

Information Notice

Application Type:	Commercial hotel licence with extended trading hours
Trading Name:	Pulse Bar and Live Music Venue
Address of Premises:	19 Duporth Avenue, Maroochydore
Date of the Decision:	27 February 2025
Applicable Legislation:	Part 4, Division 2 and Part 4, Division 7 of the <i>Liquor Act 1992 (the Act)</i>

Brief Summary of the Reasons for the Decision

As Commissioner for Liquor and Gaming, I conducted a review of the applications for a commercial hotel licence and extended trading hours lodged by the applicant on 7 March 2024. In deciding the applications, I took into account the following findings of fact:

1. No objection was lodged by the local authority or the Queensland Police Service.
2. Seventy (70) public objections were received from the community.
3. Appropriate conditions will be imposed on the licence to mitigate any potential amenity impacts.
4. The Act provides avenues to complain and empowers the Office of Liquor and Gaming Regulation (OLGR) to address issues in the event non-compliance should be substantiated.
5. A decision to grant the application is justifiable and reasonable under the *Human Rights Act 2019*.

I have considered the relevant matters outlined in Part 4, Division 2 of the Act.

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

- Noise emanating from the streets when patrons enter or exist the premises.
- Approval of this application will lead to an increase in alcohol consumption, alcohol-fuelled violence and anti-social behaviour.
- The area is already well serviced with takeaway liquor options.
- There has been an increase in crime and vandalism in the area for the past few years.
- Residents' personal safety.
- Entertainment noise.

In response to the objections 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:

1. The local authority and Queensland Police Service offered no objection to the application.
2. The premises has a commercial kitchen, and dining facilities with the capacity to seat more than 60 patrons.
3. The function space is in accordance with Guideline 62 requirements; proportionate to the scale of the venue and visually separated from the other areas of the premises.
4. The premises has male, female, and disabled access toilet facilities available for the exclusive use of the hotel patrons, in line with Guideline 26 requirements.
5. The premises is located in the Sunshine Coast SNP, which is an area intended to support Queensland's nighttime economy. There are numerous commercial hotels with extended trading hours approved and trading in the vicinity of the premises (such as New Sol Bar, Post Office Bar & Beer Garden, The Duporth Tavern, and Old Soul Maroochydore).
6. Many of the objectors live in high rise apartments near the premises and it is reasonable they may hold some reservations against the proposal for another commercial hotel licence in the immediate vicinity. However, the Act does not contemplate nil impact on the amenity of the locality. The presumption is in favour of, rather than against, granting of the application unless community impact cannot be minimised.
7. An acoustic report, prepared by a qualified sound engineer, will be lodged for assessment to determine suitable noise conditions to minimise the impact of entertainment and patron noise on the locality.
8. The licence is subject to noise conditions recommended by the acoustic report, along with appropriate CCTV and crowd controller conditions to manage the dispersal of departing patrons.
9. Without any substantiated evidence, it would be procedurally unfair to deny the applicant the opportunity to trade under a liquor licence.

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 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 10:00 pm or be taken away from the premises after 10:30 pm.*
- *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.*
- *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 Register of Complaints is to be made available to Investigators for inspection immediately upon request.*
- *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 11:00 pm 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.*
- *LL305: 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.*
- *LL306: 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.*
- *LL308: 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.*
- *LL317: Conditions LL300 and LL302 apply only on nights the premises trades beyond 1:00am.*
- *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 completion of the premises in accordance with the plans lodged with the Commissioner, or subsequently amended plans considered appropriate for the 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.

- *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 within 4 years of the issue of the provisional licence.*