

Information Notice

Application Type: Commercial Other Artisan Producer Licence

Trading Name: Stanny Brewhouse

Address of the Premises: 51 Maryland Street, Stanthorpe

Date of the Decision:

Applicable Legislations: Part 4, Division 4 (*Liquor Act 1992*)

Brief Summary of the Reasons for the Decision

As delegate of the Commissioner for Liquor and Gaming, I conducted a review of the application for a commercial other artisan producer licence lodged by the applicant on 10 August 2021. In deciding the application, I took into account the following findings of fact:

1. The applicant is eligible to apply for a commercial other artisan producer licence under the *Liquor Act 1992* (Liquor Act).
2. No objections were lodged by the local authority or Queensland Police Service (QPS).
3. The officers of the Office of Liquor and Gaming Regulation's (OLGR) Compliance Division, who are responsible for assessing compliance of the licensee under the provisions of the Liquor Act, offered no objection to the application (subject to certain conditions to be endorsed on the licence).
4. One public objection was received from the community.
5. Restrictive noise mitigation conditions are to be imposed in support of the application (no amplified entertainment proposed).
6. The community impact statement was prepared in accordance with Commissioner's Guideline 38. The community impact assessment process did not identify any significant issues of concern/adverse comment in relation to the application.
7. The Liquor Act provides avenues to complain and empowers OLGR to address issues in the event non-compliance is substantiated.
8. A decision to grant the application is justifiable and reasonable under the *Human Rights Act 2019*.

I took into account the objection received which outlined the following concerns:

9. Noise from music and the outdoor area.

10. Odour from the brewery and distillery.
11. Issues associated with limited on-site and off-site parking.
12. The proposed hours of operation, being 10am to 12am, Monday to Sunday.

In response to the objection received, I am satisfied the granting of the commercial other artisan producer licence would not necessarily have an adverse effect on the amenity of the locality as:

13. No objections were received from the local authority or QPS, nor were any concerns raised by OLGR Compliance who are tasked with monitoring the venue.
14. No amplified entertainment is proposed and restrictive noise mitigation conditions are to be imposed on the licence.
15. Council has considered and addressed odour and parking concerns as part of its consideration/approval of the material change of use application for the site.
16. The premises is located in an established mixed commercial/residential precinct with other licensed premises operating in close proximity.
17. The Liquor Act provides avenues to complain and empowers OLGR to address issues in the event non-compliance should be substantiated.

After considering all of the relevant factors and information, both positive and negative, and the aforementioned findings on material questions of fact, I decided to provisionally grant the licence subject to the imposition of the following conditions:

- *Liquor may be sold or supplied only whilst the premises adheres to its principal activity of:*
 - a. *the production and sale on the licensed premises of craft beer made on the licensed premises in an amount of greater than 2,500 litres but less than 5 million litres in each financial year; and*
 - b. *the production and sale on the licensed premises of artisan spirits made on the licensed premises in an amount of greater than 400 litres but less than 450,000 litres in each financial year.*
- *The licensee may sell craft beer and/or artisan spirits, produced by the licensee on the licensed premises, to persons at a promotional event, for consumption at the event for the purpose of sampling or for consumption away from the event.*
- *Noise emanating from the premises including amplified and/or non-amplified noise and/or patron noise must not exceed 75dB(C), fast response, when measured approximately 3 metres from the primary source of the noise.*
- *Non-amplified entertainers and/or speakers used to amplify noise must not be located in any outdoor area of the premises, including verandah, patio, footpath or beer garden.*
- *The provisional licence does not allow the sale or supply of liquor under the authority of the provisional licence.*
- *The issue of the licence is subject to evidence of a final inspection of the premises*

by an officer of the Office of Liquor and Gaming Regulation and the completion of any further requirements of the Commissioner as a consequence of that final inspection.

- *All the stated evidence must be produced to the Commissioner by 23 March 2027 in accordance with the Development Permit.*