

Appendix A

Beachfront Hotel Complaint Analysis of complainants written submissions

Statements contained in the “index of witness statements” brief

Beachfront Local Residents

Letter of complaint dated 7 October 2010 referred to the Director of Licensing.

Complaints include:

- Violent incidents perpetrated by intoxicated persons leaving the Premises;
- Loud and aggressive patrons leaving the Premises;
- Property damage caused by intoxicated persons leaving the Premises;
- Patrons leaving the Premises inebriated, swearing and yelling;
- Patrons leaving the premises with open containers of alcohol;
- Noise emanating from the Premises up to 30 minutes after closing time;
- Hooning activity in and around the Premises;
- Patron noise from the beer garden area intruding on neighbouring properties;
- Noise from industrial air conditioners located at the Premises;
- Broken bottles, glass, empty bottles and rubbish left in the vicinity of the Premises on a daily basis;
- Lack of security presence around the Premises;
- Excessive noise emanating from bands and other entertainment conducted at the Premises;
- Disregard for the Environmental Management Plan (“EMP”) by the Licensee;
- Failure to adhere to agreements reached during the 2008 Community meetings;

Issues relating to special events held at the Premises (State of Origin etc.):

- Unruly behaviour of patrons in the streets surrounding the Premises after the conclusion of events;
- Build-up of cars and lack of access to public walkways;
- Broken glass in nearby driveways;
- Patrons parking across driveways;
- Hazards created by drunks spilling onto the cycle path when the outdoor screen is erected across the road from the Premises.

The complainants seek the following remedies:

- Reduction of trading hours to 10pm Sunday to Thursday and to 11.30pm Friday and Saturday;
- Adequate security staff deployed in the car park to ensure patrons leave the Premises quickly and quietly;
- Improved staff training to prevent service to intoxicated patrons;
- Increased monitoring to ensure patrons do not leave the Premises with alcohol;
- Regular rubbish removal by the Licensee from surrounding footpaths, cycle paths and streets;
- Enforcement of the ban on rubbish removal between 9.00 pm and 8.00 am;
- Erection of gates at the entry / exit points to the Premises;
- Removal of the gate from the car park of the Premises to Sergison Circuit and increase in the rear fence height.

Inspector Pippa Pech:

Statutory Declaration sworn 6 June 2010:

Inspector Pech's statement was the vehicle for the admission of various exhibits and details various communications with residents of the neighbourhood who have lodged formal letters of complaint.

Inspector Shane McCorkell:

Statutory Declaration sworn 21 September 2011:

Inspector McCorkell's statement refers to the request by the Licensee of the Beachfront Hotel for a variation of licence conditions to permit the conduct of events associated with the 2011 State of Origin matches on 25 May, 15 June and 6 July 2011.

Inspector McCorkell refers to concerns regarding the conduct of the event raised by the Community Fire Safety Division and Police and annexes correspondence in respect of those concerns, including various responses from the Nominee of the Hotel. The concerns raised were addressed; the temporary variation of licence conditions approved and the State of Origin events proceeded as planned by the Licensee and as authorized by the Director of Licensing.

Ms Heather Moorcroft:

Witness Statement dated 9 September 2011:

Ms Moorcroft has resided at 65 Sergison Circuit, Rapid Creek for 21 Years. Her residence is 20 metres from the Beachfront Hotel. She participated in the community meetings held in respect of the Hotel in 2008. Ms Moorcroft is a signatory to the letter of complaint lodged with the Director of Licensing on 7 October 2010.

Ms Moorcroft complains that the EMP is a "phurphy" as hardly anything promised has been delivered. Her major concern is noise emanating from the Premises, including loud music Thursday, Friday and Saturday nights and from patrons leaving the Premises. She recounts incidents of Hotel patrons jumping the side fence and entering her yard, including once when Police were called to remove the intruder.

Statutory Declaration sworn 27 May 2011:

Ms Moorcroft states that she moved to her current residence knowing the Hotel was there but in those days the main noise was on Sundays and ceased by 8.00pm. Following the 2008 community meetings things improved but later management stopped complying with the EMP. The current hours of trading are more befitting a nightclub than a hotel in a residential area.

