

Information Notice

Application Type:	Variation of conditions on a commercial hotel licence
Trading Name:	Yarrabilba Hotel
Address of Premises:	2-24 Waldron Street, Yarrabilba
Date of the Decision:	18 October 2024
Applicable Legislation:	Section 111 of the <i>Liquor Act 1992 (the Act)</i>

Summary of the Reasons for the Decision

As Executive Director, I conducted a review of an application, lodged by the licensee on 31 January 2024, for a variation of licence to permit amplified entertainment on the licensed premises. In deciding the application, I took into account the following findings of fact:

- 1) An acoustic report prepared by a qualified sound engineer was submitted with the application for assessment by the OLGR.
- 2) The application was advertised for public comment with a single objection received.
- 3) There is no objection to the application from the Queensland Police Service, Logan City Council, or the OLGR compliance unit.
- 4) Appropriate conditions will be imposed on the licence to mitigate any potential amenity impacts.
- 5) The Act provides avenues to complain and empowers OLGR to address issues in the event non-compliance should be substantiated.
- 6) Human rights are not limited by my decision to approve the application.

I have considered the relevant matters outlined in section 111 of the Act.

I took into account the objection received which outlined factors including noise and other amenity impacts from drunken patrons occurring on a regular basis and concerns relating to the impact of these continuing factors on property values in the area.

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

- 8) There are no objections to the application from police, the local authority, or OLGR compliance.

- 9) An acoustic report, prepared by a qualified sound engineer, was assessed by OLGR compliance and suitable noise conditions proposed to minimise the impact of entertainment and patron noise on the locality.
- 10) Compliance with the recommended conditions for the licence that will mitigate the potential for unreasonable noise impacts on nearby residents.
- 11) The licensee has a responsibility to ensure that entertainment and other activities do not impact neighbouring residents. 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 variation, replacing existing licence conditions LL250 and LL252 with the following new licence conditions:

- *Noise emanating from the premises including amplified and/or non-amplified noise and/or patron noise must not exceed the following levels with sliding doors to the dining area closed, when measured from close external monitoring location approximately 3 metres west of Energex pillar No 1316864 situated on the corner of Wongawallan Drive and Waldron Street:*
 - a) 51 dB(A) before 10:00pm
 - b) 49 dB(C) between 10:00pm and 12:00am.
- *At least one set of doors which form part of any sound lock entry or exit, and all other doors and windows must be kept closed whenever amplified entertainment or music is in progress at the premises.*
- *From 12:00am noise emanating from the premises including amplified and/or non-amplified noise and/or patron noise must not exceed 75 dB(C), fast response, when measured approximately 3 metres from the primary source of the noise.*