

6 August 2009

Chief Executive,  
Office of Liquor and Gaming Regulation  
Locked Bag 180  
CITY EAST QLD 4002

Dear Sir/Madam,

**Public interest comments about an Application by MGW Hotels Pty. Limited to extend trading hours at the Villa Noosa Hotel, Mary Street, Noosaville to 5am each day**

I understand from your Fact Sheet on Objections Conference that written submissions as to whether an application is in the public interest are to be forwarded to you. I note that you will undertake an independent assessment of the Application in relation to public interest.

Our Association, amongst many others, has lodged an objection with your Licensing Officer in Maroochydore against the above Application. A copy is attached for your information.

Through our Association we are in contact with the majority of residents on our Estate which comprises a significant proportion of Noosaville's population and are therefore uniquely positioned to gauge local opinion. We also have contact with other Associations, residents and businesses in Noosaville.

**Location of Villa Noosa and our Association**

Members of the Noosa Waters Residents Association Inc reside in the residential Noosa Waters Estate (1,141 homes, duplexes and units sites) which is one of the areas that will be most affected if the Application was granted. The Estate is on the southern boundary of the Villa Noosa Hotel and is separated from it by Gibson Road which has two lanes. The Hotel is 105 metres from the Estate's main entrance, Saltwater Avenue.

The adjoining Noosa Village Shopping Centre, which includes a Woolworths supermarket, BWS liquor shop and other shops are 60 metres east from the Hotel and its Dan Murphy's liquor outlet. The car parks of the Hotel and Shopping Centre adjoin.

Saltwater Avenue is the main access to and from the Estate. It flows directly into the Hotel and Shopping Centre car parks via a roundabout.

The northern boundary of the Shopping Centre is a mixture of residential and holiday accommodation. It is 250 metres from the Hotel car park to the Noosa River which is a major attraction. There are other retail premises including take away food outlets immediately adjoining the western boundary. There are also a number of nearby Retirement Villages.

The 2006 Census states that there were 8,841 people residing in Noosaville, 6,149 permanent residents and 2,692 visitors. The percentage by age group, with the comparison figures for the whole of Australia is:

<b>Years</b>	<b>Noosaville %</b>	<b>Australia %</b>
0-14	14	21
15-24	9	14
24-54	32	43
Over 55	45	22

### **Public Interest**

The concept of the 'public interest' has been described as referring to considerations affecting the good order and functioning of the community and government affairs, for the well-being of citizens. Public interest is based on the principle that all licensed premises should operate within the interests of the affected individual community. The Butterworth's Australian Legal Dictionary defines the term "public interest" as "*an interest in common to the public at large or a significant portion of the public*".

Public interest is distinguishable from a private interest because it extends beyond the interests of a Licensee or possibly even a small group of individuals who wish to drink to 5am to the interests and well being of the community as a whole.

The Applicant should have clearly and fully outlined how the proposed extension of trading hours will impact on the community and provide an outline of how they will manage the impact. As you will note in the attached document the Applicant has not fully considered the impact and has not found solutions to the negative impact that would be suffered by the Noosaville community if an extension of trading hours were granted. The onus of proof that the Application was in the public interest should be on the Applicant and we submit that they have not done that.

We ask you to consider the cost occasioned to the whole community, including the Sunshine Coast Regional Council, when you make your decision. The costs of damage to public and private property and cleaning up are borne by the Council, businesses, residents and visitors and not the Licencee or the small number of patrons.

In showing that the granting of the Application is not in the public interest we will comment on:

1. The harm that will be caused to residents, visitors and tourists and show that it is too great;
2. Groups that are at risk who travel through the locality of the Villa Noosa and who will be affected by its operation;
3. The offence, annoyance, disturbance or inconvenience that will be caused to people who reside or work in the vicinity of Villa Noosa; and
4. The negative impact on the amenity of the locality in which Villa Noosa is situated.

**1. The harm that will be caused to residents, visitors and tourists is too great**

1.1 Potential social harm is a crucial criterion when considering public interest issues.

Residents are greatly concerned about the potential for them to be harassed, intimidated or harmed by patrons who have left the premises to go for breakfast nearby or to make their way home. From before 5am, residents walk and cycle around Noosaville. To access Noosa River they have to pass the Villa Noosa Hotel or use nearby streets. A considerable number of walkers and cyclists also come from other areas and pass through Noosaville.

The potential for harassment, violence and accidents is increased by being in the proximity of patrons leaving the Hotel. An increase in accidents and violence is more than likely when you have pedestrians and cyclists, many over 55 years of age and sunrise interacting with tired, intoxicated and potentially angry patrons leaving Villa Noosa around 5 am. The time frame would be further extended if the patrons had breakfast before leaving Noosaville. These residents and tourists are easily intimidated by young intoxicated patrons and are unable to defend themselves.

1.2 Assuming that security staff prevents “ineligible” patrons, including people from other earlier closing venues, from entering Villa Noosa then we still have the situation of potentially large numbers of intoxicated and angry people in the vicinity. These people are likely to harass residents and based on evidence based research (see Dr Meikle’s letter attached) could be the source of violence and damage to themselves, others and property. There is incontrovertible evidence, as detailed in the attached document and other objections that have been lodged, that shows that alcohol is already a serious problem in the Noosa environs and creates serious social problems and costs. There is no evidence that these risks can be mitigated.