Ms Moorcroft identified the following major problems:

- Noise from patrons leaving the Premises including revving engines, hooting, yelling, swearing and burn outs;
- Noise from music continuing up to 2.00am;
- Noise emanating from extra patrons now utilizing the expanded Beer Garden;
- Noise from bottle and can disposal throughout the night;
- Violent incidents perpetrated by intoxicated patrons leaving the Hotel, usually after closing time. Examples cited on 30 October 2010, 8 October 2010, 8 November 2010, 5 January 2011 and 19 March 2011;
- Patrons leaving the Premises with stubbies and cans which are left in the neighbourhood as litter.

Other noise issues:

- Noise from garbage trucks and delivery vehicles in the early hours of the morning;
- Noise from industrial air conditioners;
- Disturbances created by the “pub crawl” bus visiting the Premises.

Special Event nights:

- MC screaming into the microphone;
- Rubbish, including bottles, cans and broken glass, left in the neighbourhood;
- Drunks spilling onto the road and cycle paths when the big screen is erected across the road from the Premises;
- Intoxicated, loud and aggressive patrons hanging around the Premises till 2.00am or 3.00am.

Ms Moorcroft obtained video clips and photographs of littering and incidents of concern regarding the Premises which was tendered into evidence. She also maintained a “Beachfront Diary” detailing some of the incidents witnessed relating to the Premises. The diary is included in the Hearing papers

Ms Moorcroft states that the management of the Premises “have been trying very hard of late (for obvious reasons)” however they cannot close the pub quietly or control patrons once they leave the Premises.

Mr Robert Curry:

Witness Statement dated 13 September 2011:

Mr Curry has resided at 65 Sergison Circuit for twenty one years with his wife Heather Moorcroft. Their residence is 40 metres from the Beachfront Hotel. Mr Curry participated in the community meeting in 2008 and is a signatory to the complaint dated 7 October 2010. The substance of Mr Curry’s complaint is contained in a Statutory Declaration sworn 30 May 2011.

Statutory Declaration sworn 8 September 2011:

Mr Curry's main issues of concern are:

- The Premises' current trading hours are more befitting a nightclub in the city and not a venue in a residential area;
- Extended trading hours results in patrons leaving the Premises after 2.30pm on weekends and Thursdays;
- Noise from people leaving the Hotel on foot or in vehicles;
- Hooning including burnouts and revving engines;
- Noise from amplified music late at night, particularly after 10.00 pm;
- Noise from patrons using the Beer Garden / smoking area, including swearing, cheering, screaming and general drunken yelling;
- Noise from rubbish (bottles) being disposed of at night and from rubbish trucks and delivery vehicles;
- Noise from industrial air conditioners;
- Violent incidents, loud and aggressive conduct perpetrated by intoxicated patrons leaving the Hotel;
- Patrons allowed to become extremely intoxicated on the Premises;
- Patrons leaving the Premises with open containers of alcohol;
- Insufficient security for the Premises.

Mr Curry wants to see the trading hours of the Hotel decreased to 10.00pm on weekdays and 11.00pm on Friday and Saturday to allow for a decent night's sleep. He also seeks increased monitoring of incidents by the management of the Premises.

Ms Patrice McGill:**Witness Statement dated 11 September 2011:**

Ms Gill has resided at 63 Sergison Circuit, Rapid Creek, for the past thirty years. Her residence is located on the block next door to the Premises and her balcony overlooks the car park at the rear of the Hotel. Ms Gill is a signatory to the letter of complaint lodged with the Director of Licensing on 7 October 2010.

Ms Gill has taken recordings of noise disturbances and photographs of issues with the Premises that are of concern to her. The photographs and recordings were tendered into evidence at the Hearing.

She states that since the community meetings in 2008 violent incidents involving patrons of the Premises have continued to occur. Ms Gill also details a number of incidents that she reported to the management of the Premises or Licensing Inspectors. She also complains that the EMP which was prepared as a result of the community meetings has either not been implemented or is not being followed, including patrons continuing to access the Premises from the rear fence area, by climbing the fence or squeezing through the locked rear gate. She adds that staff of the Hotel are not diligent in removing rubbish from her front yard and the neighbouring streets. She notes also that the lighting in the car park has not been improved as was promised.

Ms Gill complains that the manner in which the Premises is currently managed is not suitable to a residential area and many of the events conducted encourage drinking and provocative behaviour. Ms Gill seeks the enforcement of the EMP and a reduction in the hours of trading for the Premises.

