July 4, 2014

RE: JOINT NEWMARKET / PARNELL LAP SUBMISSION

To whom it may concern

Please find our joint submission in response to the DRAFT LAP PROPOSAL.

The Parnell Business Association & the Newmarket Business Associations firmly believe the current draft LAP policy suggestions place both Parnell & Newmarket at a distinct disadvantage to other Auckland Metropolitan areas, Ponsonby & CBD in particular. Both Parnell and Newmarket should be rezoned as Broad Area A, anything other than this is anti-competitive and anti-business.

We also advocate maintaining the current closing times (4:00am) which are substantiated by statistics showing public place assaults and disorder offences in Auckland Central Station are declining[1]. Further testimony is enclosed in the submission to our above main point. We advocate maintaining the current law – no alcohol sold between 4am and 8am nationwide, apart from Casinos – with on premises able to open earlier but not for sale of liquor. These timings are substantiated by statistics showing public place assaults and disorder offences in Auckland Central Station are declining (ref below). Any policy changes to the hours alcohol is available for sale needs to be consistent across Metropolitan Centres. Some Metropolitan areas cannot be favoured for Broad Area A zoning above others, this would be economically detrimental to the areas zoned Broad Area B.

Parnell & Newmarket have a long history as nighttime destinations for Aucklanders. As part of our on-going strategy to keep evolving and develop vibrant, dynamic, people-focused precincts we must, as a bare minimum, be able to compete on the same playing field as Ponsonby/CBD. Our responsibility is to encourage new businesses to stimulate our respective precincts hospitality sectors and therefore help Auckland become the World's Most Livable City. Innovative hospitality coupled with excellent host hospitality standards are key to our growth objectives. The proposed policy will impede not just existing licensees but also any future growth in the hospitality sector with a knock-on effect to ALL businesses in the precinct. This is unacceptable and not future focused.

In conclusion, the policy does not support the objective of these areas as part of the Waitematā City Fringe Economic Development Action Plan - *the innovative economic hub where people want to live, work, study, play and visit.*

On behalf of our mutual precincts we send this joint submission in good faith. Parnell and Newmarket must not be overlooked and must be treated equally, anything less is anti-competitive and anti-business, and not in the wider interests of Auckland's future growth and development

Yours faithfully

CHERYL ADAMSON
Parnell Inc

DONNA CORBEL
Newmarket Business Association

[1] NZ Police Statistics, May 2014.

# Draft Response LAP

Tell us what you think about the draft Auckland Council Local Alcohol Policy.
Submit online at shapeauckland.co.nz or post us this completed form.

Completing a submission ensures you can participate in the hearings and appeal stages of the process.
Before making your submission we recommend you read the draft policy and supporting material available: online at shapeauckland.co.nz, at council service centres and public libraries. You can also call us on 09 301 0101 or email LAP@aucklandcouncil.govt.nz for a hard copy.

Your submission
For your submission to be valid, you must include your full name, a postal address and/or email address. Please also provide a contact number if you wish to speak at a hearing. Your submission (including your name) will be publicly available in council reports and online, but your contact details will be kept private.

Do you wish to speak in support of your submission at a public hearing?
☐ Yes ☐ No

You are making a submission on behalf of:

☐ Licensee/industry organisation ☐ Yourself

☐ Community organisation/group ☐ Other

Name of organisation: Parnell Inc

## Your details

| | |
|---|---|
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| Signature: Date: | Signature: Date: |

**Which proposals in the draft Local Alcohol Policy (LAP) do you support? Please provide your views and comments below.**

## Policy areas

1. Dividing of Auckland into three areas (Broad Area A: Central City, Ponsonby and Newton; Broad Area B: the rest of Auckland and Priority Overlay: areas of high alcohol-related harm).
(See the draft LAP: Section 2; Appendices A and B).

