



By Hand
Licensing Officer,
Office of Liquor, Gaming and Racing
Unit 5
CUA Plaza
Cnr Maroochydore Road & Baden Powell Street
MAROOCHYDORE QLD 4558

3 August 2009

Dear Sir/Madam,

Objections to an Application by MGW Hotels Pty. Limited to extend trading hours at the Villa Noosa Hotel/ Motel, Mary Street, Noosaville to 5am each day

I refer to my letter of 18 June 2009 (Annexure A) which contained objections to the above Application. I understand that you do not require me to reodge the original comments and objections, but I can add additional material and objections in this letter. Following discussions with Cindy Liao from your Office, I also understand that the closing date for objections has been extended from 2 July until 12 August 2009.

Thank you for sending me a copy of the Standard Public Interest Submission lodged by the Applicant.

We will conclusively show that the residents are validly concerned about a very real increased risk of offence, annoyance, disturbance and inconvenience. As well, we will show how the amenity, quiet and good order of Noosaville would be irreparably damaged if the Application were approved.

The Office of Liquor, Gaming and Racing Executive Director was quoted in the Courier Mail on 22 July 2009 as saying "*the department was not in the business of stopping people having a good time or withdrawing alcohol from the community. We're about ensuring alcohol is made available in a way that minimises risk and harm to the community.*" Our objections to the Application are based, amongst other things, on residents' concerns about the increased risk and harm to them if trading hours were extended to 5am seven days a week (each day).

REASONS FOR OBJECTION AND WHY THE APPLICATION SHOULD BE REFUSED

In summary the reasons why the Application to extend trading hours at Villa Noosa to 5am each day should be refused are:

1. There is no evidence of a demand for extending trading hours – there is however widespread community concern and a general belief that any extension would be against community wishes;
2. Increased risk of harm to residents;
3. Increased undue offence, annoyance, disturbance or inconvenience to persons who reside in the locality;
4. Increased potential for damage to homes, parks, streetscape and vandalism;
5. The attraction to the Villa Noosa of drinkers arriving from earlier closing venues in surrounding areas, which would significantly increase problems and issues; and
6. Negative impact on amenity and lifestyle.

1. There is no evidence of a demand for extending trading hours – there is however widespread community concern and a general belief that any extension would be against community wishes

1.1 In Part 1 number 1 of their Application the Applicant states that they are:

“seeking to extend hours to cater to the Hotel’s current patrons who would like to stay later, as well as providing an alternative venue late at night for others in the area. This is a combination of shift workers, employees from the surrounding commercial precinct and local residents.”

There is no objective evidence submitted by the Applicant of any demand for extended trading hours by current patrons who would like to stay later than the current trading hours of 3am.

There is also no evidence that there is any demand by *“a combination of shift workers, employees from the surrounding commercial precinct and local residents.”*

The only employer that has shift workers within the Noosaville area is the Noosa Hospital. Their staff shift changes before midnight and the next shift does not come on until after 5am (source Noosa Hospital). The only employees that are working late in the surrounding commercial precinct are restaurant workers. The vast majority, if not all restaurants in the Noosaville area cease operations well before midnight (source Noosaville Association). Clearly those workers have ample time to go to the Villa Noosa before midnight and well before the current trading hours of 3am.

As far as demand from local residents is concerned, no evidence has been submitted. With only a few weeks notice and little publicity 1,103 people signed petitions and many lodged objections against the Application before the initial closing date of 2 July 2009. With the extension of the deadline to 12 August many more residents are taking the opportunity to sign the e-petition and written petitions as well as lodging written objections. A very significant proportion of the Noosaville population has taken a positive step to show their concern.

We are not aware of one single letter/phone call/press comment to date that has spoken in favour of the Applicant.

According to the 2006 Census (Annexure B) 45% of the Noosaville population were over 55 years of age. The visitor demographic is that 65% are over 55 years of age. These people are most unlikely to want to visit the Villa Noosa to drink and gamble after 3am (indeed **until** 3am for that matter!).

1.2 As will be seen below a fundamental reason given for seeking an extension of trading hours is, by the Applicant’s own statements, based on a false premise.

In Part 1 number 1 of their Application the Applicant states that:

“(We) would like to offer these patrons an alternative to having to travel to other venues, such as the Noosa Reef Hotel or Royal Mail Hotel (Tewantin), which are the only other nearby premises that offer gaming facilities.”

