

Information Notice

Application Type:	Commercial other subsidiary on premises licence
Trading Name:	Ventspace
Address of Premises:	23 Glenelg Street, South Brisbane
Date of the Decision:	16 December 2022
Applicable Legislation:	Part 4, Division 4, Subdivision 2 of the <i>Liquor Act 1992 (the Act)</i>

Brief Summary of the Reasons for the Decision

As General Manager, Licensing, I conducted a review of the application for a commercial other subsidiary on premises licence lodged by the applicant on 23 August 2022. In deciding the application, I took into account the following findings of fact:

- 1) The application was advertised for public comment with two written objections and a petition with 34 signatures received.
- 2) The Brisbane City Council has no objection to the application.
- 3) No response was received from South Brisbane District police.
- 4) The OLGR compliance would not object to the granting of the licence provided the standard noise conditions are endorsed and that the licence area description excludes any outdoor areas from the licence.
- 5) Appropriate conditions will be imposed on the licence to mitigate any potential amenity impacts.
- 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 with noise, the proximity of the high school and church, and the availability of parking.

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 Brisbane City Council, police, and OLGR compliance have no concerns about the application.
- 9) The applicant is undertaking significant steps to soundproof the venue.

- 10) Compliance with the recommended noise levels will mitigate the potential for unreasonable noise to nearby residents.
- 11) The OLGR has a complaints system and can investigate issues raised by complainants should the licensee be unable to meet their responsibilities under the Liquor Act. Should the OLGR substantiate noise from the premises is the cause of unreasonable amenity impact then there are various actions that can be taken to address those issues and ensure further controls are put in place.

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:

- *Liquor may be sold or supplied only whilst the premises adheres to its principal activity of provision of premises and catering facilities for use by persons genuinely attending a function held on the licensed premises.*
- *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.*
- *Non-amplified entertainers or speakers used to amplify noise must not be located in any outdoor, verandah, patio, footpath or beer garden area of the premises.*
- *The Licensee/approved manager/person in control of the premises must ensure that patrons are not permitted to access or use the outdoor area at the rear of the premises at any time.*