

Office of Liquor and Gaming Regulation



Information Notice

Application Type: Commercial Hotel Licence

Trading Name: Gatakers Landing

Address of the Premises: The Esplanade, Point Vernon

Date of the Decision:

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

Brief Summary of the Reasons for the Decision

As delegate of the Commissioner for Liquor and Gaming, I conducted a review of the application for a commercial hotel licence lodged by the applicant on 26 August 2022. 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 local authority or 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. 164 public objections were received from the community.
5. The local member for Hervey Bay, Mr Adrain Tantari, objected to the application.
6. Appropriate noise mitigation conditions supported by an acoustic report from a qualified sound engineer will be imposed in support of the application.
7. 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 advisors. The community impact assessment process did not identify any significant issues of concern/adverse comment in relation to the application.
8. The Liquor Act provides avenues to complain and empowers OLGR to address issues in the event non-compliance is substantiated.
9. A decision to grant the application is justifiable and reasonable under the *Human Rights Act 2019*.

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

- Noise
- Environmental impacts

- Traffic/Parking
- Patron behaviour

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:

10. No objections were received from the local authority or QPS, nor were any concerns raised by OLGR Compliance who are tasked with monitoring the venue.
11. Appropriate noise mitigation conditions, as supported by an acoustic report from a qualified sound engineer, are to be imposed on the licence.
12. 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 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.
- 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.