

Information Notice

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| Application Type: | Commercial hotel licence with extended trading hours |
| Trading Name: | The Pink Monkey Kitchen & Bar |
| Address of Premises: | 1712 Gold Coast Highway, Burleigh Heads |
| Date of the Decision: | 3 March 2025 |
| Applicable Legislation: | Sections 59 to 61 and section 86 of the <i>Liquor Act 1992</i> |

Brief Summary of the Reasons for the Decision

As Assistant Director-General, I conducted a review of the applications for a commercial hotel licence and extended trading hours lodged for the premises on 15 August 2024. In deciding the application, I took into account the following findings of fact:

- 1) The applicant is eligible to apply for a commercial hotel licence and extended trading hours under the *Liquor Act 1992* (the Act).
- 2) The application was advertised for public comment and five letters of objection plus a petition with 128 signatures were received.
- 3) The Gold Coast City Council and Gold Coast District police have no objection to the application.
- 4) OLGR compliance does not object to the granting of the licence subject to: the endorsement of additional conditions regulating noise: requiring windows and doors to be kept closed whenever amplified and live entertainment is being conducted: requiring licensed crowd controllers to be engaged to perform crowd control duties on the first-floor balcony area after 9:00 pm; and manage patron ingress, queuing and departure from the premises.
- 5) The Act provides avenues to complain and empowers OLGR to address issues in the event non-compliance is substantiated.
- 6) The decision is reasonable and demonstrably justifiable under the *Human Rights Act* as the impact on the amenity of the locality will be minimised if the licensee complies with its licence conditions and statutory obligations under the Act.

I have considered the relevant matters outlined in Part 4, Division 2 of the Act.

I took into account the objections received, which outlined concerns for the negative impact of noise generated at the premises on the residents of surrounding high-rise apartment buildings, and the anticipated increase in antisocial behaviour from departing patrons reducing the amenity of the area.

In response to the objections received, I am satisfied the granting of the commercial hotel licence with extended trading hours would not necessarily have an adverse effect on the amenity of the locality as:

- 7) There are no objections to the application from police, the local authority, or OLGR compliance.
- 8) Although multiple public objections to the application were received, the objector's concerns were satisfactorily addressed at a subsequent objection conference by the proposal to impose additional licence conditions, and a commitment for no increase to the noise level (85 decibel) currently established for the first-floor balcony.
- 9) It is the responsibility of the licensee to make every effort to ensure patron and other venue-related noise does not negatively impact local residents. The recommended conditions should assist the licensee in trading in a compliant manner and mitigate any potential for unreasonable noise to nearby 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.

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 approve the application for a commercial hotel licence with trading hours of:

11:00 am to 10:00 pm – Monday and Tuesday
11:00 am to 11:00 pm – Wednesday, Thursday and Sunday
11:00 am to 2:00 am – Friday and Saturday (Indoors)
11:00 am to 12:00 am – Friday and Saturday (Footpath area)

subject to the imposition of the following licence conditions:

- *Liquor may be sold or supplied only whilst the premises adheres to its principal activity of the sale of liquor for consumption on the licensed premises, or on and off the premises.*
- *Liquor may not be sold for consumption off the licensed premises after 10:00 pm or be taken away from the premises after 10:30 pm.*
- *Approval for use of the footpath dining area will be removed if approval from the relevant local authority is not renewed.*
- *Patrons are not permitted to remove liquor for on-premise consumption from the main premises for consumption in the footpath licensed area - table service only.*
- *The consumption of liquor in the footpath dining area is only authorised when patrons are seated at tables.*
- *The Licensee, Approved Manager, Employees and Agents are to ensure a minimum of a two (2) metre unobstructed pedestrian thoroughfare is maintained at all times the footpath licensed area is utilised by the Licensee.*
- *Under Section 155(4)(e), approval is granted for minors to be on the licensed premises up to 8:00 pm for the purpose of consuming food and non-alcoholic beverages.*