☐ Support ☐ Do not support ☐ No view

2. The use of a "Priority Overlay" to identify areas where there should be stronger controls over alcohol sales. (See the draft LAP: Section 2; Appendix B).

☐ Support ☐ Do not support ☐ No view

3. Comments on Broad Areas A, B and Priority Overlay?

The designation of the boundary of Broad Area A versus Broad Area B, is anti-competitive, anti-business and will damage the economic performance and growth of Parnell & Newmarket if the proposed changes are made.

Newmarket/Parnell vs. Ponsonby/CBD?

This policy contradicts the Unitary Plan, the City Fringe Economic Plan and the Auckland City Centre Master Plan – all of which classify the areas Ponsonby, K Road, Eden Terrace, **Newmarket** and **Parnell** as part of the city fringe.

Either Broad Area A should comprise the CBD, classified as the areas contained within the motorway, or all of the fringe areas should be included in Broad Area A, but to single out Ponsonby Rd, K Road and Newton as against Parnell and Newmarket is blatantly anti-competitive and takes no cognizance of local economic development objectives and strategies.

The response offered as to why Ponsonby was offered later trading hours versus Parnell & Newmarket was that current operators in Ponsonby were trading later than in Parnell & Newmarket. The thinking that current demand should be the guideline, especially in fringe areas, takes no account of trends in patronage and consumer behaviour – not to mention competitive leasing objectives. One or 2 good hospitality providers can have a dramatic and positive affect on the economic performance of an area. They can make a neighbourhood or street more desirable and fashionable and change the perceptions of a precinct. Ponsonby is great case-study here, it was a depressed area 30 years ago with little happening. In more recent times Britomart has undergone a transformation. A few key hospitality outlets subsequently attract other retail businesses and that in turn stimulates leasing in commercial areas, as people also want to work in trendy, more vibrant areas. Newmarket & Parnell have invested heavily into growing their respective hospitality sectors with targeted development and will continue to do so. These proposed restrictions will immediately disadvantage both Parnell and Newmarket in the eyes of prospective investors due to the restrictions in place and the red tape and cost of over-coming these. They will set up in areas with fewer restrictions. This is a complete contradiction to our mutual strategies of increasing the hospitality sector with desirable providers, thereby increasing the vibrancy and excitement of these areas not to mention the economic health.

Suggesting that Parnell & Newmarket have more restricted closing times than Ponsonby/CBD and K Road, is not just about whether the current businesses would support this, but whether potential future businesses would see this as restrictive, placing us on a non-competitive playing field, and less desirable from a leasing perspective. In time with this policy in place, it will be to the detriment of our precincts, not just because of bars and clubs, but because of the unintended consequences of this policy. There will be the slow decline in economic viability for other businesses. It is absolutely not future focused.

[MKT1]
Newmarket currently has 12,500 daily commuters; this is anticipated to double over the next few years with the Westfield 277 extension and the development of the Auckland University site on Khyber Pass. Newmarket is on an upward trajectory and becoming a vibrant world- class destination in the World's Most Livable City.

[MKT2]
A statement from the company employed by the NBA to augment Police patrol - Cityguard's managing director, Alan Young stating Newmarket does NOT have an issue with alcohol related harm;
"I have been providing a dedicated Commercial and Community funded Security Service for the Newmarket Business Association and the wider Commercial business operators in Newmarket for 11 years. In this time I have never considered Newmarket as a "problem area", not that it is without issues such as street disorder, burglary, theft ex car and unlawful taking, alcohol related issues are a non-event. The bars and restaurants in Newmarket serve a more educated and responsible audience, given the surrounding neighbourhoods this is not surprising, those larger licensed premises who have live music attract a younger age group, however they are well managed and their patrons are well behaved.

In comparison to other areas such as the Viaduct and Princes Wharf, areas which I also manage, there is none. The age difference is significant, the bar and club profiles are vastly different and we do not see the drunken behaviour in Newmarket as we do in these areas." Alan Young, Managing Director, Cityguard NZ Limited.

