

NORTHERN TERRITORY LICENSING COMMISSION

Decision on Whether Objections Will Proceed To Hearing

Applicant: Bernard Andrew Gwyne

Premises: Stuart Caravan & Cabin Park

Objectors:

- Mr Bob Taylor for NT Fire and Rescue Services (NTFRS)
- Penny Fielding for Department of Health and Community Services (DHCS)
- Dr Rosalie Schultz
- Ms Emma Van Maarseveen
- The Honourable Loraine Braham
- Nola Bayden
- Robyn Van Dok & Ian Wilson
- Timothy & Denise Coach
- Jo-Ann Delahunty
- GN & B Gurney
- Wendy Collits & Noel Thomas
- John Gaynor for Gillen Residents Association Inc
- John Boffa for People's Alcohol Action Coalition (PAAC)
- Tresna Appo for Aboriginal Hostels Limited
- Aiden Burke & C Taylor

Relevant Legislation: Sections 47F,G & I of the *Liquor Act*

Background:

- 1) An application has been made by the Licensee for a liquor licence for the premises known as Stuart Caravan & Cabin Park located at Lot 2681 Larapinta Drive Alice Springs NT. The proposal was advertised as follows:

Liquor shall only be sold or supplied to persons registered as lodgers and in respect of whom a site or entry fee has been paid for consumption within the park.

The sale or supply of liquor shall be limited to no more than six (6) can of beer or six (6) can of premix spirits or one (1) bottle of wine per registered lodger per trading day.

Trading hours to be between 12:00 and 20:00 hours seven (7) days a week.

A register of sales shall be maintained showing date, site number and type and quantity of liquor purchased.

- 2) The application was advertised in the proper form on 30 December 2005 and 3 January 2006. The closing date for objections, namely 2 February 2006, was extended to 16 February 2006 to ensure that members of the public had sufficient time over the Christmas Season to lodge an objection.
- 3) Thirteen (13) objections were received by the closing date 16 February 2006 and were forwarded to the applicant for comment. Two (2) further objections were received after the closing date. The applicant was provided with the opportunity to comment on the objections and has done so. I note that the applicant makes no challenge to the standing of any objector under the *Liquor Act* but responds in general terms to the content of the objections.

I intend to consider the validity of each of these objections separately.

Northern Territory Fire and Rescue Service (NTFRS)

- 4) A letter was received from NTFRS within the objection period. It raises a number of fire safety issues that would need to be addressed before the NTFRS could agree to the application. I contacted Station Officer Bob Taylor 8119, the signatory to the letter. He confirmed that the letter was provided for the information of the Commission and was not intended to be an objection to the application itself. The letter will accordingly be provided in the brief to the Commission for the hearing but is not classified as a formal objection.

Department of Health and Community Services (DHCS)

- 5) A letter was received within time from DHCS. It was signed by Penny Fielding as Executive Director of the Central Australian Coordination section. The objector has standing as DHCS falls within the definition of an agency that performs functions relating to health (Section 47 F (3) (e)). The letter clearly sets out the facts relied upon by DHCS in support of their objection. These concerns include a submission that the proximity of the proposed licensed premises to the Hostel presents a serious concern to the neighbourhood. The letter also raises the fact that there is children's playing area directly across the road from the Caravan Park where alcohol might well be consumed. It queries the likely monitoring and control within the Caravan Park if a licence is granted

and also queries the opening time proposed in the advertisement. The applicant has had the opportunity to respond to the issues raised and has done so. The objection is clearly valid and requires a hearing.

Dr Rosalie Shultz

- 6) A letter of objection was received by Dr Rosalie Shultz, Public Health Medical Officer of Alice Springs. The letter was received within time but after making further enquiries, it was clear that Dr Schultz had no standing to object, as she does not live or work in the neighbourhood. Her objection is dismissed.

Emma van Maarseveen

- 7) A letter of objection was received from Emma van Maarseveen and was signed by her. Ms Maarseveen resides in De Havilland Drive, Alice Springs and is therefore within the neighbourhood of the proposed licensed premises. Ms van Maarseveen expresses concern about the likely increase in litter if a take away licence is granted to the Caravan Park. She also believes that there are sufficient liquor licences in Alice Springs at present. The applicant has had the opportunity to respond to the objection and has done so. This is a valid objection and requires a hearing.

