

Information Notice

Application Type:	Commercial hotel with extended trading hours
Trading Name:	The Station 4703
Address of Premises:	23 James Street, Yeppoon
Date of the Decision:	25 September 2023
Applicable Legislation:	Part 4, Division 2 of the <i>Liquor Act 1992</i>

Brief Summary of the Reasons for the Decision

As Executive Director, I conducted a review of the applications for a commercial hotel licence and extended trading hours lodged by the applicant on 8 May 2023. 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 and extended trading hours under the *Liquor Act 1992* (the Act).
2. The application was advertised for public comment with two objections received.
3. The Livingstone Shire Council has no objection to the application.
4. Capricornia District police has no objection to the application with a recommendation to condition the licence to require the licensee to operate a courtesy bus service to compensate for the lack of public transport in Yeppoon.
5. Appropriate conditions will be imposed on the licence to mitigate any potential amenity impacts.
6. The Act provides avenues to complain and empowers OLGR to address issues in the event non-compliance should be substantiated.
7. Human rights are not limited by my decision to approve the applications.

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

I took into account the objections received, which outlined concerns for the negative impact of noise generated at the premises on the sleep patterns of nearby residents.

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

8. There are no objections to the application from police, the local authority, or OLGR compliance.
9. 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.

10. Public concerns with noise emanating from the premises can be addressed with appropriate conditions to regulate noise, require licensed crowd controllers, and maintain a register of complaints.
11. The recommended conditions should assist the licensee to trade in a compliant manner.
12. The OLGR has a complaints system and can take action to address any substantiated breaches of licence terms and conditions should the licensee be unable to meet their responsibilities under the Act.

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 10:00pm or be taken away from the premises after 10:30pm.*
- *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*
- *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.*
- *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.*
- *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.*
- *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.*