Page 35 of the Statement of Proposal, (point 2.2) states that "Policy provisions for Broad Area B aim to direct alcohol-related commercial activities into centres, particularly Metropolitan Centres, and minimise the effect of these activities on the amenity of residential areas and the wellbeing of Aucklanders". In the Unitary plan, much of Parnell is classified as a Town Centre (the same as Ponsonby), and Newmarket as a Metropolitan Centre - which does not support the boundary restrictions and supposed purpose as stated above.

In terms of current licensees:-
Currently, few licensees trade past 1am, this is set to change with our targeted growth strategy to attract an more desirable providers to the area. Any restrictions imposed will on our two precincts will likely have the following effects;

- Patrons who were anticipating a night out or planning a special event will be deterred and may choose a venue outside of our area
- Several venues in Parnell are often hired for special events, from corporate events to weddings, and the anti-competitive policies proposed will negatively impact their business development
- Patrons within a venue will likely leave a premise earlier in order to get to another premises to spend the remainder of the evening, to align with the proposed one door policy
- Some of our licensees estimate this decision could impact up to 2 hours of trading as patrons would want to get to the second premises and 'settle in'.

[MKT3]

## Newmarket/Parnell vs. South of Auckland?[MKT4]

The classification of the likes of Parnell and Newmarket, lumped together as 'the rest of Auckland' is equally in conflict with all the other Auckland Council Plans as quoted above. Parnell and Newmarket are on main arterial routes leading into the city – they are not suburban or neighbourhood, they have a mixture of densified retail, commercial premises and limited residential.

The demographic populations of Parnell & Newmarket are discerning, older and generally more stable. These are not areas with 'high outlet densities, levels of deprivation & youth that experience disproportionately high levels of alcohol-related harm'. Most of the consumption of alcohol is combined with the supplementation of food under controlled hospitality standards.

Page 101 of the Statement of Proposal (2.1.2) defends the delineation saying, "Early in the policy development, more broad areas were proposed, including a separate broad area for Metropolitan Centres. However, feedback was received that the Metropolitan Centres are still developing, and most are not yet fulfilling the aspirational roles described in the Unitary Plan". This description certainly does not apply to either Parnell or Newmarket. Both areas have existing sophisticated infrastructure and a long history of hospitality provision. Both areas are also ideally positioned for further future development and growth.

**For all the reasons above, the current draft policy suggestions would place Newmarket & Parnell at a distinct disadvantage to Ponsonby/CBD in particular, Newmarket & Parnell must be rezoned as Broad Area A.** Parnell & Newmarket must be able to compete equally with Ponsonby/CBD. Innovative hospitality along with excellent host hospitality standards are key to our growth objectives. Both the Parnell Business Association & the Newmarket Business Association do not believe the policy takes any account of the knock-on effect this could have, by initially precluding the area with restrictive trading. It would certainly not support the objective of these areas as part of the Waitematā City Fringe Economic Development Action Plan - the innovative economic hub where people want to live, work, study, play and visit.

On-licences (bars, restaurants, taverns etc.)

4. Before deciding on whether to grant higher risk new on-licences, the surrounding environment, including existing licences should be considered. (See the draft LAP: Sections 3.1; 4.1).

☐ Support ☐ Do not support ☐ No view

5. **The standard maximum hours of**:(See the draft LAP: Sections 3.4; 4.3):

a) Broad Area A: 9am to 3am?

☐Support ☐ Do not support ☐ No view

b) Broad Area B: 9am to 1am

☐ Support ☐ Do not support ☐ No view

c) Priority Overlay: same as underlying broad area with the possibility of shorter hours.

☐ Support ☐ Do not support ☐ No view

6. The ability for some best practice on-licences to apply for trial extensions of up to an additional two hours. (See the draft LAP: Sections 3.5; 4.3).