- *The licensee must ensure that a Register of Complaints is kept and maintained at the premises to record details of all complaints showing the name of the complainant, time and date of the complaint and the details of any remedial action taken by the management to rectify the problem.*
- *The Register of Complaints is to be made available to OLGR Investigators for inspection immediately upon request.*
- *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.*
- *Management must install and maintain in good working order, a sound limiting device and ensure that all amplified noise at the premises is conducted through a sound limiting device at all times to ensure that noise does not exceed levels prescribed in the conditions of this licence.*
- *The sound limiting device is to have a locking mechanism, which is to be locked at all times except for inspection or maintenance work on the device.*
- *Access to the sound limiting device, except for maintenance work, is restricted to the licensee, approved manager and the person in charge of the premises at any time.*
- *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 11:00 pm 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.*
- *The licensee and approved manager/s must ensure a minimum of one (1) crowd controller licensed under the Security Providers Act 1993 maintains surveillance outside the premises for at least one hour after the premises closes for business or, if earlier, until all patrons have vacated the immediate vicinity of the premises.*
- *Conditions LL300 and LL302 apply only on nights the premises trades beyond 1:00 am.*
- *A minimum of one (1) licensed crowd controller must be engaged to perform crowd control duties from 9:00 pm in the first-floor balcony area of the premises on Friday and Saturday nights and on any public holiday the premises is open for trade.*
- *A minimum of two (2) licensed crowd controller will greet patrons at the entry to the premises (within the building and not on the footpath or road) for the purposes of managing patron ingress, ID checking, queuing and egress.*
- *A minimum of two (2) licensed crowd controllers must be stationed on the road frontage from cessation of liquor service to 30 minutes after the closing time to assist patrons obtaining transport and moving on in an orderly manner.*
- *When amplified or non-amplified entertainment is being conducted, all external doors and windows are to remain closed, including the balcony except for the purpose of entry and exit of persons at all times.*

- *Noise emanating from the ground floor of the premises including amplified and non-amplified noise and/or patron noise must not exceed 85 dB(C), fast response, when measured from a location in the middle of the main dining area approximately 4 metres from the bar and 3 metres from the speaker facing the rear of the building.*
- *Noise emanating from the first floor of the premises including amplified and non-amplified noise and/or patron noise must not exceed the following levels, fast response, when measured from a location at the north west corner of the bar:*
 - a) *95 dB(C) when any first floor window is open*
 - b) *100 dB(C) when all first floor windows are closed.*
- *At least one door forming part of the sound lock to the balcony must remain closed when noise levels from any activity being conducted on the first floor exceeds 95 dB(C).*
- *Noise emanating from the outdoor balcony of the premises including amplified and non-amplified noise and/or patron noise must not exceed 85 dB(C), fast response, when measured from a location on the outdoor balcony, 3 metres from the speaker (closest to the door) facing the Gold Coast Highway.*
- *The licensee and approved manager/s must ensure an incident register is kept on site, in a secure place. The register must be signed by all staff involved in the incident and must include:*
 - a. *Date and time of the incident;*
 - b. *Where the incident occurred;*
 - c. *Full descriptions of persons involved, including names where obtainable;*
 - d. *Reasons for removing persons from the premises;*
 - e. *Any details of injuries to persons.*
- *The licensee and approved manager/s must maintain closed-circuit television (CCTV) equipment recordings of all patrons entering and leaving the premises via the entrance and exit (including any fire exit used for removing patrons). The CCTV footage must include recordings of all interactions between patrons and crowd controllers or staff, from 8:00 pm until one hour after all patrons have left the premises, or close of business, whichever is later.*
- *The licensee and approved manager/s must keep CCTV recordings in a secure place for at least 28 days after the recording is made. Recordings of incidents where persons are removed or injured must be kept on the premises for 1 year after the recording is made. The recordings must be produced on request by an investigator appointed under the Liquor Act 1992.*
- *Patron numbers must not exceed the following levels until such time as the licensee submits to Council written certification from a Registered Professional Engineer Queensland registered in building fire safety, as per the terms of the Judgement made in the Queensland Planning and Environment Court dated 2 August 2024:*
 - *A maximum of 75 persons on the ground floor at any one time; and*
 - *A maximum of 150 persons on the first floor at any one time.*
- *The licensee must erect a roof and install bi-fold doors and/or windows on the first-floor balcony by 30 June 2025 to enable the balcony to be fully enclosed for the purpose of containing noise.*