

## Information Notice

<b>Application Type:</b>	Variation of Liquor Licence
<b>Trading Name:</b>	Pacha Mama Tapas and Smokehouse
<b>Address of Premises:</b>	44 Marine Parade, Mission Beach
<b>Date of the Decision:</b>	7 August 2024
<b>Applicable Legislation:</b>	Section 111 of the Liquor Act 1992

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### Brief Summary of the Reasons for the Decision

As Manager, Licensing, I conducted a review of an application to vary the liquor licence lodged by the applicant on 9 May 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 liquor licence under the *Liquor Act 1992* (the Act).
2. The local authority has no objection to the application.
3. QPS objected to the application.
4. One letter of objection was received.
5. Appropriate conditions are 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 Section 111 of the Liquor Act 1992.

I took into account the objections received which outlined concerns about the negative impact of noise.

In response to the objections received, I am satisfied the granting of the variation of liquor licence would not necessarily have an adverse effect on the amenity of the locality as:

8. The local authority has no objection to the application.
9. It is the responsibility of the licensee to ensure patron and other venue related noise does not negatively impact on local residents.
10. 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.

11. Appropriate noise mitigation conditions supported by an acoustic report from a qualified sound engineer will be imposed in support of the application.

After considering all of the relevant facts and information, both positive and negative, and the aforementioned findings on material questions of fact, I decided to grant the removal of the following condition:-

- *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.*

And imposition of the following conditions:

- *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 (with doors closed) approximately 3 metres from the primary source of the noise:*
  - *89 dB(A) between 10:00am and 10:00pm*
  - *85 dB(C) between 10:00pm and 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 (with doors and windows open) at close external monitoring location which is 1m from the boundary of the outdoor area on the eastern side of the premise:*
  - *74 dB(A) between 10:00am and 10:00pm*
  - *63 dB(C) at any other time*