☐ Support ☐ Do not support ☐ No view

AT BOTH ENDS OF THE SPECTRUM.

7. That on-licences located in the Priority Overlay should not be eligible for a trial extension. (See the draft LAP: Sections 3.5; 4.3).

☐Support ☐ Do not support ☐ No view

8. Comments on on-licences:

a). Maximum hours Broad Area A:-

The change from 8am to 9am seems punitive and it would be interesting to note what the specific KPI's of the LAP were aligned to this objective. In other words, what is the evidence or % of harm caused from alcohol abuse within an on-licence premise between 8am and 9am?

- As an example of an unintended consequence of the proposed changes, and noting the demographic of both Newmarket & Parnell champagne breakfasts and other celebratory events will become illegal!
- Many venues provide coverage of international sports matches which would also be affected & it is our understanding that licensees would be further penalised by not being able to open at all, no matter what the time, due to the fact that they are licensed
- As there is no provision for a licensee to apply for a trial extension of 2 hours at both ends of the spectrum, a business such as a caterer/ event venue/ hotel, would need to make a choice between extending either the morning or night hours, and for these types of businesses, usually both is required
- Licensees would also incur red tape and costs to apply for special licenses for 'special occasions'. This is unnecessary and could be viewed as simply a revenue collection opportunity for the council.

b) Maximum hours Broad Area B

- Definitely do not support in light of all the comments under question 3 relating to area zoning
- Do not support in terms of opening hours as per a) above.

6. Application of trial/extended maximum hour privilege.

Whilst this sounds like a positive step for businesses requiring the extra hours, it is granted for 1 year only, and is subject to renewal and revocation, which is both expensive (Fees) and insecure for a licensee. A simpler system of insisting on special conditions under which this is granted, then monitor regularly in accordance with usual compliance procedures is advocated instead.

## Off-licences (bottle stores, supermarkets etc.)

9. That in Broad Area A and the Priority Overlay:

a) No new off-licences should be granted for the first two years of the policy (see the draft LAP: Sections 3.3; 5.1)

☐Support ☐ Do not support ☐ No view

b) After two years, new off-licences should only be granted in very limited circumstances (see the draft LAP: Sections 3.2; 5.1).

☐Support ☐ Do not support ☐ No view

10. Before deciding whether to grant new off-licences in Broad Area B, the surrounding environment, including existing licences, should be considered. (See the draft LAP: Sections 3.1; 5.2).

☐Support ☐ Do not support ☐ No view

11. New off-licences in "neighbourhood centres" should only be granted in very limited circumstances. (See the draft LAP: Sections 3.2; 5.2).

☐Support ☐ Do not support ☐ No view

12. The maximum hours across the region of 9am to 10pm. (See the draft LAP: Sections 3.4; 5.4).

☐Support ☐ Do not support ☐ No view

13. That all types of off-licences should have the same maximum hours. (See the draft LAP:
Sections 3.4; 5.4).

☐Support ☐ Do not support ☐ No view

14. Comments on off-licences:

a) and b). The concept of a temporary freeze for 2 years would severely restrict economic development. It is essential that the 'Rebuttable presumption against the issue of new off-licences' (3.2) is considered when the application is deemed not add to the negative environmental and cumulative impacts of alcohol on the area and benefit the community as a whole (e.g. low-risk, high-end retail)

- As an example Parnell is very much in need of a high end grocer e.g Farro/continental deli. Provision needs to be made that should such an application be tabled, it would be considered whether we are zoned in A or B
- Provision needs to be made for consideration/licencing of new more desirable applications if less desirable applications within an area closed their doors (thus not adding to the density of offerings).

10. We support the concept and idea of an Environmental and Cumulative Impacts Assessment and the consideration of the cumulative impacts of alcohol licences and whether granting a new licence would unreasonably add to those impacts, and believe that these should drive the decision on new licences.

