

Office of Liquor and Gaming Regulation



Information Notice

Application Type: Extended Hours Application – Liquor and Gaming

Trading Name: Kirra Beach Hotel

Address of the Premises: Marine Parade, Kirra

Date of the Decision: 16 June 2025

Applicable Legislation: Part 4, Division 7 of the *Liquor Act 1992* and Part 3, Division 8 of the *Gaming Machine Act 1991*.

Brief Summary of the Reasons for the Decision

As a Delegate of the Commissioner for Liquor and Gaming, I conducted a review of the applications for extended liquor and gaming hours lodged by the applicant on 28 May 2024. In deciding the application, I took into account the following findings of fact:

1. The applicant is eligible to apply for extended trading hours under the *Liquor Act 1992* (Liquor Act) and an increase in gaming hours under the *Gaming Machine Act 1991* (Gaming Act)
2. The request was for an additional two hours of liquor service and an additional one and a half hours of gaming on Friday and Saturday nights until 2:00am. This was the result of a significant reduction in the application during the assessment period, where the applicant reduced the request from 7 days a week to 2 days a week.
3. No objections were lodged by the local authority or the Queensland Police Service.
4. The Office of Liquor and Gaming Regulation's (OLGR) Compliance Division, which is 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.
5. The application was advertised for public comment, and 25 letters of objection, plus a petition with 174 signatures, were received regarding the liquor applications. 5 Letters were received in response to the gaming extended hours application.
6. The Liquor Act provides avenues to complain and empowers OLGR to address issues in the event non-compliance is substantiated.
7. The commercial and residential development in the area will result in population growth.
8. A suitable demand for the additional hours of gaming has been established.
9. The Council has granted the appropriate approvals for the premises.

10. 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:

- Increase in harm from alcohol abuse, misuse and associated violence (safety concerns)
- Concerns regarding increased levels of noise and health impacts, including but not limited to, interrupted sleep
- Amenity concerns, including but not limited to, a change to lifestyle patterns
- Poor behaviour including property damage
- Strain on emergency services and increased demand for their services.
- Detrimental impact on the character of the locality and local community
- Traffic and parking issues
- Council zoning areas
- The impact of the loud music during the early hours of the morning.
- Concerns regard previous other licensed premises and the results of poor trading practices by these separate parties.
- The consideration of the venue seeking temporary approvals rather than a permanent change in hours.

In response to the objections received, I am satisfied that the granting of the additional liquor and gaming hours would not have a significant impact on the amenity of the locality, nor would it affect the public interest as:

11. No objections were received from the local authority, Council or OLGR Compliance.
12. Suitable liquor licence conditions, which will minimise any potential safety/amenity concerns will be endorsed on the liquor licence.
13. The request has been made for two nights of the week only, on the more popular trading days of the week. Noting this was significantly reduced during the application process where it was intended the operations would be for 7 days a week and the public were invited to comment on the full week proposal.
14. Suitable gambling harm minimisation conditions will be endorsed on the gaming machine licence.
15. 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 extend trading hours for liquor on Friday and Saturday to 2:00am, with the imposition of the following conditions on the liquor licence:

- Liquor may not be sold for consumption off the licensed premises after 12am or be taken away from the premises after 12:30am.
- LL300 - 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 until one hour after the premises ceases 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.
- LL302 - 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 closes for business or, if earlier, until all patrons have vacated the immediate vicinity of the premises.
- The licensee and approved manager/s must ensure an incident register is kept on site, in a secure place. The register must be signed by all staff involved in the incident and must include:
 - a. Date and time of the incident;
 - b. Where the incident occurred;
 - c. Full descriptions of persons involved, including names where obtainable;
 - d. Reasons for removing persons from the premises;
 - e. Any details of injuries to persons.
- The licensee and approved manager/s must maintain closed-circuit television (CCTV) equipment recordings of all patrons entering and leaving the premises via the entrance and exit (including any fire exit used for removing patrons). The CCTV footage must include recordings of all interactions between patrons and crowd controllers or staff, from 8:00pm until one hour after all patrons have left the premises, or close of business, whichever is later.
- The licensee and approved manager/s must keep CCTV recordings in a secure place for at least 28 days after the recording is made. Recordings of incidents where persons are removed or injured must be kept on the premises for 1 year after the recording is made. The recordings must be produced on request by an investigator appointed under the *Liquor Act 1992*.
- Conditions LL300 and LL302 apply only on nights the premises trades beyond 1:00am.

- The licensee must ensure that a Register of Complaints is kept and maintained at the premises to record details of all complaints showing the name of the complainant, time and date of the complaint and the details of any remedial action taken by the management to rectify the problem.
- The Register of Complaints is to be made available to OLGR Investigators for inspection immediately upon request.
- The licensee shall provide a contact telephone number which enables any person to make a complaint to the licensee or representative during the trading period. This telephone number must be advertised by the licensee in such a way so as to be available to any person wishing to contact the licensee or representative during the trading period.
- 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, including Percy Pease Memorial Park, for at least one hour after the premises closes for business or, if earlier, until all patrons have vacated the immediate vicinity of the premises and Percy Pease Memorial Park when the premises trades beyond 1:00am.

I have also decided to increase the approved hours of gaming for Friday and Saturday to 2:00 am, with the imposition of the following conditions on the liquor licence:

- GHM1A – The licensee must maintain a training program to provide ongoing responsible gambling training for all staff who provide gambling products and services to patrons at least every two years. Records of training undertaken by staff must be kept in a register and be made available to an OLGR officer upon request.
- GMH2 – The licensee will ensure the venue's RSG Policy document details the actions that staff are required to undertake should they identify a patron who is exhibiting genuine problem gambling behaviours.
- GMH4 – The licensee will ensure the RSG Policy document details the process staff are required to undertake should they be required to remove an excluded person from the premises.
- GHM5A – The licensee's RSG Policy will be available for inspection by an OLGR officer.
- GHM7A – The licensee must have established procedures to create and maintain an effective working relationship with their local Gambling Help provider or gambling support service and these must be made available to an OLGR officer upon request.
- GHM8A – A customer liaison officer must be reasonably available during the approved hours of gaming.
- GHM9 – Staff must not serve liquor to patrons at gaming machines after 10:00pm.
- GHM10 – The licensee must maintain a training program to provide ongoing responsible gambling training for all staff who provide gambling products and services to patrons at least on a semi-annual basis. Records of training undertaken by staff must be kept in a register and be made available to an OLGR officer upon request.