

Information Notice

Application Type:	Commercial other subsidiary on premises licence
Trading Name:	Belvedere Restaurant
Address of Premises:	96 Main Western Road, Tamborine Mountain
Date of the Decision:	6 February 2024
Applicable Legislation:	Part 4, Division 4, Subdivision 2 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 commercial other subsidiary on premises licence lodged by the applicant on 26 July 2023. In deciding the application, I took into account the following findings of fact:

1. The applicant is eligible to apply for a commercial other subsidiary on premises licence under the *Liquor Act 1992* (the Act).
2. The Queensland Police Service and the local authority have no objection to the application.
3. One public objection and a petition with 12 signatures was received from the community.
4. Appropriate conditions are imposed on the licence to mitigate any potential amenity impacts.
5. The premises will be operating with restricted trading hours in accordance with the associated planning approval.
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 4, Division 4 of the Act.

I took into account the objections received which outlined concerns for the negative impact of noise on the amenity of the locality and safety and conflicts with residential area.

In response to the objections received, I am satisfied the granting of the commercial other subsidiary on premises licence 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 11 April 2024 by the local authority with restrictions imposed.
9. The QPS and local authority have no objection to the application.

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

- Trading hours of 4:00pm to 10:00pm Monday to Sunday.
- Liquor may be sold or supplied only whilst the premises adheres to its principal activity of provision of meals prepared, and served to be eaten, on the licensed premises.
- Liquor may be sold or supplied for consumption on the licensed premises to persons who are genuinely attending a function on the licensed premises.
- Under Section 155(4)(e), approval is granted for minors to be on the licensed premises for the purpose of purchasing and/or consuming food and non-alcoholic beverages.
- 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 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.