

Information Notice

Application Type: Commercial Hotel Licence

Trading Name: The Doonan

Address of the Premises: 6 Beddington Road, Doonan

Date of the Decision: 21 January 2022

Applicable Legislations: Part 4, Division 2 (*Liquor Act 1992*)

Brief Summary of the Reasons for the Decision

As Acting Commissioner for Liquor and Gaming, I conducted a review of the application for a commercial hotel licence lodged by the applicant on 21 September 2018. 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 under the *Liquor Act 1992* (Liquor Act).
2. No objections were lodged by the 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. In preparation of its decision, council considered the potential for noise and other impacts on the neighbourhood (i.e. patron noise, music, deliveries, waste collection and traffic issues) in some detail. This material has helped inform the proposed noise conditions to be endorsed on the licence.
6. By approving the development, the Planning & Environment (P&E) Court has indicated its preference the premises be considered a part of and consistent with the community's infrastructure.
7. Appropriate noise mitigation conditions supported by an acoustic report from a qualified sound engineer and as a direct result of conditions from the development approval will be imposed in support of the application.

8. The 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.
9. The Liquor Act provides avenues to complain and empowers OLGR to address issues in the event non-compliance is substantiated.
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:

11. Town planning issues regarding road safety issues;
12. Trading hours to 12am;
13. Potential that noise and alcohol consumption will reduce community values.

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

14. The premises has previously operated under a commercial other meals licence with the same trading hours and noise conditions and no adverse compliance history.
15. No objections were received from the QPS, nor were any concerns raised by OLGR officers tasked with monitoring the venue.
16. Appropriate noise mitigation conditions, as supported by the development approval and an acoustic report from a qualified sound engineer, are to be imposed on the licence.
17. The premises is located in an established mixed commercial/residential precinct with other licensed premises operating in close proximity.
18. 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 surrender of the commercial other – meals licence.

And the imposition of the following conditions:

- 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 within the main premises, and only sold between 10:00am and 9:00pm from the attached bottle shop.
- Liquor may be sold for consumption off the main licensed premises in the course of the licensee providing catering services for a function to persons genuinely attending the function for consumption by those persons at the function. This approval is subject to the condition that liquor must not be sold to a person who is unduly intoxicated. Catering to public functions is subject to approval of a commercial public event permit.
- Concerts or festivals must not be conducted without prior approval of Council.
- Live entertainment is limited to soloists or duos.
- When amplified music, other than low level background music, is played within the hotel building, windows and doors are to remain closed, other than for the ingress and egress of persons.
- Amplified entertainment is not permitted in any outdoor area of the premises other than low level background music or a soloist/duo between the hours of 10:00am and 10:00pm.
- Management must install and maintain in good working order, a sound limiting device and ensure that all amplified noise at the premises is conducted through a sound limiting device at all times to ensure that noise does not exceed levels prescribed in the conditions of this licence.
- The sound limiting device is to have a locking mechanism, which is to be locked at all times except for inspection or maintenance work on the device.
- Access to the sound limiting device, except for maintenance work, is restricted to the licensee, approved manager and the person in charge of the premises at any time. Access must also be provided to an inspector appointed under the Liquor Act upon request.
- 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 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.
- The issue of the licence is subject to the lodgement of an acoustic report of which, the content and recommendations satisfy the Commissioner that any noise from the premises will not create a noise nuisance.
- The issue of the licence may be subject to the imposition of further conditions relating to noise, based on the submitted acoustic report.
- All the stated evidence must be produced to the Commissioner by 12 November 2027 in accordance with the Development Permit (MCU18/0243 - P&E Court Appeal No. 1921 of 2019).