

Office of Liquor and Gaming Regulation



Information Notice

Application Type: Commercial hotel licence with extended trading hours

Trading Name: The Summit Mt Coot-tha

Address of the Premises: 1012 Sir Samuel Griffith Drive, Mount Coot-tha

Date of the Decision: 20 December 2024

Applicable Legislations: Part 4, Division 2 and Part 4, Division 7 (*Liquor Act 1992*)

Brief Summary of the Reasons for the Decision

As Commissioner for Liquor and Gaming, I conducted a review of the application for a commercial hotel licence with extended trading hours lodged on 1 February 2024. 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 with extended trading hours under the *Liquor Act 1992* (Liquor Act).
2. No objections were lodged by the local authority or Queensland Police Service (QPS).
3. The Office of Liquor and Gaming Regulation's (OLGR) Compliance Division, which are 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).
4. 27 public objections were received from the community in response to public advertising of the application.
5. Appropriate noise mitigation conditions supported by an acoustic report from a qualified sound engineer are to be imposed in support of the application. Upon completion of the hotel.
6. The Liquor Act provides avenues to complain and empowers OLGR to address issues in the event non-compliance is substantiated.
7. 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 and 7 of the Liquor Act.

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

- Amplified entertainment and patron noise.
- Environmental impacts
- Road safety

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. The premises currently operates under a subsidiary on-premises (meals) licence and has been for some years with no associated adverse compliance history.
9. No objections were received from the local authority, QPS, or OLGR Compliance (subject to suitable conditions being applied to the licence).
10. Appropriate noise mitigation conditions supported by an acoustic report from a qualified sound engineer will be imposed upon completion of the premises.
11. Assessment of environmental impact is dealt with by relevant planning or environmental legislation. This is not necessarily a relevant consideration under the Liquor Act. OLGR brought these concerns to the attention of the Council, who did not object to the application.
12. In line with the QCAT decision of *Meissner v Commissioner for Liquor and Gaming & Anor [2020] QCAT 378* the tribunal was of the view it is reasonable to assume amplified entertainment can be adequately controlled provided the acoustic engineer's recommendations are complied with.
13. 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 and extended trading hours, 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 10:00 pm or be taken away from the premises after 10:30 pm.
- 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 the approval of a commercial public event permit.
- 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 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 four years of the issue of the provisional licence.