There is also unequivocal evidence that longer trading hours correlate with increased violence, personal harm and drink driving.

1.3 As you are aware there is a large increase in violence across Queensland and in the local area associated with alcohol. Current controls and conditions imposed on Licensees are clearly not working. The Government is reviewing the situation.

It is therefore recommended that the Application be refused as the potential for physical harm and intimidation is too great.

**2. Groups that are at risk, who travel through the locality of the Villa Noosa and who would be affected by its extended trading hours operation**

The large majority of residents and businesses would be affected by the Villa Noosa’s extended operation. Those particular groups most at risk of harassment, intimidation and injury who travel through the vicinity of Villa Noosa are:

- children who exercise and go to the parks and tracks by the river;
- residents and tourists over 55 who make up a large part of the Noosaville population and who exercise regularly or seek to quietly enjoy the local attractions; and
- other nearby residents, visitors and tourists, including children who come from adjoining areas to walk, cycle, swim and play in the many parks along the Noosa river.

**3. Offence, annoyance, disturbance or inconvenience will be caused to people who reside or work in the vicinity of Villa Noosa**

3.1 There are already significant problems arising from the current 3am closing time of Villa Noosa. Evidence of this can be seen in the many written objections, including the local Council and Police that have been lodged. Further proof of the problems can be found in reports in local papers and television.

Some of the things that residents and businesses have complained about are:

- fighting;
- noise and anti-social activities;
- loud drunken behaviour, including drunken youths sleeping on footpaths, roads etc;
- damaged cars, gardens, trees, letterboxes, fences, lights etc;
- vandalism and graffiti;
- invasion of property;
- glass and other debris on roads; footpaths, parks and private property; and
- hooning.

The Sunshine Coast Regional Council has advised that it has to deal with:

- Smashed glass from alcohol bottles in residential area and parks;
- Graffiti on surrounding bridges, paths & bus shelters;
- Road and street signs removed and/or damaged in Noosaville, including the Noosa Waters areas;
- Vegetation damage in the Noosa Waters vicinity and surrounding parks;
- Vandalism in bus shelters;
- Damage to garden up-lights (\$400 each to replace) – Noosaville Foreshore;
- Graffiti to park infrastructure (tables) – Noosaville Foreshore;
- Carving into timber infrastructure (tables & chairs) – Noosaville Foreshore;
- Damage to shade structures over playgrounds - Noosaville Foreshore;
- Damaged Council power box lids;
- Damage to irrigation systems;
- Barbecue tiles smashed off;
- Timber slats around shelter sheds – removed;
- Vandalised bin holders; and
- General litter.

Council, local residents and businesses incur significant costs, due to the above behaviour, in cleaning up the area and repairing damage. The Licensee and patrons do not pay for any of these costs.

3.2 Incontrovertible evidence, as shown above and detailed in the attached document, proves that increasing trading hours increases the problems outlined.

**4. The amenity of Noosaville, in which Villa Noosa is situated, will be negatively impacted**

4.1 Villa Noosa is located in the quiet residential suburb of Noosaville.

According to the 2006 Census there were 8,841 people on census night vis 6,149 permanent residents and 2,692 visitors. 45% of the Noosaville population were over 55 years of age. The visitor demographic is that 65% are over 55 years of age.

The residents are mostly retired or semi-retired and are seeking a quiet but active lifestyle. The visitors also have similar goals. They mainly retire early but rise very early to participate in numerous outdoor activities eg walking, cycling, swimming etc before the heat of the day.

- 4.2 There would also be social and health impacts on residents and visitors as they would feel that they had to curtail their activities so as not to be intimidated by Villa Noosa's exiting patrons or those people who have been have been ejected or attracted to Villa Noosa but or not gained access. The evidence shows there is a high probability that this intimidation and physical risk would occur.

The problems would extend beyond 5am as patrons would be attracted go to a nearby 24 hour fast food restaurant for breakfast and/or go to the parks by the river. With earlier closing there is less likelihood of patrons physically interacting with residents and visitors. With a population cap in place and baby boomers retiring it is expected that the over 55 year's group will increase.

- 4.3 There are no positive recreational, cultural, employment or tourism benefits for the community associated with this Application.
- 4.4 If the Application were approved Villa Noosa would become a magnet for drinkers from other earlier closing venues. Even if the Applicant stop them entering the Hotel this will not stop people coming, from other venues that have closed, to the Noosaville area. Attracting these patrons would already make worse the current problems. It would severely and permanently lessen the amenity of the quiet residential nature of Noosaville.
- 4.5 Further details, in the attached document, also show that extending trading hours will irreparable and adversely affect the lifestyle and values of the people who choose to live or stay in Noosaville, and negatively impact on the amenity, peace and good order of Noosaville.
- 4.6 No evidence has been lodged by the Applicant nor has any been found that these risks to reducing the amenity of Noosaville can be mitigated.

Granting of this Application would cause undue offence, annoyance, disturbance and inconvenience to residents, visitors and businesses in the Noosaville area.

We believe that we have demonstrated that the granting of the Application is not in the public interest.

We therefore request that the Application be refused.

Yours faithfully

Gary Trevithick  
President  
Noosa Waters Residents Association Inc  
Email: [president@noosawaters.org](mailto:president@noosawaters.org)