

## Information Notice

<b>Application Type:</b>	Permanently extended trading hours
<b>Trading Name:</b>	Evra Newstead
<b>Address of Premises:</b>	Tenancy E, F & G, Lucent Gasworks, 18 Longland Street, Newstead
<b>Date of the Decision:</b>	7 July 2022
<b>Applicable Legislation:</b>	Sections 84 to 87 - <i>Liquor Act 1992</i>

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### Brief Summary of the Reasons for the Decision

As a delegate of the Commissioner for Liquor and Gaming, I conducted a review of the application for permanently extended trading hours lodged on 27 October 2021. 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).
2. No objections were lodged by the Queensland Police Service or the Local Council.
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.
4. Thirty-two (32) valid objections and two (2) late objections were received from the community.
5. The applicant has a responsibility to ensure its activities do not impact neighbouring residents.
6. The Act provides avenues for the community to complain and empowers OLGR to address issues in the event non-compliance is substantiated.
7. Human rights are not limited by my decision to approve the application.
8. The Liquor 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.

I have considered the relevant matters outlined in sections 84 to 87 of the Liquor Act.

I took into account the objections received which focused on the potential for sleep disruption, vandalism and the inappropriateness of late-night trading in an area with a strong residential presence.

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

1. No objections were received from the local authority, QPS, or OLGR Compliance.
2. It is apparent the area is zoned for mixed use and contemplates the inclusion of licensed venues and other food and drink outlets.
3. The local authority for the area has clearly intended that residential venues will co-exist with licensed venues.
4. In respect of planning, there is no indication that the locality restricts late-night trading.
5. The locality is already busy with over 50 operating licensed premises, the majority of which have approval until 12:00am. There is also a commercial hotel with approval to trade until 2:00am. Accordingly, the proposal for a subsidiary-on premises venue to trade until 1:00am is unlikely to adversely impact the amenity of the locality.
6. It would be unfair to deny the licensee the opportunity to trade under these conditions without evidence confirming that the potential for harm cannot be minimised.
7. The Act provides avenues for the community to complain and empowers OLGR to address issues in the event non-compliance is substantiated.

After considering all the relevant factors and information, both positive and negative, and the aforementioned findings on material questions of fact, I decided to grant the permanently extended trading hours application to effect the following changes to the licensed hours:

*From:*

*10:00am to 12:00am – Monday to Sunday (Main Premises)*

*10:00am to 10:00pm – Monday to Sunday (Outdoor Areas)*

*To:*

*10:00am to 01:00am – Monday to Sunday (Indoor Areas)*

*10:00am to 10:00pm – Monday to Sunday (Outdoor Areas)*