Lorraine Braham MLA

- 8) An objection letter was received from Lorraine Braham MLA on official letter head confirming her status as Member for Brainting in the Legislative Assembly of the Northern Territory. A search of the electoral boundaries confirms that the Caravan Park falls within Lorraine Braham's electorate and therefore she would be regarded as "working in the neighbourhood". Mrs Braham's letter of objection provides numerous facts to support her concerns about the impact of the proposed licence on the amenity of the neighbourhood and health, education, public safety and social conditions. I consider her letter to be a valid objection requiring a hearing.

Nola Bryden

- 9) Nola Bryden has provided a handwritten letter of objection noting her address on De Havilland Drive, Alice Springs. She is clearly residing in the neighbourhood of the proposed licensed premises. Whilst her comments are brief, they are sufficient to satisfy the criteria for a valid objection and require a hearing.

Robyn Van Dok & Ian Wilson

- 10) This letter is signed by Robyn Van Dok but is written on behalf of her and Ian Wilson. The address given is on Van Senden Avenue and is therefore within the neighbourhood of the proposed premises. The letter gives sufficient facts to support the concerns expressed about the licensed

premises including concerns about current drinking problems in the area and the proposed trading hours. The letter is a valid objection and requires a hearing.

Timothy and Denise Coach

- 11) Timothy and Denise Coach reside on De Havilland Drive and are therefore within the neighbourhood of the proposed premises. Their letter outlines their concerns about problem drinking in the area and particularly in the Frank McEllister Park. It is signed by Denise Coach on behalf of herself and her partner and is a valid objection that requires a hearing.

Jo-Ann Delahunty

- 12) Ms Delahunty is also a valid objector to this liquor licence application. She resides within the neighbourhood and has provided a signed letter containing sufficient facts to support her objection. Her objection letter requires a hearing.

GN & B Gurney

- 13) GN & B Gurney have provided a signed letter of objection. They give their address as a box number and advise they live in "close proximity" to the caravan park. The address in the Alice Springs telephone book confirms this fact and their letter contains sufficient details to support their objection. They are valid objectors and require a hearing.

Wendy Collits & Noel Thomas

- 14) The address of these objectors confirms that they reside within the neighbourhood. Their jointly signed letter provides sufficient facts to support their objection and therefore requires a hearing.

Gillen Residents Association Inc (GRA)

- 15) The Incorporated Association states in its letter of objection that it "*represents residents in a geographic area contained within the boundaries of Larapinta Drive, Bradshaw Drive and the Stuart Highway. The Alice Springs Cultural Precinct and the Frank McEllister Park are directly opposite the Stuart Caravan Park and within the GRA boundary*". The letter is signed by John Gaynor as Secretary of the Association and provides sufficient facts to support their concerns regarding the licence application. They require a hearing.

People's Alcohol Action Coalition (PAAC)

- 16) PAAC have provided a letter of objection signed by John Boffa on their behalf. The letter was received on 16 February 2006. PAAC is a local action group based in Alice Springs and falls within the category of a community-based organisation or a group provided for in 47F(3)(f). The

objection clearly states its grounds and the fact relied on and requires a hearing.

Aboriginal Hostels Limited

- 17) A letter dated 14 February 2006 was received from Aboriginal Hostels Limited on 21 February 2006. As it was received outside the extended objections period, it cannot be considered as a valid objection and is dismissed.

A Burke & C Taylor

- 18) A letter of objection was received from Aiden Burke and Cath Taylor on 23 February 2006. As it was received outside the extended objection period, it can not be accepted as a valid objection and is dismissed.

Summary

- a) The following objectors are considered to have valid objections and require a hearing:

Department of Health and Community Services
Emma Van Maarseveen
The Honourable Loraine Braham
Nola Bayden
Robyn Van Dok & Ian Wilson
Timothy & Denise Coach
Jo-Ann Delahunty
G.N & B Gurney
Wendy Collits & Noel Thomas
Gillen Residents Association Inc
People's Alcohol Action Coalition

- b) The objections lodged by Dr Rosalie Schultz, Aboriginal Hostels Limited and A Burke & C Taylor are dismissed.
- c) The report from the Northern Territory Fire Service must be included in the Brief to be prepared for the final hearing.

Brenda Monaghan
Legal Member

22 May 2006