Statutory declaration dated 19 November 2010:

Ms Gill states that the Hotel, as currently operated as a nightclub style venue, is not amenable to the community. She notes that the Hotel advertises itself as a nightclub rather than a community hotel. Her biggest problem is the live music until 2.00 am on Thursday, Friday and Saturday nights.

Other major issues identified in Ms Gills' statutory declaration are:

- Drunken patrons leaving the Premises who are fighting, abusive and using foul language;
- Patrons congregating in the Beer Garden until 2.00am on three nights a week;
- Patrons leaving the Premises as late as 2.40am;
- Hooning (burn outs) and fighting in the car park;
- Noise, loud music and foul language from patrons of the "Party Bus" who arrive at the Premises already intoxicated;
- No security in the car park and patrons smashing bottles in the car park;
- Hotel management not watching the back of the venue and not aware of rubbish issues and patrons jumping the fence ;
- Noise from rubbish bags being deposited next to the skip bin late at night.

Mr Neville Gill:

Statutory Declaration sworn 19 November 2010:

Mr Gill, husband of Mrs Patrice Gill, has resided at 63 Sergison Circuit, Rapid Creek, for the past thirty years. He states that the Hotel has become a place for people to rage rather than being a community hotel. His biggest problem is music until 2.00am on Thursday, Friday and Saturday nights with the noise reverberating through his house.

Other issues of concern to Mr Gill include:

- Noisy patrons leaving the Premises up to 3.00am at night;
- Patrons congregating in the Beer Garden till late, creating noise disturbances and taking drinks into the carpark and neighbourhood;
- No security in the car park and patrons smashing bottles and fighting;
- Disturbances from the patrons using the Party Bus who arrive intoxicated, yelling, screaming and using foul language;

Mr Gill would like to see the car park removed from the licensed area. He also seeks to have the Hotel's trading hours reduced to 10.00pm on weekdays and 11.00pm on Friday and Saturday nights.

Mrs Denise Sarev:

Mrs Sarev resides at 352 Casuarina Drive, located approximately 100 metres from the Beachfront Hotel

Witness Statement dated 7 September 2011:

Since making a statement on 26 May 2011 Mrs Sarev has not observed any improvements in the management of the Hotel or the manner in which its patrons conduct themselves. She complains of:

- Noise from patrons is the biggest issue, continuing to 2.00am and 3.00am on weekends;
- Patrons talking or arguing near her driveway;
- Burnouts and hooning;
- Patrons leaving the Premises completely intoxicated;
- Patrons leaving the Premises carrying open cans and bottles of alcohol, Mrs Sarev states that she has witnessed this personally;
- Broken glass and litter thrown into her garden;
- Inappropriate traffic levels in Casuarina Drive due to the location of the Hotel, especially during State of Origin matches;
- Property damage to her residence including damage to security lights and fencing, believed to be caused by patrons of the Hotel.

Mrs Sarev does not believe a hotel in a residential area should have such extended trading hours and should be required to close at 10.00pm on weekdays and 11.00pm on weekends. She would like to see the Hotel operated in a more family friendly manner with additional security personnel enforcing the trading hours.

Statutory Declaration dated 26 May 2011:

Mrs Sarev states that in the past they have been able to negotiate with the owners of the Hotel in relation to noise, they had a good relationship and respected the residential environment but in recent years the Hotel has taken the wrong direction. Regular problems include noise, yelling, fighting and damage to her property, including damage to security lights which the Hotel management paid to repair.

She is regularly required to clean up rubbish thrown over her fence or left in the street. Rubbish removal causes noise issues. Late trading nights result in disturbance from vehicles leaving the Premises and hooning.

Mrs Sarev lodged two Local Resident's reports with LR&AS:

- 9 July 2011 – Four drunken men urinating in her garden at 2.30am and singing;
- 10. July 2011 – Two intoxicated persons on footpath arguing with people in a vehicle, loud abusive language and expletives.

Mrs Margo Bailey:**Witness Statement dated 9 September 2011:**

Mrs Bailey has lived at 2/232 Casuarina Drive for the past six years. Her property is 80 to 100 metres from the Hotel. Mrs Bailey and her husband attended the community meetings in 2008. She was not a signatory to the complaint letter dated 7 October 2010 however she has read the letter and agrees that it is an accurate reflection of the situation with the Beachfront Hotel. Mr and Mrs Bailey have recorded video clips of disturbances at or near their residence, which have been tendered into evidence. Mrs Bailey has phoned the Police on about 6 occasions due to her concerns about possible assaults and property damage.

