

Office of Liquor and Gaming Regulation

Information Notice



Application Type:	Variation of conditions of a commercial hotel licence
Trading Name:	Mission Beach Tavern
Address of Premises:	52 Porter Promenade, Mission Beach
Date of the Decision:	26 February 2025
Applicable Legislation:	Section 111 - <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 variation of conditions lodged on 2 July 2024. In deciding the application, I took into account the following findings of fact:

1. The applicant is eligible to apply for a variation of conditions 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. The local authority and the Queensland Police Service offered no objection to the application.
4. Three (3) letters of objection were received from the community.
5. Appropriate noise mitigation conditions supported by an acoustic report from a qualified sound engineer are to be imposed to mitigate any potential amenity and noise impacts.
6. The Act provides avenues to complain and empowers OLGR to address issues in the event non-compliance is substantiated.
7. Human rights are not limited by my decision to approve the application.

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

I took into account the objections received which outlined concerns regarding excessive 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 variation of conditions application 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 adversely 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. 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 variation of conditions application to effect the following changes to the licence:

Removal of condition:

- *LL250 - 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 three (3) metres from the primary source of the noise.*

Imposition of new conditions:

- *Live PA systems must be positioned on or next the stage located in the beer garden pointing towards the northwest corner of premises.*
- *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 noise readings to ensure noise does not exceed the levels prescribed on the licence. The noise meter must be capable to reading in both dB(A) and dB(C) weighting fast response.*
- *Using the in-house PA: Noise emanating from the premises including amplified and/or non-amplified noise and/or patron noise must not exceed the following limits, fast response, at the Close External Monitoring Location CEML1, located on the pavement at boundary of service lane to SE side of venue above the steel hatch in the pavement:
65 dB(A) between 10:00am to 10:00pm
52 dB(C) between 10:00pm to 12:00am.*
- *Using the Live PA: Noise emanating from the premises including amplified and/or non-amplified noise and/or patron noise must not exceed the following levels, fast response, at the Close External Monitoring Location CEML1, located on the pavement at boundary of service lane to SE side of venue above the steel hatch in the pavement:
63 dB(A) between 10:00am to 10:00pm
53 dB(C) between 10:00pm to 12:00am.*
- *Noise emanating from the premises including amplified and/or non-amplified noise and patron noise must not exceed the following levels, fast response, when measured approximately three (3) metres from the primary source of the noise:
Using the in-house PA: 98 dB(A) before 10:00pm
Using the in-house PA: 81 dB(C) after 10:00pm.
Using the Live PA: 103 dB(A) before 10:00pm
Using the Live PA: 87 dB (C) after 10:00pm.*