

Information Notice

Application Type: Variation of conditions
Trading Name: Chameleon Lounge Bar
Address of Premises: Shop 1, ARIA Building, 19 Albert Avenue, Broadbeach
Date of the Decision:
Applicable Legislation: Section 111 - *Liquor Act 1992*

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 a variation of conditions lodged on 25 November 2021. In deciding the application, I took into account the following findings of fact:

1. The applicant is eligible to apply for a variation of licence under the *Liquor Act 1992* (Liquor Act).
2. No objections were lodged by the Queensland Police Service or the Local Council.
3. 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).
4. Seven (7) letters of objection and one petition was received from the community.
5. Appropriate noise mitigation conditions supported by an acoustic report from a qualified sound engineer are to be imposed.
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 centred on allegations of noise nuisance currently associated with the operation of the business and the potential for an escalation of these concerns should allowable noise levels be increased.

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

1. No objections were received from the local authority, QPS, or OLGR Compliance (subject to suitable conditions being applied to the licence).

2. The licensee has engaged security to primarily control crowd behaviour outside the premises.
3. The licensee has implemented voluntary noise mitigation strategies.
4. The premises is located within the Broadbeach SNP.
5. The licensee is willing to work collaboratively with residents to address noise related issues.
6. Compliance with the prescribed noise conditions will mitigate the potential for unreasonable noise.
7. The applicant has a responsibility to ensure its activities do not impact neighbouring residents. If issues arise and cannot be resolved directly with the applicant, there is a complaint process available and OLGR can take appropriate action if required.

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 affect the following changes to the licence:

- *Noise emanating from the premises including amplified and/or non-amplified noise and/or patron noise must not exceed the following limits, at the following times, fast response, when measured approximately 3 metres from the primary source of the noise:*

87dB(A)	10:00 AM – 10:00 PM
90dB(C)	10:00 PM – 1:00 AM
- *At all other times 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.*
- *Amplified entertainment must only be conducted through in-house speakers.*
- *LL259 - 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.*
- *LL260 - The Register of Complaints is to be made available to OLGR Investigators for inspection immediately upon request.*
- *LL267 - 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.*

P A Leotta

Patricia Leotta

Manger, Licensing

10/05/2022