Mrs Bailey raises the following issues of concern to her:

- Requirement to close louvers and doors and run the air conditioner to block out the noise from the Hotel caused by patrons leaving the premises on foot or in vehicles, hooning and cars with music turned up loud;
- Requirement to wear earplugs to bed to block out noises from loud music on late trading nights and special events at the Hotel;
- Late afternoon / early evening hooning, particularly on Sundays;
- Aggressive, abusive drunks passing by her property fighting and arguing and using foul language;
- Drunks urinating on her front wall and in the grounds of the neighbouring Sands Complex and entering her property;
- Property theft including bicycles, wallets and mobile phones;
- Alcohol bottles and cans left in the laneway that abuts her property, on the front verge, in the garden and in their pool;
- State of Origin events getting louder as the years go by and associated traffic problems in the area. Patrons yelling and cheering as they leave the Premises on foot or in vehicles.

Mrs Bailey seeks to have the Hotel operate with residential-appropriate opening hours, including a reduction of the noise levels. She states that the operation of the Premises has changed from a family pub to a party crowd venue that will continue to disturb the neighbourhood. Mrs Bailey notes that the crowd at the recent State of Origin night was well behaved, indicating that the management can restrict and modify noise levels and behaviour when required.

Mr Marcus Spazzapan:

Witness Statement dated 12 September 2011:

Mr Spazzapan has resided at 1/332 Casuarina Drive for the past five years and his property is located approximately 80 metres from the Beachfront Hotel. He is a signatory to the letter of complaint that gave rise to this hearing. Mr Spazzapan states that about four years ago he was assaulted in a home invasion perpetrated by patrons of the Hotel. He states that a further home invasion occurred about a year after the first event with the perpetrators being a group of men who had left the Hotel.

Mr Spazzapan's main issues of concern are:

- Violent incidents and fighting along Casuarina Drive and in the laneway beside his property, including a drunken male jumping over the fence whilst his wife was entertaining guests;
- Requirement to close windows to muffle the noise from the Hotel with the noise escalating as the night progresses. Sleep disturbance due to noise levels emanating from the Hotel;
- Drunks sleeping in the drive way and on the nature strip;
- Vehicle noise, however less of an issue lately and burn outs have greatly reduced;
- Patrons leaving the Premises with drinks in bottles, cans and glasses as a result of inadequate security;
- Bottles, cans, glasses and broken glass left on his verge or thrown into his garden;
- Whilst the Hotel management has done a pretty good job at clearing up the rubbish outside the Hotel they do not go as far as his nature strip and the lane way abutting his property;

- Increase in traffic volume, noise and fighting on State of Origin nights, including vehicles destroying plants on his verge;
- Lack of positive response from the management of the Hotel to his complaints about noise;
- Patrons still accessing the Premises via the back fence.

Mr Spazzapan wants opening hours reduced with last drinks and music ceasing at 11.00pm and closing at 11.30pm. He also would like to see extra security enforcing the trading hours and preventing the removal of alcohol from the Premises by patrons.

Ms Susan Cox

Witness Statement dated 12 September 2011:

Ms Cox is the partner of Mr Spazzapan and has resided at 1/332 Casuarina Drive for the past 5 years and in the neighbourhood for over twenty years. She was not a signatory to the complaint lodged with the Director of Licensing however she has seen the letter and agrees with its content and has witnessed many of the types of incidents referred to in the complaint, with the exception of the noise from the air conditioners. She has not noticed any improvement in the way the Hotel is managed or in its patrons' behaviour since making a hand written statutory declaration on 26 May 2011.

Ms Cox's main issues of concern are:

- The volume of drunk patrons leaving the Premises and noise disturbances and aggression at night;
- Property damage including the garden on her verge being destroyed by vehicles;
- Alcohol related litter and broken glass thrown onto her property and verge and in the laneway next to her residence;
- Broken sleep and disturbance from intoxicated pedestrian traffic leaving the Premises and walking past her residence or down the adjacent laneway;
- Volume of noise from bands at the Hotel;
- Increase in traffic during State of Origin events and increase in drunk, loud, and aggressive patrons disturbing the neighbourhood after the event;
- Theft from her property.

