

BEFORE THE QUEENSTOWN LAKES DISTRICT COUNCIL

IN THE MATTER OF of the Resource
Management Act 1991

AND

IN THE MATTER OF the Queenstown Lakes
Proposed District Plan
Submissions and
Further Submissions on
Chapter 12 Queenstown
Town Centre

BY Imperium Group

STATEMENT OF EVIDENCE BY JAMES JOHN CAVANAGH
Dated 6 December 2016

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1. Introduction

- 1.1 My full name is James John Cavanagh of 82 Jacks Point Rise, Jacks Point, Queenstown.
- 1.2 I am employed by the Imperium Group (“Imperium”) as the General Manager of The Spire Hotel (“The Spire”) and Eichardt’s Private Hotel (“Eichardt’s). I am authorised to give evidence on behalf of Imperium.
- 1.3 Imperium is a Melbourne based company owned by Andrew Cox. Imperium is comprised of a number of businesses including the franchise business TGI Fridays throughout Australia, Australian Graphic Supplies Pty Ltd based in Brisbane, Wardrobe World which has a dealer network throughout Australia and the Melbourne Rebels Rugby Union Pty Ltd.
- 1.4 The Spire and Eichardt’s form part of the Imperium Collection of hotels. Imperium Group Holdings Limited has operated the two hotels since 2010 (Eichardt’s) and 2014 (The Spire). These hotels pride themselves on the ability to give our guests a luxurious and stay without interruption and disturbance.

2. Submission and further submissions

- 2.1 Imperium filed a submission on the Proposed District Plan (“PDP”) (#151). Generally speaking, Imperium’s submission focused on its concerns about adverse noise effects on its existing premises arising from the less stringent noise rules proposed for the Queenstown Town Centre Zone (and the Town Centre Entertainment Precinct in particular). Imperium also lodged various further submissions supporting and opposing original submission of other submitters (#1318).

3. Current and past noise environment

- 3.1 In my time at The Spire and Eichardt's, both hotels have experienced a number of complaints from guests regarding the noise emanating from Vinyl Underground, The Club, The World Bar and Winnies.
- 3.2 On 2 March 2015 at a hearing of the District Licensing Committee in respect of the application from Badger Bars Limited for a new on-licence for "Vinyl Underground", Rahul Sharma and I gave evidence regarding the number of noise complaints The Spire had received as a result of excessive noise. Rahul Sharma was the night auditor employed by The Spire at that time.
- 3.3 Rahul referred to numerous occasions on which he had been required to call Noise Control, between 25 October 2014 and March 2015. The complaints dealt with by Rahul are set out in Annexure "A". These complaints relate to bass noise, loud music and yelling from patrons of the neighbouring licensed premises.
- 3.4 As a result of District Licensing Committee hearing, the trading hours for "Vinyl Underground" were reduced. The premises were only permitted to trade until 2.00am.
- 3.5 This year we have received a number of complaints from guests at The Spire regarding the noise levels at "The World Bar", "Vinyl Underground" and "The Club".
- 3.6 The management of these premises simply do not consider the effects of our guests when taking kegs outside or music equipment or when moving outside furniture in the early hours of the morning, or simply leaving open doors or windows.

- 3.7 We have filed objections with the District Licensing Committee in respect of applications from these premises for liquor licences pursuant to the Sale and Supply of Alcohol Act 2012. The objection in respect of “The World Bar” was subsequently withdrawn as a compromise position was reached and the management of “The World Bar” agreed to amend its application to seek trading hours until 2.30am. The original application requested trading until 4.00am each day.
- 3.8 We have also received complaints from guests at Eichardt’s in respect of noise coming from a bar in the Mall, known as “Winnies”.
- 3.9 On a number of occasions we have been required to call the Noise Control Service to report the noise levels which have been unacceptable, and have interrupted our quiet enjoyment of both hotels. This has been extremely detrimental to our operations. Guest complaints have been frequent. The complaints can lead to negative reviews on sites such as Trip Advisor and this has an effect on us in the longer term, as well as damaging our reputation in the eyes of influential travel agents.
- 3.10 The complaints received since 3 June 2015 are summarised in Annexure “B”. This noise is created by loud music, especially when doors are open and the noise of people exiting the premises in the early hours of the morning.
- 3.11 Our guests complain to the reception staff and the management about the interruption to sleep. Some have booked for several nights but cancel after the first night.

