

Information Notice

Application Type:	Variation of Licence
Trading Name:	Ward's Brewery
Address of the Premises:	131 Auckland Street, Gladstone
Date of the Decision:	25 July 2023
Applicable Legislations:	Section 111 of the Liquor Act 1992

Brief Summary of the Reasons for the Decision

As delegate for the Commissioner for Liquor and Gaming, I conducted a review of the application to vary a liquor licence lodged for Ward's Brewery on 16 February 2023. In deciding the application, I took into account the following findings of fact:

- 1) The applicant is eligible to apply for a variation of licence under the *Liquor Act 1992* (the Act).
- 2) No objections were lodged by the Queensland Police Service or the Office of Liquor and Gaming OLGR Compliance Division.
- 3) The application was advertised for public comment with twenty-six objections being received.
- 4) The licensee has submitted an acoustic report that complies with OLGR Guideline 51.
- 5) The licensee has made undertakings to objectors to address concerns raised during the subsequent objection conference.
- 6) The Act provides avenues to complain and empowers OLGR to address issues in the event non-compliance is substantiated.
- 7) The decision is reasonable and demonstrably justifiable under the *Human Rights Act* as impact on the amenity of the locality will be minimised if the applicant complies with its licence conditions and statutory obligations under the Act.

I have considered the relevant matters outlined in section 86 of the Act.

I took into account the objections received, which outlined concerns with the licensee's ability to control noise.

In response to the objections received, I am satisfied the variation of licence is unlikely to significantly impact on local amenity as:

- 8) The licensee has submitted an acoustic report that complies with OLGR Guideline 51. Appropriate noise conditions are proposed to be endorsed on the licence to minimise entertainment noise and patron amenity impacts on the locality.
- 9) The licensee has made undertakings to address concerns raised during the objection conference to the objectors present.
- 10) The Act does not contemplate nil impact on the amenity of the locality. The presumption is in favour of, rather than against, granting of the application unless community impact cannot be minimised.
- 11) 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 approve the variation, subject to endorsement of the following additional conditions:

- 12) *Noise emanating from the premises, including amplified and/or non-amplified noise and/or patron noise must not exceed the following limits, fast response:*
 - (a) *before 10pm all noise must be limited up to 58 dB(A) when measured from the Close External Monitoring location, located on the drive way next to the front yard fence line of 129 Auckland Street, approximately 10 metres opposite the main side entry of the brewery;*
 - (b) *from 10pm all noise must be limited up to 75 dB(C), when measured approximately 3 metres from the source of noise.*
- 13) *All speakers must be facing in a South Westerly direction.*
- 14) *The licensee must purchase and maintain in good working order, a noise meter. The noise meter is to be utilised for the purpose of taking readings at any external, internal or close monitoring location. The noise meter must be capable of reading noise in both dB(A) and dB(C) weighting fast response.*
- 15) *Noise testing must occur using the licensee noise meter whenever live entertainment is conducted at least once every hour and recorded in a register containing date/time/level of measurement/name of person taking reading. The Register is to be kept on site and made available to OLGR Investigators for inspection immediately upon request.*