Ms Cox wishes to see the trading hours for the Hotel reduced to 10.30pm on weekdays and 11.30pm on weekends (Friday and Saturday only). She would like to see more control by management over intoxicated patrons and people leaving the Hotel with open containers of alcohol. Ms Cox would also like to see the Premises operate as a more family friendly venue and the ceasing of special events such as State of Origin nights.

Mr Robert Howard:

Witness Statement dated 21 September 2011:

Mr Howard has lived at 330 Casuarina Drive for the past four years. His main issues of concern are:

- People leaving the Hotel and walking past his residence in a completely intoxicated state;
- Patrons of the Hotel walking past his residence with open containers of alcohol, including glasses and schooners;

- Violent incidents perpetrated by patrons of the Hotel, including the assault of Mr Howard and one of his neighbours and a man belting his partner after leaving the Hotel;
- Regular violent incidents in the street started by patrons of the Hotel;
- Property damage including damage to his vehicle, intruders on to his property and rubbish bins being interfered with;
- Broken glass left on the footpath;
- Excessive noise on weekends interfering with his sleep;
- Patrons doing burn outs when leaving the Hotel including a crash outside a neighbours residence;
- Parking and increased noise issues on State of Origin nights.

Mr Howard states that the Hotel should be required to operate to community minded trading hours, such as midnight closure and greater control over patrons attempting to leave the Premises with open containers of alcohol.

Ms Anna Nancy Sarev:

Witness Statement dated 8 September 2011:

Ms Sarev resides at 67 Sergison Circuit, located approximately forty metres from the back fence of the Hotel. She also resided at 352 Casuarina Drive for twelve years. Ms Sarev was not involved in the community consultations in 2008, nor is she a signatory to the complaint lodged with the Director. She is however aware of the content of the complaint having discussed this with her mother Mrs Denise Sarev.

Ms Sarev states that during the past thirty one years in the neighbourhood she has experienced the following issues with the Hotel:

- The area is usually peaceful except for 10.00pm to 2.00am, particularly on Thursday and Friday night;
- Disturbances from patrons yelling on their way home from the Premises along Casuarina Drive and the laneway causing sleep disturbance;
- Burn outs and drag racing by people leaving the Premises;
- Patrons parking in Sergison Circuit;
- Intoxicated patrons leaving the Premises;
- Whilst she has not seen much violence lately she has heard a lot of verbal abuse from intoxicated people walking down her street;
- Rubbish in the form of stubbies and cans left on her verge and in Casuarina Drive;
- Itinerants leaving alcohol related rubbish in the park along Casuarina Drive after purchasing alcohol from the bottleshop;
- Disturbances on State of Origin nights.

Ms Sarev would like to see weekday closing at 10.00pm and between 11.00pm and 12.00midnight on Friday and Saturday nights. She expects that a licensed venue in a residential area will not be operated as a nightclub and would like the Beachfront to be a more family orientated place.

Ms Carol Louise Palmer:**Witness Statement dated 12 September 2011:**

Ms Palmer has lived at 7/238 Casuarina Drive, located 200 metres from the Beachfront Hotel, for the past 6 years. She is a signatory the complaint dated 7 October 2010 lodged with the Director of Licensing.

Ms Palmer notes that since 2 February 2011 she has noticed some marginal improvement in disturbances from the Hotel however she does not expect that to be long lasting given the way the Hotel management and patrons have conducted themselves in the past.

Ms Palmer's main issues of complaint are:

- Failure by the Licensee to fully implement the EMP. Noise levels dropped after the 2008 community consultations but have substantially increased since;
- Property damage to her letterbox by drunk people walking from the Beachfront;
- Patrons walking out of the Premises with open containers of alcohol;
- Beer cans and bottles dumped on the nature strip and in bushes;
- Broken glass on footpaths;
- Noise from drunk patrons leaving the Hotel and spilling on to the street;
- Noise from vehicles revving their engines as patrons leave the Hotel;
- Requirement to call the Police 6 times over a twelve month period to report screaming and altercations in the area;
- Increase in noise, traffic flow and rubbish on State of Origin nights, including patrons parking across her driveway;
- Beachfront catering to the wrong type of crowd.

Statutory Declaration sworn 26 May 2011:

Ms Palmer states that six years ago the Beachfront was reasonably well run but things have deteriorated in the last four years. Noise, violence, damage and general bad behaviour has escalated to a point that residents can no longer tolerate. She has been subject to verbal abuse from Hotel patrons who park across her driveway

Ms Palmer wishes to see the trading hours of the Hotel reduced to 10.00pm weeknights and 11.00pm Fridays and Saturdays and for the Premises to trade as a family friendly venue.

