

## Information Notice

**Application Type:** Commercial Hotel Licence

**Trading Name:** Bargara Central Tavern

**Address of the Premises:** 699 and 707 Bargara Road, Bargara

**Date of the Decision:** 21 January 2022

**Applicable Legislation:** Part 4, Division 2 and Part 4, Division 7 of the Liquor Act 1992

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### Brief Summary of the Reasons for the Decision

As Commissioner for Liquor and Gaming, I conducted a review of the application for a commercial hotel licence with extended trading hours lodged by the applicant on 18 February 2021. In deciding the application, I took into account the following findings of fact:

1. The applicant is eligible to apply for a commercial hotel licence with extended trading hours under the *Liquor Act 1992* (Liquor Act).
2. No objections were lodged by the local authority, Queensland Police Service (QPS) or the local member of parliament.
3. The Office of Liquor and Gaming Regulation's (OLGR) Compliance Division, who are responsible for ensuring compliance of premises under the provisions of the Liquor Act, offered no objection to the application (subject to conditions to be endorsed on the licence).
4. One (1) public objection was received from the community.
5. The liquor community impact statement was prepared in accordance with Commissioner's Guideline 38, noting the applicant undertook consultation with residents and businesses within 200 metres of the site, residents in the local community area and key advisers. The community impact assessment process did not identify any significant issues of concern/adverse comment in relation to the application.
6. Appropriate noise mitigation conditions will be imposed following assessment of the acoustic report when submitted, in support of the application.
7. The applicant is an experienced hotel operator, holding liquor licences for other venues within Queensland.
8. The Liquor Act provides avenues to complain and empowers OLGR to address issues in the event non-compliance is substantiated.

9. 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:

10. Potential for increase in hooning in the local area.
11. Limited carparking available surrounding the premises.
12. Impact of amplified entertainment and patron noise on the community.
13. The local police station does not operate 24 hours a day.
14. The potential for increased crime in the area.

In response to the objection received, I am satisfied the granting of the commercial hotel licence with extended hours would not necessarily have an adverse effect on the amenity of the locality nor would it affect the public interest as:

15. No objections were received from the local authority, local MP, QPS or OLGR Compliance.
16. Appropriate conditions are to be imposed on the licence.
17. Appropriate noise attenuation conditions will be determined and imposed on the licence following assessment of an acoustic report.
18. The premises is located in an established mixed commercial/residential precinct with other commercial premises operating in close proximity.
19. 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 commercial hotel licence and extended trading hours.

With the imposition of the following conditions on the liquor licence:

- Liquor may be sold or supplied only whilst the premises adheres to its principal activity of the sale of liquor for consumption on the licensed premises, or on and off the premises.
- Liquor may not be sold for consumption off the licensed premises after 10:00pm or be taken away from the premises after 10:30pm.
- When live entertainment is provided, the licensee and approved manager/s must ensure crowd controllers licensed under the *Security Providers Act 1993* are employed in the following ratios at all times from 11:00pm onwards until one hour after the premises has ceased to supply liquor:
  - 1 to 100 patrons or part thereof - 1 crowd controller
  - More than 100 patrons but not more than 200 patrons - 2 crowd controllers
  - More than 200 patrons but not more than 300 patrons - 3 crowd controllers
  - More than 300 patrons but not more than 400 patrons - 4 crowd controllers

- More than 400 patrons but not more than 500 patrons - 5 crowd controllers
- Plus at least 1 crowd controller for every 250 patrons (or part) thereafter.
- When live entertainment has been provided after 10pm, the licensee and approved manager/s must ensure a minimum of one (1) crowd controller licensed under the *Security Providers Act 1993* maintains surveillance outside the premises for at least one hour after the premises has closed for business or, if earlier, until all patrons have vacated the immediate vicinity of the premises.
- When live entertainment has been provided after 10pm, a courtesy bus or equivalent is to be made available to patrons at the premises from 10:00pm onwards, until all patrons have dispersed.
- Outdoor consumption areas on the Bargara Road side of the premises are not to be used by patrons after 10pm.
- This 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.
- 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.
- All the stated evidence must be produced to the Commissioner by 30 June 2026.