

# Office of Liquor and Gaming Regulation



## Information Notice

**Application Type:** Commercial other - bar licence

**Trading Name:** The Aerie

**Address of the Premises:** Tenancy 4, 140 Long Road, Tamborine Mountain

**Date of the Decision:** 19 November 2021

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

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### 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 other - bar licence lodged by the applicant on 5 August 2021. In deciding the application, I took into account the following findings of fact:

1. The applicant is eligible to apply for a commercial other bar licence under the *Liquor Act 1992* (Liquor Act).
2. No objections were lodged by the local authority.
3. No objections were received within the advertising period.
4. One (1) public objection was received after the closing date for objections.
5. An objection was received from Queensland Police Service.
6. Restrictive noise mitigation conditions are to be imposed in support of the application (no amplified entertainment proposed).
7. The community impact statement was prepared in accordance with Commissioner's Guideline 38. 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. Human rights are not limited by my decision to approve the application.

I have considered the relevant matters outlined in Part 4, Division 4, Subdivision 4 and Part 4, Division 7 of the Liquor Act.

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

10. The bars intended location on a busy intersection;
11. There are no barriers between the building and section of roadway;
12. The shop where the bar is intended to be located currently has limited facilities as it has not been fitted out;

13. The capacity of the venue.

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

14. No objections were received from the local authority, nor were any concerns raised by OLGR Compliance who are tasked with monitoring the venue.
15. No amplified entertainment is proposed and restrictive noise mitigation conditions are to be imposed on the licence.
16. There are other licensed establishments in the locality and the bar's capacity limits are set under the Liquor Act.
17. The issues raised by QPS will be satisfied through the fit out of the venue to trade.
18. 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 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 on the licensed premises having the capacity to seat not more than 60 patrons at any one time.
- The licensee and approved manager/s must ensure that no more than 100 patrons, whether seated or otherwise, are on the licensed premises at any one time.
- The sale or supply of liquor for consumption off the premises (takeaways) is prohibited.
- Noise emanating from the premises including amplified and/or non-amplified noise and/or patron noise must not exceed 75dB(C), fast response, when measured approximately 3 metres from the primary source of the noise.
- Non-amplified entertainers or speakers used to amplify noise must not be located in any outdoor, verandah, patio, footpath or beer garden area of the premises.
- 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.
- All the stated evidence must be produced to the Commissioner within 4 years of the issue of the provisional licence.