Ms Jane Vadiveloo:**Witness Statement dated 9 September 2011:**

Ms Vadiveloo has lived at 7/238 Casuarina Drive for the past 4½ years. Her residence is located approximately 100 metres from the Hotel. She was a signatory to the letter of complaint forwarded to the Director on 7 October 2010. Ms Vadiveloo's greatest concern is with the State of Origin event nights, including the associated noise, and the regular disturbances from patrons leaving the Premises on a weekly basis. She notes also that, since the complaint was lodged on 2 February 2011, the Hotel has been quieter during the week though there continue to regular disturbances from patrons leaving the Premises on a weekly basis.

Ms Vadiveloo's other issues of concern are:

- Loud aggressive voices coming from the street outside her property affecting her family, including her 5 year old daughter;
- Pedestrian noise punctuated by yelling swearing and arguing;
- Being woken about once a month by intoxicated persons;
- Broken glass and litter left at the front of her property;
- State of Origin nights which are disruptive and dangerous, including cars parked on verges and across driveways and drunk and aggressive patrons;
- Events (such as State of Origin nights) that are not appropriate for a suburban residential area and which make her feel uncomfortable to go outside due to large groups of people arguing, fighting and swearing;
- Focus of the Hotel on being a pub or nightclub instead of a family orientated establishment;
- The sale of alcohol to intoxicated people;
- Lack of control of security staff over patrons leaving the Hotel.

Ms Vadiveloo would like the opening hours for the Premises restricted to 10.00pm or 11.00pm on weekdays and 12.00 midnight on Friday and Saturday nights. She would also prefer to see the State of Origin events conducted entirely inside the licensed premises.

Mr Craig Bellamy:

Witness Statement dated "September 2011:

Mr Bellamy has lived at 20/236 Casuarina Drive for the past 3½ years. His residence is approximately 70 metres from the Hotel. Mr Bellamy is not a signatory to the complaint letter dated 7 October 2011 to the Director however he has read the letter and believes it is an accurate account of issues affecting residents in the vicinity of the Hotel.

Mr Bellamy notes the following issues that are of concern to him:

- On a normal night he can hear music from the Beachfront, loud voices of people walking by his residence, including bad language, and loud vehicle noise. Some week nights are quiet but Wednesday and Friday nights are the worst;
- Hooning by "tanked up patrons" including revving engines, screeching brakes, loud music and yelling from vehicles;
- Requirement to close doors and windows to reduce noise and reluctance to use his verandah due to abuse from drunks;
- Broken glass and rubbish on the footpath, driveway, road outside his unit and the cycle paths;
- Security guards failure to effectively monitor drunks at the Hotel;
- Failure by staff of the Hotel to abide by responsible service requirements;
- Damage to vehicles parked in the street by drunks;
- Issues with itinerants outside his unit and in the foreshore reserve.

Ms Janice Allen:

Ms Allen resides with Mr Bellamy at the same address and has done so for the past 4½ years. Her Witness Statement, dated 12 September 2011, is identical in content to that of Mr Bellamy with the exception Ms Allen adds that she was verbally abused by a drunken and violent indigenous person in the foreshore reserve in March 2011. Her bicycle was also damaged in the incident when the rear wheel was severely buckled by being kicked.

Mr David Thomas:**Witness Statement dated 8 September 2011:**

Mr Thomas has resided at 7 Sergison Circuit, located approximately 150 metres from the Hotel, for nineteen years. Mr Thomas is a signatory to the letter of complaint to the Director dated 7 October 2011. He attended one of the community meeting held in 2008 regarding issues surrounding the Hotel. He states that the closure of the back gate at the Premises has led to fewer incidents in Sergison Circuit however they still occur. Mr Thomas' main issue is drunks leaving the Premises and fighting and shouting in the street late at night.

Mr Thomas' main request is that the Premises close earlier to reduce the disruption caused by very drunk patrons late at night on all days of the week.

Ms Margaret Landrigan:**Witness Statement dated 9 September 2011:**

Ms Landrigan resides at 9 Holland Place, located approximately 450 metres from the Hotel. She is a signatory to the letter of complaint to the Director dated 7 October 2011. Ms Landrigan is a regular user of the cycle and walking paths in the neighbourhood and complains of drunken patrons and broken glass making the pathways a hazard. She notes that this is even more of a problem on State of Origin nights.

