

Information Notice

Application Type: Extended Trading Hours - Permanent
Trading Name: Zyped
Address of Premises: Tenancy 4, 1-5 Ocean Street, Maroochydore
Date of the Decision: 24 June 2024
Applicable Legislation: Section 86 - *Liquor Act 1992*

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 extended trading hours lodged on 10 November 2023. In deciding the application, I took into account the following findings of fact:

1. The applicant is eligible to apply for extended trading hours under the *Liquor Act 1992* (Liquor Act).
2. The Office of Liquor and Gaming Regulation's (OLGR) Compliance Division, who are responsible for ensuring compliance of premises under the provisions of the Liquor Act, offered no objection to the application (subject to conditions to be endorsed on the licence).
3. Nine (9) valid letters of objection were received from the community.
4. Appropriate noise mitigation conditions already in place supported by an acoustic report from a qualified sound engineer.
5. The Act provides avenues to complain and empowers OLGR to address issues in the event non-compliance is substantiated.
6. Human rights are not limited by my decision to approve the application.

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

I took into account the objections received which centred on allegations of noise and patron nuisance currently associated with the operation of the business.

In response to the objections received, I am satisfied that the granting of the extended hours application for an additional hour of trade would not necessarily have an adverse effect on the amenity of the locality as:

1. OLGR compliance, council and police offered no objection to the application.
2. 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 *Liquor Act*.

3. The applicant has a responsibility to ensure its activities do not impact neighbouring residents. If issues cannot be resolved directly with the applicant, there is a complaint process available for the community and for OLGR to take appropriate action if it is required.
4. Without any substantiated evidence, it would be unfair to deny the applicant the opportunity to trade under the higher noise levels.
5. The *Liquor 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.

After considering all the relevant factors and information, both positive and negative, and the aforementioned findings on material questions of fact, I decided to grant the application for extended trading hours to effect the following changes to the licence conditions:

Remove:

- *The licensee, approved manager, employees and agents must ensure that any prevailing government directives issued in respect to COVID-19, including those from the Chief Health Officer of Queensland, are adhered to at all times the premises is trading. This includes but is not limited to patron/staff number restrictions and any associated density requirements.*

Impose:

- *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 and approved manager/s must ensure crowd controllers licensed under the Security Providers Act 1993 are employed in the following ratios at all times from 11:00pm until one hour after the premises ceases to supply liquor:*
 - 1 to 100 patrons or part thereof - 1 crowd controller
 - More than 100 patrons but not more than 200 patrons - 2 crowd controllers
 - More than 200 patrons but not more than 300 patrons - 3 crowd controllers
 - More than 300 patrons but not more than 400 patrons - 4 crowd controllers
 - More than 400 patrons but not more than 500 patrons - 5 crowd controllers
 - Plus at least 1 crowd controller for every 250 patrons (or part) thereafter.
- *Conditions LL300 and LL302 apply only on nights the premises trades beyond 1:00am.*