The Applicant’s also states, in Part 2 of 2 in 1.1, that the Royal Mail Hotels trades until 1am on Monday to Thursday; until 2am on Friday and Saturday; and until midnight on Sundays. In 1.2 it is stated that the Noosa Reef Hotel is open until 3am

each day. The other alternative for late drinking is Laguna Jacks (see 1.3) which can trade up to 2am.

However, “*these patrons*”, as the applicant describes them, already have an alternative venue – the Villa Noosa Hotel, where they are currently able to drink and gamble until 3am. They would have no need – nor, probably, desire - to travel to other venues such as the Royal Mail or Noosa Reef as these venues all close at the same time, or earlier, than Villa Noosa.

- 1.3 We are not aware of any consultations with the local community. We therefore do not know on what basis the Applicant states in Part 2 that they understand “*these concerns generally relate to the late night behaviour of binge drinking patrons and noise disturbances from loud entertainment.*”

The Applicant makes this assertion on no factual basis. The concern is much broader.

- 1.4 The Applicant has not established a need for extended trading hours and the Application should therefore be refused.

2. Increased risk of harm to residents

- 2.1 Residents will be significantly impacted if the Application is granted.

In Part 1 number 2 Residents of their Application, the Applicant states that “*The extended hours should have a minimal impact on local residents.*” This is an incorrect statement.

Extensive research shows that extending trading hours can and does impact local communities. One of our members, Dr Ronald Meikle, an experienced Medical Specialist, has carried out a detailed review of the research and evidence on the issues involved. His letter of objection to your Office clearly presents overwhelming evidenced based arguments why the Application should be refused. A copy of his letter to you is, with his consent, attached as Annexure C.

In summary Dr Meikle found that:

- “*There is incontrovertible evidence that alcohol is already a serious problem in the Noosa environs and creates serious social problems and costs. It damages amenity. There is no evidence that these risks can be mitigated.*”
- “*There is unequivocal evidence that longer trading hours correlate with increased violence, personal harm and drink driving. Total alcohol consumed on licensed premises correlates with increases in public drunkenness, disruption of peace and good order, undue annoyance and disturbance.*”
- “*There is documented evidence that the risks of violence, injury, drink driving, self harm and anti-social behaviour cannot be sufficiently mitigated by in-house hotel controls and practices to justify the extension of trading hours.*”
- “*The whole of the Noosa population is going to have its already strained medical services further compromised by increasing demand for alcohol related trauma services if this application were granted.*”

- *Such an impact will fall on all the citizens unfairly. Making the right to appropriate health care subordinate to the demands of irresponsible alcohol use is unconscionable. The power to prevent this consequence lies with the Office of Liquor Gaming and Racing.*
- *There is no demonstrable benefit from allowing this application*

The Association supports the objections and comments contained in Dr Meikle's letter.

- 2.2 The Applicant is owned and operated by ALH Group and is a subsidiary of Woolworths Limited. We have had correspondence with Woolworths (Annexure D) and the ALH Group (Annexure E).

The ALH Group state in their letter (Annexure E) that they "*do not expect an increase in violence or impact on resident amenity from later closing hours*". We requested on 2 July (Annexure F) a copy of the research and evidence that shows that extending trading hours does not lead to an increase in the risk of violence; accidents; damage to property; loss of amenity etc. In their response (Annexure G) they failed to supply any evidence. There is evidence to the contrary.

- 2.3 There is no security to protect residents; their property and Council infrastructure.

In the second paragraph of Part 1 number 2 Residents, the Applicant states that they now ensure:

*"there is appropriate security in place, which monitor the car park and patrons leaving premises. Extending the closing time until 5:00am will assist to stagger the exiting of patrons, which **may** (emphasis added) further reduce noise and disturbance."*

We do not dispute that the Applicant will seek to protect its staff and premises by hiring appropriate security staff.

However the security staff cannot protect residents. 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 cyclists also come from other areas and pass through Noosaville. Being in the proximity of patrons leaving the Hotel increases the potential for harassment, violence and accidents. Please refer to Dr Meikle's letter in Annexure B for evidence.

- 2.4 The Applicant has not shown that there will be no increased risk for harm to residents and the Application should therefore be refused. The Applicant must know that the evidence is that in house controls cannot mitigate these risks.