3.12 We have also found the response from the Council staff and the staff employed by the after-hours Noise Control Service to be ineffectual. The Council does not appear to enforce the noise limits.

3.13 The contractors who deal with after-hours complaints do not promptly respond to complaints. They also have unreasonable requests such as wishing to speak to our guests and to enter the guest rooms.

4. Noise insulation

4.1 The costs for The Spire and Eichardt's to retrofit sound proofing to deal with increased noise levels in the Town Centre would easily be upwards of \$100,000.00.

5. Summary

5.1 In summary, Imperium requests that Council take account of the amenity of existing noise sensitive premises when reviewing noise levels in the Town Centre Zone.

James Cavanagh

6 December 2016

Annexure "A"

Complaints logged with Noise Control between 25 October 2014 and March 2015

Date	Time	Issue
25/10/2014	2:15	Called Noise Control, excessive bass noise coming from Vinyl Underground. Guests called down to reception. Noise clearly audible from inside guest rooms.
26/10/2014	2:00	Police arrived at hotel to check for noise, noted that it was quieter than usual (normally becomes more noticeable 2:30 am to 4:00am).
27/10/2014	2:35	Called Noise Control, loud noise coming from Vinyl Underground. Noise was loud on balconies and could be heard inside rooms on the ground floor
01/11/2014	2:05	Called Noise Control, loud bass and music from Vinyl Underground. The bass is that high that you can feel the vibration inside the guess rooms and reception.
02/11/2014	2:35	Called Noise Control as the bass was too loud in Vinyl Underground.
02/11/2014	3:32	Called Noise Control again regarding the noise level in Vinyl Underground and getting a feedback on the earlier complaint.
05/11/2014	2:07	Called Noise Control as the bass was a bit loud in Vinyl Underground.
06/11/2014	1:38	Live music from Vinyl Underground and noise coming as the back door open
06/11/2014	2:55	Called Noise Control again the band was not playing anymore but the bass was pretty loud whenever the door was open.
07/11/2014	3:40	Called Noise Control, loud bass was making the windows vibrate. Requested feedback from guard so I could see if they were over the limit.
08/11/2014	12:20	Called Noise Control to log guest complaint from Room 3, waited to send out guard until it gets louder.

08/11/2014	1:15	Called Noise Control to send out guard to Vinyl Underground. Also asked if they could check The Club because the music was louder than usual.
09/11/2014	2:25	Called Noise Control as the bass was loud in Vinyl Underground.
16/11/2014	2:45	Called Noise Control, they play the same songs with heavy bass each night from 2:30 am to 4:00 am. Requested feedback
19/11/2014	3:00	Called Noise Control as the bass was loud in Vinyl Underground.
23/11/2014	12:30	Called Noise Control, live band playing in Vinyl Underground
23/11/2014	2:45	Called Noise Control, heavy bass from Vinyl Underground
23/11/2014	2:45	Called Noise Control, heavy music from The Club when they open the door to let people in and out
25/11/2014	3:00	Called Noise Control, bass sound from Vinyl Underground
27/11/2014	1:20	Called Noise Control, a band was playing in Vinyl Underground
28/11/2014	2:35	Loud bass sound from Vinyl Underground
29/11/2014	2:30	Loud bass sound from Vinyl Underground
03/12/2014	3:45	Loud bass sound from Vinyl Underground
14/12/2014	2:55	Loud bass from Vinyl Underground
03/01/2015	0:40	Noise from door opening at The Club
13/02/2015	1:59	Noise from door opening at The Club
14/02/2015	2:35	Loud bass noise from Vinyl Underground
19/02/2015	3:55	Loud bass noise from Vinyl Underground and the patrons screaming really loudly
20/02/2015	2:53	Loud bass noise from Vinyl Underground. Very angry email received from Room 9, guest wanting to move rooms, requesting a refund.

