managers and owners of such premises also show a commitment to the reduction in liquor abuse."*
124. The applicant appears to have an excellent record in the hospitality industry, and to be eminently qualified to run a winery cellar door business as they have had a long experience of successfully working in the wine sector in Martinborough.
125. The Judge went on to point out that *"Some of the concerns of the objectors were related to resource management issues which are outside the jurisdiction of the Authority. Given both a suitable applicant and a Resource Management certificate, as in this application, a liquor licence is granted under present legislative provisions. The tailoring of conditions in each licence to meet a particular factual situation is the responsibility of the Liquor Licensing Authority, or if unopposed, the District Licensing Agency. In these circumstance of this case, we do not hesitate to grant the hours requested."*
126. The Licensing Inspector has pointed out that an initial licence is restricted to one year and is in effect a "probationary period". If any significant issues arise there is the option for the licence to be reassessed and to not be renewed.
127. The Committee also noted what was in ***Cayman Holdings Limited LLA 145/2011***<sup>3</sup>: *"The Authority's approach has been to satisfy itself that the applicant is suitable and will uphold the law. The Police or District Licensing Agency Inspector are empowered to apply to vary, suspend or cancel a licence pursuant to s.132 of the Act if problems arise. Apprehension of problems alone is not sufficient to prevent a suitable applicant, particularly one supported by a District Licensing Inspector and the Police from exercising rights granted by the District Council."*
128. In addition, the Committee has taken into account that the business operation has been through the COC process and as a permitted activity believes that the applicant be given an opportunity to make a sustainable living from that activity.

### DECISION

129. The South Wairarapa District Licensing Committee is satisfied as to the matters to which we must have regard as set out in s105 and s106 of the Act.

<sup>2</sup> *Pahia Saltwater (2001) Limited PH 391/2001*:

<sup>3</sup> *Cayman Holdings Limited LLA 145/2011*

130. The Committee believes that this proposal will be a low-risk activity if the checks and balances put in place are followed.
131. The Committee, in accordance pursuant to the Sale and Supply of Alcohol Act 2012 grants both a ON and Off Licence to Rabbit 22 Limited for a period of one year, pursuant to s122(1)(b).
132. In addition to the suggested conditions listed by the Inspector in their report dated 21 October 2025, the applicant must also comply with the following discretionary conditions pursuant to s117 of the Act:
- i. Adhere to the noise management plan developed by SLR dated 15 January 2025 and submitted as part of the Certificate of Compliance application;
  - ii. Keep an updated log of all noise incidents, including those dealt with internally by staff within the premises;
  - iii. Ensure the driveway and parking spaces are regularly swept for loose gravel to reduce the noise impact of moving vehicles;
  - iv. Cap the number of patrons to a maximum of 60 people and place signage at the entrance of the driveway to inform the public that the venue is full if the premises reaches capacity;
  - v. Keep a log of the days and the hours the premises is open to the public; and
  - vi. Limit all public activity at the premises to the hours indicated on the licences.

**Dated at Martinborough on 9th December 2025**

Signed:

*C Rossiter-Stead*

Catherine Rossiter-Stead  
Commissioner  
South Wairarapa District Licensing Committee

On behalf of:  
Robyn Cherry-Campbell  
Craig Bowyer.