



a Office of Liquor and Gaming Regulation

Information Notice

Application Type: Change of Licensed Area

Trading Name: Moffatdale Ridge

Address of the Premises: 681 Barambah Road, Murgon

Date of the Decision: 15 January 2025

Applicable Legislations: Part 5, Division 1 and Section 154 (*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 change of licensed area lodged by the applicant on 2 September 2024. In deciding the application, I took into account the following findings of fact:

1. The applicant is eligible to apply for a change of licensed area under the *Liquor Act 1992* (Act).
2. Two public objections were received within the advertising period.
3. Human rights are not limited by my decision to approve the application.

I have considered the relevant matters outlined in Part 5, Division 1 and section 154 of the Act.

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

- The application does not comply with Commissioner Guideline 35. Separate buildings must retain a physical and functional integrity and can properly be regarded as the same premises. They must give an appearance of oneness.
- The licensee has not demonstrated how they will use the increased licensed area. It would be inappropriate to designate Lot 16 as the main access point to the winery.
- It would be impossible for the licensee to comply with obligations under the Act with the increased licensed area.
- The application was made for an improper purpose.
- Approval of the application will cause economic loss to some other businesses in Murgon.

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

- The licensee is not proposing to conduct amplified entertainment or extended-hour trade. There is minimal impact on the amenity of the locality.
- If there is substantiated evidence demonstrating the licensee has failed to conduct the

principal activity on the licence or failed to comply with its obligations under the Act, OLGR is empowered under the Act to take action against the licensee. It would be unfair to deny the licensee an opportunity to trade under the new licensed area, and to demonstrate its ability to comply with the Act.

- Approval of the application means that Lots 16 and 18 are adjoined. Accordingly, there appears to be no issue regarding the contiguity of licensed premises as the two lots of land constitute one single licensed area. The application complies with Commissioner Guideline 35.
- South Burnett Regional Council supports the application and confirmed there is no planning issue regarding the new licensed area.

After considering the relevant factors and information, both positive and negative, I decided to grant the application for a change of licensed area.



Nick Pirie
Director, Licensing
Office of Liquor and Gaming Regulation

15 January 2025