

Information Notice

Application Type:	Variation of condition
Trading Name:	Norte
Address of Premises:	Tenancy J, Level 1, The Oxley, 2217 Gold Coast Highway, Mermaid Beach
Date of the Decision:	10 February 2025
Applicable Legislation:	Part 5, Division 1, Section 111 of the <i>Liquor Act 1992</i> .

Brief Summary of the Reasons for the Decision

As a delegate of the Commissioner for Liquor and Gaming, I conducted a review of the application for a variation of conditions lodged by the applicant on 4 November 2024. In deciding the application, I took into account the following findings of fact:

1. The Queensland Police Service and the local authority have no objection to the application.
2. The officers of the OLGR Compliance Division, who are responsible for assessing compliance of the licensee under the provisions of the Liquor Act offered no objection to the application (subject to certain conditions to be endorsed on the licence).
3. One public objection was received from the community.
4. A suitable acoustic report was submitted and was the basis of the proposed noise conditions imposed on the licence to mitigate any potential amenity impacts.
5. The premises will be operating with restricted trading hours in the external areas.
6. The Act provides avenues to complain and empowers OLGR to address issues in the event non-compliance should be substantiated.
7. Human rights are not limited by my decision to approve the application.

I have considered the relevant matters outlined in Part 5, Division 1, Section 111 of the Act.

I took into account the objection received which outlined concerns for the negative impact of noise on the amenity of the locality.

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

8. The use of the site has been considered under a development application approved 24 June 2024 by the local authority with restrictions imposed.
9. The QPS and local authority have no objection to the application.
10. The officers of the OLGR Compliance Division, have no objection to the application who are tasked with monitoring the venue.

11. It is the responsibility of the licensee to ensure patron and other venue related noise does not negatively impact on local residents.
12. 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 grant the application, subject to the following conditions:

- Noise emanating from the premises, including amplified and/or non-amplified noise and/or patron noise must not exceed the following limits, fast response, when measured approximately 3 metres from the primary source of the noise;
 - 87 dB(A) between 10:00 am – 10:00 pm
 - 89 dB(C) between 10:00 pm – 12:00 am
- At all other times, noise emanating from the premises, including amplified and/or non-amplified entertainment 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 and/or speakers used to amplify noise must not be located in any outdoor area of the premises, including verandah, patio, footpath or beer garden.
- 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.
- 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.