



HOSPITALITY | CLUBS | Issue No. 6 | *Changing my licensed area – whose approval do I need?*

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Licensees often seek to alter, rebuild, change or increase the area of their licensed premises.

If a licensee is looking to extend or alter its licenced area, the licensee needs to be mindful of the number of approvals it must obtain to support its application.

Firstly, the licensee may need to obtain the local Council's approval if the extension or alteration of the licenced area will include major building works.

Secondly, if the extension or alteration to the premises intensifies the use of the land, the licensee may need to obtain separate town planning approval. Depending on the type of works to be undertaken, the development application may be considered to be code assessable or impact assessable. Code assessment can be obtained relatively quickly and does not require public notification. Impact assessment on the other hand, involves a more detailed process and applications must be publicly notified.

Thirdly, at the very least, the licensee will need the Office of Liquor, Gaming and Racing (OLGR) approval and if the extension or alteration involves a gaming area, the licensee will also require gaming approval. The Commissioner will generally require a licensee to apply for approval when proposed changes may result in any of the following:

- increase or decrease in the size of the licenced premises;
- part of the licenced premises not being used as licenced premises; the rebuilding of the licenced premises;
- major renovations to the licenced premises; and/or
- site plans and layout plans will be required.

Of course, the OLGR will do a final inspection of the premises once the works are complete to ensure that the submitted plans have been complied with.

It is important that licensees seek advice if they are looking to alter or make changes to licenced premises so that they can ensure that they have all of the required approvals before work is commenced.

Up until the introduction of the *Red Tape Reduction* legislation, licensees were required to provide certification from all relevant departments in order to lodge any application for alterations with the OLGR. Such departments included the Queensland Fire and Rescue Service, local Councils, building reports, food and hygiene reports etc. However, after the introduction of this legislation, the OLGR no longer require such certificates to be provided by the licensee.

The OLGR expect that the licensee will obtain such certifications of its own accord. Accordingly, if a licensee fails to obtain the relevant certifications, and the OLGR are made aware of this, this may lead to significant consequences for the licensee. For example, the OLGR may require the licensee to show cause why the licensee's application should be approved. Additionally, if the licensee fails to obtain the relevant approvals, this may put in jeopardy the licensee's public liability insurance and any such policies may be voided.



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