3. **Increased undue offence, annoyance, disturbance or inconvenience to persons who reside in the locality**

- 3.1 Noise from exiting patrons will impact the community.

In Part 1 number 4 the Applicant states "*once the complaints due to patron noise (as they leave the premises) are dealt with there should be no potential for further noise*

complaints.” “Accordingly, the Applicant submits that there will be no adverse impact on the noise amenity for the local community if the Application is granted.”

Unfortunately the noise from patrons is not confined to the venue and car park. There is no logic in this assertion. The potential for other patrons to impact amenity is not mitigated by dealing with a complaint.

The security staff that Villa Noosa employs are engaged to *“monitor the premises including the car park and boundaries of the venue.”* At best security staff may be able to prevent some violence and confrontation with residents if it occurs in the car park or within the boundaries. It is unlikely they can have an impact on the noise level. They are not employed to prevent patrons from making noise in surrounding areas as they disperse. Noosaville is already subjected to hooning and damage to streets, parks and private property early in the morning. Extending trading hours can only increase the problems. (Please see Dr Meikle’s letter for evidence.)

It is the community and the Council, not the Licensee or the patrons who have to bear the cost of damage to streets, walls, houses, gardens, parked vehicles, and any associated cleaning up measures which have to be implemented as a consequence. These costs impose an unfair burden on residents.

3.2 Residents should be able to freely go about their business and pursuits without being subjected to harassment, intimidation and the threat of violence from patrons.

3.3 In Part 1 number 5 the Applicant states:

“there will be a recreational benefit in that there is a local, family-orientated option available for patrons that would like to stay out later, but do not want to travel some distance to a venue that already has these hours, such as those located in Noosa Heads, for example, the Reef hotel and the Rolling Rock night Club.”

Based on information in the Application, this statement appears to be misleading and incorrect. Depending on the day of the week all other venues close between midnight and 3am. None of the other venues trade up to 5am. Patrons would not leave the Villa Noosa to travel to other venues as these venues would have already closed.

We cannot see how anyone would characterise trading between 3am and 5am as a *“family-orientated option.”*

3.4 Also in Part 1 number 5 the Applicant *“ considers that granting the additional hours will provide more flexibility for this venue to cater for the tourists that are staying in Noosaville, which will also increase the appeal of this area to tourists.”*

Noosaville attracts family-orientated and more mature tourists. In Annexure B the results of the 2006 Census for Noosaville are shown. Less than 6% of tourists are in the 25 to 34 year old age group. Over 65% of visitors are over 55 years of age -they are highly unlikely to be seeking a venue that trades until 5am.

3.5 According to the 2006 Census (Annexure B) there were only 2,692 visitors on Census night in the Noosaville post code of 4566, not the 4,005 stated by the Applicant. The 2006 Census also shows that the total non-visitor population was 6,149 for the Noosaville postcode. This is the statistical local area within which the Villa Noosa is located. The figure of 9,104 does not appear in Annexure B.

- 3.6 In Part 1 number 8 it is stated that *“The extension of trading hours will simply cater to the demand of both locals and any tourists ...who would like to enjoy some lighter entertainment late at night but who do not want to travel to other venue such as the Noosa Reef Hotel or Rolling Rock Night Club.”*

There are at least two problems with this statement.

Firstly, based on the Applicant’s own comments, the patrons who go to the Villa Noosa would be unlikely to go to the other venues if they were seeking *“some lighter entertainment late at night”*. This is because the entertainment provided at, for example, the Noosa Reef Hotel is *“especially for younger patrons who enjoy the entertainment provided in the nightclub style bar.”*

Secondly, there would be no point in travelling to the other venues as they close earlier or no later than the Villa Noosa’s current trading hours.

- 3.7 The Applicant has not shown that there will not be an increased undue offence, annoyance, disturbance or inconvenience to persons who reside in the locality and the Application should therefore be refused.

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

- 4.1 The safety of residents e.g. vandalism, adverse patron behaviour is not assured.

In Part 1 number 7 it is stated that *“the Hotel has been operating ...without any significant adverse impact on the local community area.”*

Comments made in letters by residents and businesses and the impact on Sunshine Coast Regional Council clearly show that this statement is not correct.

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

- Smashed glass from alcohol bottles in the Noosa Waters residential area and parks;
- Graffiti on surrounding bridges, paths & bus shelters;
- Road and street signs removed and/or damaged in Noosaville and 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.