21/02/2015	2:45	Reported excessive loud music from Vinyl Underground. Also spoke with Vinyl Underground Duty Manager, Jake and also their doorman and asked them to turn the music down as it could be heard from all areas of The Spire – I was told he would ask to have it turned down.
22/02/2015	3:00	Loud bass and music noise from Vinyl Underground and The Club

Annexure “B”

Complaints logged since 3 June 2015

Date	Time	Issue
03/06/2015	1:29	Extremely loud music coming from Vinyl Underground (live music)
16/01/2016	2:00am	Noise from Winnies.
17/01/2016	1:55AM	People were shouting around The World Bar
25/01/2016	1:00AM	Noise from Winnies.
26/01/2016	12:30am	Noise from Winnies.
26/01/2016	1:50am	Noise from Vinyl Underground, bass is incredibly loud outside again.
31/01/2016	1:30am	Noise from The World Bar, the music was very loud.
02/02/2016	12:30am	Noise from Winnies.
04/02/2016	11:00pm	Noise from The World Bar, the music was very loud.
12/02/2016	12:11	Noise from The World Bar, bass very loud
13/02/2016	1:30am	Noise from Vinyl Underground, Very loud music from the back door
14/02/2016	1:00am	Noise from The Club, Extremely loud noise when the front door opening.
14/02/2016	1:00am	Noise complaint from Room 5. Noise from Winnies,
15/02/2016	12:33am	Noise from Winnies.
16/02/2016	12:00am	Noise from Winnies.
05/03/2016	1:15am	Noise from The Club, Extremely loud music as the front door opened.
09/04/2016	11:00pm	Noise complaint from Room 9. Noise from The Club
22/04/2016	1:30am	Noise complaint from Room3. Noise from The Club
24/06/2016	11:00pm	Noise complaint from Room 7. Noise of crowd outside the bars and music.
25/06/2016	2:00am	Noise complaint from Room 5. Noise from Winnies

Date	Time	Issue
02/07/2016	1:00am	Noise from Winnies and the busker outside.
03/07/2016	12:00m	Noise from Winnies
15/07/2016		Guest from Room 3 complained about the noise next day
22/07/2016	3:00pm	Guest from Room 4 complained about the noise from The Club next day
23/07/2016	2:30am	Guest from Room4 complained again about the noise from The Club
30/07/2016	2:30am	Noise complaint from Room 7, loud music from The Club
02/08/2016	11:00pm	Noise complaint from Room 3, loud bass and patrons from The Club.
05/08/2016	11:45pm	Noise complaint from Room 3, loud bass and patrons from The Club.
06/08/2016	10:30pm	Noise complaint from Room 1 at The Spire from the bass noise and crowds outside
29/08/2016	1:00am	Noise from The Club. Gay Ski Week Party.
04/11/2016	8pm and 3am	Morning of 5 November. The Club was loud
07/11/2016	100	Noise from Winnies, very loud in Eichardt's public areas
07/11/2016	12.15am	No noise complaint but was very loud with bass
08/11/2016	12pm/1am	Bass very loud from The World Bar. No noise complaints from guests.
08/11/2016	1am-2.30am	Drunk patron trying to get in back doors to The World Bar and Vinyl Underground
17/11/2016	10:45pm-2:20am	People using side door, back door and excessive noise.
18/11/2016	1.05am/2.30am	Bass very loud at Vinyl Underground

04/12/2016	1.30 am	Loud music and street noise from The World Bar – they have an ‘event’ on. Requested assistance from Police on street at the time – none provided. Noise Control called.
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