



18 June 2009

By Registered Mail
Licensing Officer,
Office of Liquor, Gaming and Racing
PO Box 819
MAROOCHYDORE QLD 4558

Dear Sir/Madam,

Application by MGW Hotels Pty Limited to extend trading hours at Villa Noosa to 5:00 each day

MGW Hotels Pty Ltd has lodged an Application to extend the trading hours at Villa Noosa Hotel- Motel, Mary Street, Noosaville to 5:00 am each day. Current trading hours are 10 am to 3 am Monday to Saturday and 10 am to midnight Sunday.

Objectors

The objections, detailed below, to the Application are made on behalf of the Noosa Waters Residents Association Inc and myself.

Location of Villa Noosa and Objectors

Members of the Noosa Waters Residents Association Inc and I 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 (open to midnight each day). 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 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 on the west boundary. There are also a number of nearby Retirement Villages.

The 2006 Census states that there were 8,841 people residing in Noosaville. The percentage by age group, with the comparison figures for the whole of Australia is:

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

Grounds for objection showing the effect on the community and reasons why the Application to extend trading hours should be refused.

1. Community does not support Application

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. Considerable concern and fear exists throughout the community without a single voice speaking for the Applicant. This concern is sufficiently widespread to include a groundswell of support for future lobbying against the existing trading hours. There is also incredulity that the ultimate parent of the applicant, Woolworths, would risk its excellent social and community standing by supporting its subsidiary's application.

2. No demonstrated community need for extended hours

We are not aware of any surveys that have been carried out that show a need for extended trading hours. We are also not aware of any consultation with the community to assess their views and concerns on the proposal.

As can be seen from the above figures, taken from the 2006 Census, Noosaville has 45% of its population who are over 55 years. This is over twice the Australian average. Noosaville's population mainly retire early and get up early. It is extremely unlikely that this age group would demand an extension of trading hours.

An extension of trading hours to 5 am each day is not appropriate for a Hotel in a quiet residential area.

3. Undue offence, annoyance, disturbance or inconvenience to persons who reside in the locality

Many Noosaville residents, including children and those over 55, walk and cycle. The Noosa River is a major local attraction where there are paths, cycle ways, parks and playgrounds. The pedestrian crossing from the Noosa Waters Estate's main entry/exit point, Saltwater Avenue, crosses Gibson Road and emerges directly into the car park of the Hotel. To directly access the river attractions people pass in front of or around the Hotel. Many people are out walking and cycling at 5:00 am, particularly in summer, when they seek to avoid the heat and humidity.

If the hours were extended to 5 am then residents would be subjected to a greater risk of confrontation, violence and accidents with intoxicated, tired and potentially upset and angry patrons emerging from the Hotel. The exiting patrons may stay around the area longer as there is a 24 hour McDonald's restaurant in the adjoining shops on the western side of the Hotel.

4. Increased potential for damage to homes, parks, streetscape and vandalism

There is already an unacceptable level of damage to property, parks, street areas, signs and hoarding which greatly concerns residents. Discussions are taking place with Council and others as to how these problems can be addressed. Extending trading hours will increase these problems.

Residents feel that any perceived social benefits that the Applicant believes accrue by extending trading hours are outweighed by the potential for serious or significant harm to them and damage to their property.

5. Risk to community and safety issues in terms of public disorder and public drunkenness

Many residents are worried about their safety should the Application be granted.

National research indicates there is a direct connection to an increase in alcohol related offences with extended trading hours.

National research evidence for the relationship between consumption, harm and trading hours for licensed premises has consistently demonstrated that increased trading hours for licensed premises are associated with increased levels of consumption and/or harm.”, Restrictions on the Sale and Supply of Alcohol: Evidence and Outcomes, National Drug Research Institute, 2007 (p.xii).

“The majority of Australian studies have examined the effects of increased trading hours and almost all have shown that they have been accompanied by significantly increased levels of alcohol consumption and/or harms” (ibid, p.23).

With increased trading hours, those who are most likely to still be wanting to gamble and drink until 5am, are more likely to be those with a predisposition to one or both of those afflictions. At that time in the morning they will be least able to control the temptation to drink or gamble more than they can afford or cope with. The result is the expenditure of vital income needed to sustain their own and/or family lives, leading to increased demand on social services and police, which are already stretched beyond their capacity in this area.

The need to replace monies lost is also likely to lead to criminal behaviour and nearby local residents and tourists will be soft targets, located within such easy reach. It can therefore be clearly demonstrated that the extended trading hours bring no benefit to the community and indeed, are likely to increase crime, social problems, violence and anti-social behaviour.

Longer hours therefore would make it more dangerous for residents, other members of the public, police, patrons and hotel employees.