The cost of fixing these problems will be contained in Council’s submission objecting to the Application.

Residents have also suffered damage to plants, signs and property. In addition, they have frequently been subjected to late night/early morning hooning and noise. There has also been fighting which has in all likelihood deterred not encouraged tourists.

The Applicant may ensure the safety of its patrons. Some recent cases that have received a lot of publicity, may contradict this statement. However, even if the Applicant could ensure the safety of its patrons it cannot guarantee the safety of local residents. Please see Dr Meikle's letter for evidence of the increased potential for violence etc. correlating to increased trading hours as a sole determinant and independent of in-house mitigation.

- 4.2 The statement that "*The Hotel does not consider that there will be any patron behaviour problems if the extended hours are granted*" is not supported by any evidence. Research clearly shows that the opposite is the case - please refer to Dr Meikle's letter.
- 4.3 "*The Hotel does not **generally** (emphasis added) attract loutish or unruly patrons and disturbances caused by patrons that are intoxicated and/or violent are minimal.*"

You will note articles in the local press e.g. the Noosa Journal and Noosa News have over an extended period disputed this statement. In fact the local Manager for Villa Noosa has been reported in the local papers as saying "*the Villa was known as 'fight club' among youngsters, and for troublemakers*". Police articles reported in newspapers and other reports on television also do not support this statement. In an article in The Noosa Journal on 30 July, 2009, Inspector Mark Henderson was quoted as saying "*the number of assaults in the area was rapidly rising.*"

The Premier, Anna Bligh, has also voiced the Government's concern about increasing violence due to alcohol. She has announced the appointment of a parliamentary enquiry "*to put alcohol-related violence into focus.*" We believe that it would be irresponsible to approve an extension of trading hours in view of the overwhelming evidence that has been produced and is readily available.

Even if the Applicant's statement were to be accepted as factual (which it is not) for the current trading hours, it does not necessarily hold true if hours were extended. As can be seen from previous comments, if hours were extended, the Villa Noosa would be a magnet attracting people from surrounding earlier closing venues. Evidence clearly shows the correlation between extending trading hours and the adverse impact it has on local communities - please refer to Dr Meikle's deposition.

- 4.4 The statement that "*the Applicant does not anticipate that there will be any threat to the safety of...residents...in the area if the Application is granted*" is therefore not supported on the basis of the evidence submitted.
- 4.5 The Applicant has not demonstrated how potential damage to homes, parks, streetscape and other vandalism **will be mitigated or controlled** and the Application should therefore be refused.

5. The attraction to the Villa Noosa of drinkers, arriving from earlier closing venues in surrounding areas, which would significantly increase problems and issues

5.1 If the Application were approved Villa Noosa would become a magnet for drinkers from other earlier closing venues.

The Applicant states in Part 1; number 2 Residents that:

“the Hotel caters to those seeking a relaxed, quiet venue for a drink and some light entertainment. As such, it is unlikely to cause significant problems for the local residents”.

The Applicant states in Part 2 of 2 that the other licensed taverns/hotel in the local community close, depending on the day, between midnight and 3am. If the application to extend trading hours to 5am was approved then patrons from these venues would seek to gain admittance to Villa Noosa if they wished to continue drinking and gaming.

This clearly highlights the inconsistency in the reasoning of the Applicant who purports to provide a facility for existing patrons to stay rather than attract others from surrounding venues.

The Applicant states that are a responsible server of alcohol and that they would not allow intoxicated and unruly people to enter the Hotel. They also state that they will provide quiet entertainment. There is no evidence from the Victorian surveys that this has been achieved. However this will not stop people coming from other venues that have closed to the Noosaville area.

Assuming that security staff prevent “ineligible” patrons 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) could be the source of violence and damage to themselves and property.

5.2 The Applicant states in Part 1 number 2 Business that it expects that:

“during extended hours, the Hotel will have similar patronage as it does during its current trading hours”.

From the statements made above we believe that patronage would increase as people come from other earlier closing venues. The number of people seeking access would significantly increase. Those patrons coming after 3am will in all probability, be significantly different to those patrons already at the venue.

Patronage could however be kept at a similar level by applying, for example, a midnight lock-out.