11. Neighbourhood centres should be subject to the same ECIA, and granted licences where appropriate and desirable.

12 and 13:- The maximum hours suggested for off-licence trading seem reasonable.

## Club licences

15. The maximum hours of 9am to 1am. (See the draft LAP: Sections 3.4; 6.1).

☐ Support ☐ Do not support ☐ No view

16. Comments on club licences:

## Special licences

17. The proposal for special licence hours to be decided on a case-by-case basis, with consideration for existing hours in the premises or area and likely risk of the event. (See the draft LAP: Section 7.1).

☐ Support ☐ Do not support ☐ No view

18. Comments on special licences:

It makes sense that maximum hours should be determined on a case-by-case basis and should generally be in accordance with the policies that would apply to the Broad Area within which the event was held.

## Discretionary conditions

19. The proposed discretionary conditions. (See the draft LAP: Sections 3.6; 4.4-4.6; 5.5-5.7; 6.2-6.4; 7.2-7.3).

☐ Support ☐ Do not support ☐ No view

20. Comments on discretionary conditions:

## General comments

21. Do you have any other comments on the draft LAP?

We would like to see the goals/ reduction in harm from alcohol abuse, aligned to the policy change in on-licence and off-licence applications.

While some of the initiatives are noteworthy, there is far too much emphasis on penalizing an industry that contributes less than 25% to damage from alcohol.

Emphasizing personal responsibility & host responsibility and making public drunkenness an offence could go a long way towards targeting problem drinkers and anti-social behavior.

We advocate maintaining the current law – no alcohol sold between 4am and 8am nationwide, apart from Casinos – with on premise able to open earlier but not for sale of liquor, substantiated by statistics showing *public place assaults and disorder offences in Auckland Central Station are declining. *source NZ Police Statistics, May 2014.

The last thing we want to do is destroy our vibrant hospitality scene through excessive regulation and restriction, we want to be known as the WORLD'S MOST LIVABLE CITY, not have the embarrassment of telling our international guests, sorry we are closed or sorry you cannot order that particular drink... Not much excitement or vibrancy in that equation.

Freepost Authority Number 182382
Submission –

## LAP SUBMISSION SUPPORT DOCUMENT

| NAME | BUSINESS – DESIGNATION | SIGNATURE |
|---|---|---|
| JEN ROBINSON | PADDINGTON PARNELL LTD | |
| Giselle Trezevant Miller | JAMES | Giselle Trezevant-Miller. |
| Marco Creemers | Samsan Corporation Ltd | |
| Jason W Friedlander | Samsan Corp. | |
| Gurpreet Minhas | Monk cafe | |
| Ruben Maurice | Ruben Cafe | |
| Hamish Lewis | Trenzseater | |
| DANA JOHNSTON | 46 & YORK | |
| MARK Walyer | TRIBECA BAR. | |
| AMIT SAMADAR | Java ROOM | |
| Helen Wrightson | Windsor | |
| Adem ESER | Mozaik Owner | |
| STEEN ANDREWES | GLENGARRY PARNELL | |
| KATE MACDONALD | LA PORCHETTA, PARNELL | |
| Jeremy Zong | Alphabet Café | |
| Jason Lu | The coffee club | |
| Nerman RAŠIĆ | LA BOCCA Resi. | |
| KOJI KIMINAMI | Nakayoshi Japanese Cuisine | 木南 浩司 |
| TEJINDERPAL SINGH | GLADSTONE WINES | |
| MIKE NIMIE | RESIDENT \| PCC CHAIR | |
| ROSemary EAD | LANDLORD. | |
| Kaonjan (Karen) | Ningfaisong Owner Blue Elephant Thai Res | |
| Saison Green | Masfen Holdings Ltd | |
| Callum Baker | Parklane group Landlord | |
| AM IRVINE | CHAIR Parnell BIC | |
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## LAP SUBMISSION SUPPORT DOCUMENT

| NAME | BUSINESS – DESIGNATION | SIGNATURE |
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