6. Increased potential for Accidents and Violence

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 at 5 am. The time frame would be further extended if the patrons had breakfast before leaving Noosaville.

The study of extended trading in Perth by Stockwell and Chikritzhs showed that even a small extension of trading hours significantly increased numbers of drink-driver road crashes - *“Drink driver crashes were linked directly to driver’s last place of drinking and therefore were directly attributable to licensed premises with and without late trading hours” (ibid, p. 24*

Other studies quoted by NDRI suggest that *“young males and regular heavy drinkers are especially likely to take advantage of longer trading hours”* which ties into concerns for increased violence among young males.

Alcohol-related disorder around licensed premises is a major public concern and has a substantial impact on police resources. Palk et al, quoting from a number of other studies contend that *“the vast majority of assaults and public disorder are associated with a majority of licensed premises that have extended trading hours.”*

7. Concentration of drinkers from surrounding areas would significantly increase problems and issues

As your Office has noted there is already a high concentration of licensed premises in the Noosa area.

Residents are very concerned that extending the trading hours of Villa Noosa would attract patrons from other establishments, both near and far, that have closed for the evening/morning. This would enable patrons to continue drinking and gaming. This risk would still arise even if a no entry after 3 am system was implemented as patrons would simply arrive earlier than 3 am.

The concentration of drinkers from surrounding areas into the quiet residential Noosaville area would significantly increase the problems and issues mentioned.

8. Negative impact on amenity and lifestyle

The Noosa Waters Residents Association Inc is a voluntary body. Details of what the Association does and has achieved can be found on our website www.noosawaters.org.

We have a Partnering Charter with the Sunshine Coast Regional Council and work closely with them on many issues including landscaping etc. Through residents’ volunteer efforts and contributions the local parks and other infrastructure are improved and maintained. Noosaville has a higher percentage of over 55s than the Australian population. The character of the area, identity and aspirations of the Residents is for the Estate and Noosaville to be a quiet residential area where they can enjoy the many attractions to be found. They enjoy many social and outdoor activities such as walking and cycling.

Residents strongly feel that they would suffer a detrimental impact to their quiet and safe enjoyment of the area. They also cannot see how the community would be benefited if the Application was approved.

9. Incompatibly with State and Federal Governments aims to reduce alcohol consumption particular amongst youth

All Government levels are concerned with increased alcohol consumption. Extending trading hours will increase consumption and is therefore incompatible with Governments’ aims.

10. Increasing trading hours because fees have increased is illogical and not sustainable

The State Manager for the Applicant, Trevor Smith, advised me that a reason for requesting an extension of trading hours was because a new fee structure had been introduced. Extending trading hours was a way of increasing their revenue/profits.

Presumably if this were a logical and valid argument then when fees next increased they would again seek an extension to say 24 hours. This reason is clearly not sustainable as when fees invariable increase again there would be no further room to increase hours.

Rather than seeking to increase trading hours the Applicant should therefore look at other ways of increasing revenue and minimising expenses and fees.

11. Inability to comment on Community Impact Statement (CIS)

I understand that you require an Applicant to lodge a full and final CIS with an Application to extend trading hours.

As advised in your Notice I sought information, on 1 June, from the Applicant's contact Jamie O'Donnell. When I had not heard from her by 10 June I called Trevor Smith, State Manager for the Applicant, and requested a copy of the CIS. Whilst he was happy for me to receive a copy of the lodged CIS I understood from him that a final CIS had not yet been prepared. He advised that he could not provide me directly with a copy and that I had to approach your Office. I rang Terrie Laurence from your Brisbane Office on 11 June seeking a copy. She advised that she needed the consent of the Applicant. I provided details of my conversation with Trevor Smith and my contact information, including email address. I have not yet received a copy.

You advised in your notice that copies of objections will be forwarded to the applicant. I think that this is perfectly reasonable.

However I think that if the Act does not allow a CIS to be provided to objectors on request then the Act is deficient. Having reviewed your Guidelines to Applicants I cannot see anything that would be a breach of confidentiality. The CIS is a very important document. Objectors must be aware of what it contains so that they can properly prepare their objections. To not allow early and easy access seems to be a denial of justice and is not treating objectors fairly. A full and final CIS should be available at least 28 days before the closing date for objections and should be able to be downloaded from your web site.

If the Liquor Act precludes you from automatically providing a CIS to objectors, at least 28 days before the closing date, then it is requested that your Chief Executive take up the issue with the Minister and seek changes to the Act.

As applicants and objectors should both be treated fairly and equally I request that objectors be given the right to lodge additional objections or comments up to 28 days after the full and final CIS has been received by them.

For all of the above reasons the Noosa Waters Residents Association Inc and I request that you totally reject the Application.

Yours faithfully

Gary Trevithick
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