

# Office of Liquor and Gaming Regulation



## Information Notice

<b>Application Type:</b>	Commercial special facility licence with extended trading hours
<b>Trading Name:</b>	The Lanes
<b>Address of Premises:</b>	Lakeview Boulevard (corner Hooker Boulevard), Mermaid Waters
<b>Date of the Decision:</b>	14 September 2023
<b>Applicable Legislation:</b>	Part 4, Division 3 of the <i>Liquor Act 1992</i>

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### Brief Summary of the Reasons for the Decision

As Executive Director, I conducted a review of the application for a commercial special facility licence with extended trading hours lodged by the applicant on 14 March 2023. In deciding the application, I took into account the following findings of fact:

1. The applicant is eligible to apply for a commercial special facility licence and extended trading hours under the *Liquor Act 1992* (the Act).
2. The application was advertised for public comment with 67 letters of objection and a petition with 46 signatures received.
3. No objections were lodged by the local authority, police or OLGR Compliance.
4. The Member for Surfers Paradise provided several reasons for concern with the application before conceding a licence approval permitting trade from 9:00am to 12:00am is a reasonable compromise.
5. Appropriate conditions will be imposed on the licence to mitigate any potential amenity impacts.
6. Appropriate noise mitigation conditions will be imposed following assessment of the acoustic report when submitted, in support of the application.
7. The Act provides avenues to complain and empowers the OLGR to address issues in the event non-compliance should be substantiated.
8. Human rights are not limited by my decision to approve the application.

I have considered the relevant matters outlined in Part 4, Division 3 of the Act.

I took into account the objections received which outlined concerns about the impact from entertainment and patron noise on residential amenity; particularly after midnight. Other concerns included increased demand on the limited parking available, and the security implications from patrons roaming the streets.

In response to the objections received, I am satisfied the granting of the commercial special facility licence would not necessarily have an adverse effect on the amenity of the locality as:

9. Council, police and OLGR Compliance have no objections to the proposal.
10. 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.
11. Amenity impacts on residents of the two accommodation towers existing on the site are expected to be minimised by endorsement of appropriate licence conditions relating to noise, the requirement for the licensee to maintain a register of complaints, and limiting the extent of trading hours to midnight.
12. The licensee has a responsibility to ensure that entertainment and other activities do not impact neighbouring residents. 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 commercial special facility licence, subject to the following conditions:

- *Liquor may be sold or supplied only whilst the premises adheres to its principal activity of a facility that makes, or is likely to make, a significant contribution to the tourism development of the State.*
- *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 must ensure that a Register of Complaints is kept and maintained at the premises to record details of all complaints showing the name of the complainant, time and date of the complaint and the details of any remedial action taken by the management to rectify the problem.*
- *The Register of Complaints is to be made available to OLGR Investigators for inspection immediately upon request.*
- *The licensee may designate any place within The Lanes over which the licensee has control as a place where liquor can be sold, supplied and/or consumed for such time and subject to such terms and conditions deemed appropriate by the licensee.*
- *The Office of Liquor and Gaming Regulation (OLGR) permits the licensee to temporarily sublet in respect of the licensed area if the sub-lessee is a fit and proper person to hold a licence. This condition relates only to temporary sub lease arrangements for events or exhibitions, not permanent addendums to the licence. In these circumstances the usual requirements of the OLGR are waived, however all of the following criteria must be met:*
  - a) *All exhibitors and/or stall holders must be employed by the holder of a current liquor or wine licence in Queensland, or another Australian state or territory; and*
  - b) *All exhibitors, stall holders and staff must hold a current Responsible Service of Alcohol statement of attainment issued in Queensland or another Australian state or territory.*

- *Under Section 155(4)(e), approval is granted for minors to be on the licensed premises to attend exhibitions and events, and for the purpose of purchasing and/or consuming food and non-alcoholic beverages.*
- *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.*