Statements contained in the hearing brief**Ms Megan Brown:****Witness Statement dated 21 September 2011:**

Ms Brown has lived at 54 Sergison Circuit since 1992. Her residence is located 100 metres from the Hotel. She attended the first community meeting in 2008 and is a signatory to the complaint letter dated 7 October 2010 lodged with the Director.

Ms Brown complains that up to April or May 2011 she could never get a decent night's sleep due to burnouts, people yelling in the carpark and leaving the Hotel and traveling past her house, smashing bottles and fighting. She notes that the Hotel has calmed down since the complaint was lodged.

Ms Brown's main issues of concern are:

- Disturbance from music at the Premises and particularly the bass that is so loud the louvers in her house rattle;
- Yelling and screaming from the carpark is a regular occurrence on weekends and sometimes Monday nights;
- Burnouts are also a regular occurrence;
- State of Origin nights are markedly louder;

- The number of drunks passing her house have decreased since the rear gate was locked but it still occurs once a fortnight;
- Cars of patrons parked in Sergison Circuit with patrons climbing over the rear fence and driving down Sergison Circuit when they have finished at the Hotel;
- Theft from her outdoor fridge;
- Bottles and cans left in the street;
- Calls to the Hotel's nominated contact number unanswered;
- Lack of effective security.

Ms Brown would like to see the Hotel trading hours reduced to 11.00pm on weekdays and 12.00midnight on Friday and Saturday nights.

Statutory Declaration dated 30 May 2011:

Ms Brown's main concern is noise and whilst she notes that it has backed off over recent weeks she can still hear noise from the Hotel which disturbs her sleep.

Other issues raised by Ms Brown include:

- Fights in the car park, often requiring the attendance of Police;
- Noise from patrons leaving the Premises early in the morning;
- Patrons leaving the Premises over the back fence with drinks in hand;
- Increase in burn outs and speeding along Casuarina Drive and Sergison Circuit. Burnouts in the Hotel car park;
- Patrons walking past her residence smashing bottles, yelling, screaming and sometimes dragging sticks along her fence;
- She feels unsafe walking her dog at night;
- Change in the ethos of the Hotel to "hip hop druggie central".

Ms Brown would like to see more security in the car park and removal of the car park from the licensed area. Reduction of trading hours to 11.00pm weekdays and 12.00am or 12.30am on weekdays. Soundproofing of the venue.

Ms Kylie Martin:

Statutory Declaration dated 23 May 2011:

Ms Martin resides at 1/20 Sergison Circuit. She states that her lifestyle is affected by the trading practices and opening hours of the Hotel. She recounts two incidents of drunken people urinating on her fence and further incidents of loud arguments, swearing, threatening language and one incident of physical fighting in the street outside her unit. Mr Martin also complains of empty alcohol bottles (both whole and smashed) in the gutter and nature strip outside her unit.

Ms Martin would like to see opening hours reduced to 10.00pm on week days and midnight on weekends.

Mr Chris Austin**Letter to Mr Doug Sallis dated 4 November 2010:**

Mr Austin advised Mr Sallis that he was not a signatory to the complaint to the Director dated 7 October 2010, nor was he interested in joining the "Neighbours Group". Mr Austin has resided at 346 Casuarina Drive for twenty two years. His property abuts the Hotel. Mr Austin notes that he had been required to contact the Hotel only once in the past twenty two years and he had only made one formal complaint, four months prior when he spoke to Mr Guy Dunne. He states that Mr Dunne was friendly during their meeting but he has treated Mr Austin with disdain since the meeting.

Mr Austin's issues of concern are:

- Escalating drunken behaviour and violence of patrons walking past his house;
- Excessive noise from music, especially after 10.00 pm;
- Empty cans and stubbies left on the nature strip and thrown over his fence;
- Poor maintenance of the Hotel's nature strip;
- Air conditioner compressor noise;
- Fighting and aggression by groups of young people causing concern for his wife's safety (Mr Austin lists a number of specific instances of fighting, violence and noise disturbance on specified dates between 28 October and 3 November 2010);
- Lack of positive repose to his complaints.

Mr Austin also notes that the Hotel had recently engaged a new yardman who was doing a good job of maintaining the appearance of the Premises and picking up rubbish in the area.