5.3 The Applicant has not demonstrated how the raft of problems initiated by an increase in patrons attracted to the hotel from earlier closing venues in surrounding areas can be mitigated. Indeed, there is no evidence that the Applicant can tender that demonstrates with any certainty that they can. The Application should therefore be refused.

6. Negative impact on amenity and lifestyle

- 6.1 The character and identity of the local community will be irreparably damaged if the application is granted.

The statement that *“the Applicant believes that extending trading hours will not change the character or identity of the area”* is not supported by any evidence.

Clearly as has been previously shown extending trading hours will attract, even if unintentionally, patrons from earlier closing venues with all the damaging consequences outlined.

We believe, for the reasons stated in this letter and as shown in the letter from Dr Meikle that the granting of this Application will have a significantly adversely effect on the quiet residential community and the amenity of Noosaville.

- 6.2 The Applicant has not shown that there will not be a negative impact on amenity and lifestyle and the Application should therefore be refused.

GROUNDS FOR OBJECTION DEMONSTRATE THAT THE APPLICATION SHOULD BE REFUSED

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

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

It also would irreparably and significantly lessen the amenity, quiet or good order of Noosaville.

We therefore request that the Application be refused.

IMPOSITION OF CONDITIONS ON CURRENT LICENCE

We understand that there are no conditions imposed on of the Villa Noosa’s current Licence.

Based on the information provided and evidence produced, and in order to minimise harm to the community, risk to residents and to preserve the amenity, we request that the Chief Executive impose the following conditions on the Villa Noosa’s current Licence.

1. A lock out at midnight.

Your Guidelines state that you impose a lock out of no later than 1.30am on licences on the Sunshine Coast. We believe that a case has been made out for the imposition of an earlier lockout, namely midnight. This would mean that the Villa Noosa could serve the patrons it has stated it wished to attract, while ensuring it did not attract possibly undesirable patrons from other venues.

2. An earlier closing time of say 2am. This would bring the Villa Noosa into line with other nearby venues which the applicant mentioned as offering *“quiet entertainment”*.

3. A complimentary courtesy bus, operating at least one hour either side of closing time, should be provided. This would assist those patrons walking home and thus help to eliminate safety concerns and attempt to reduce drink driving.
4. As one complimentary courtesy bus would not be fully able to adequately service, all patrons which come from diverse areas, then complimentary courtesy taxis need to be provided to patrons who have insufficient funds to get home.
5. Ensure that systems and documented procedures are in place to adequately ensure suitable arrangements with taxi companies are in place to provide services until at least one hour after closing time, such as:
 - (a) Making a phone call to local taxi companies at least 15 minutes before closing time advising how many taxis are likely to be required at the premises at closing time.
 - (b) Making arrangements with taxi companies where taxis should wait for patrons to minimise noise impacting on neighbouring residents.
 - (c) Ensuring a no-cost phone linking to a taxi company is installed near the exit.
 - (d) A staff member is available to take control of the taxi waiting area during busy periods to ensure orderly queuing and acceptable behaviour.
6. Ensure crowd controllers regularly patrol the exterior to deter adverse patron behaviour.
7. Ensure crowd controllers are permanently on duty outside the entrance from closing time until the last patron has left the boundary of the premises and car park.
8. Ensure crowd controllers have skills which enable them to resolve disputes without resorting to violence.
9. Install and maintain a CCTV video surveillance system to record the activities of patrons and staff outside the premises and in the car parks during evening hours and until the least an hour after closing.
10. A patron safety officer be employed whose designated role is to ensure the safety of patrons and the documentation of incidents relating to patron safety.
11. Exterior lights should be kept on until all patrons have left the vicinity of the premises.
12. Noise- limiting measures to be implemented, volume of entertainment noise to be monitored, at least every 30 minutes, near the source to ensure that it does not exceed predetermined limits, and a record of noise-level monitoring to be kept.

13. A review of the impact on Noosa Police; Queensland Health resources (including Noosa Hospital); Sunshine Coast Regional Council and the residents and businesses of Noosaville be undertaken every three months – and if necessary, a re-consideration of the terms Licence as a consequence thereof.

Consideration should also be given to the establishment of procedures which would make it incumbent upon the Licensee to bear responsibility for damage to property, or injury or inconvenience to residents and/or business users, caused by hotel patrons, and to pay any costs arising from such damage, injury or inconvenience.

Yours faithfully

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