

## Information Notice

<b>Application Type:</b>	Commercial other – subsidiary on premises (functions)
<b>Trading Name:</b>	Stonebridge Gardens
<b>Address of Premises:</b>	20 Rifle Range Road, Palmwoods
<b>Date of the Decision:</b>	22 July 2022
<b>Applicable Legislation:</b>	Section 80 - Liquor Act 1992

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### 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 commercial other – subsidiary on premises (functions) licence lodged on 24 November 2021. In deciding the application, I took into account the following findings of fact:

1. The applicant is eligible to apply for a commercial other – subsidiary on premises 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. One (1) letter of objection was received from the public.
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 took into account the objection received which centred around proposed entertainment causing disturbance to family and sleeping children and disturbing the peace and quiet of the rural location.

In response to the objection received, I am satisfied that the granting of this licence 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. Compliance with the prescribed noise conditions will mitigate the potential for unreasonable noise.

3. 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 application for a commercial other – subsidiary on premises (functions) licence with the following conditions:

1. *LL280 - 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.*
2. *Patrons are permitted to remove liquor from the kiosk for consumption in licensed areas 1 to 4.*
3. *Deliveries, loading and unloading activities associated with the use of the site must be undertaken between 9.00 am and 6.00 pm.*
4. *LL261 - 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.*
5. *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.*
6. *Noise emanating from the premises, including amplified and/or non-amplified noise and/or patron noise, must not exceed the following limits, fast response, when measured at the close external monitoring locations (CEMLs):*

**CEML 1** *Located external to the premises, adjacent to the southern side of power pole number `4627', located across the road from the boundary of 62 and 64 Landershute Road. This has approximate coordinates of -26.70085, 152.94459.*

- 50 dB(A) between 10.00 am and 7.00 pm
- 43 dB(A) between 7.00 pm and 10.00 pm
- 46 dB(C) between 10.00 pm and 12.00 am

**CEML 2** *Located external to the premises, adjacent to the southern side of power pole number `791', located across the road from 64 Landershute Road. This has approximate coordinates of -26.701350, 152.94479.*

- 40 dB(A) between 10.00 am and 7.00 pm
- 43 dB(A) between 7.00 pm and 10.00 pm
- 47 dB(C) between 10.00 pm and 12.00 am

**CEML 3** *Located external to the premises, adjacent to the southern side of the white metal post on the southern side of the driveway entrance to the Stonebridge Gardens southern gate entry, closest to the intersection of Citrus and Landershute*

*Roads. This has approximate coordinates of -26.70170, 152.94493.*

- 42 dB(A) between 10.00 am and 7.00 pm*
- 43 dB(A) between 7.00 pm and 10.00 pm*
- 46 dB(C) between 10.00 pm and 12.00 am*

**CEML 4** *Located external to the premises, adjacent to the southern side of power pole number `4628', located on the eastern side of Citrus Road, approximately 49 metres south of the Stonebridge Gardens southern gate on Landershute Road. This has approximate coordinates of -26.70205, 152.94499.*

- 39 dB(A) between 10.00 am and 7.00 pm*
- 44 dB(A) between 7.00 pm and 10.00 pm*
- 48 dB(C) between 10.00 pm and 12.00 am*

**CEML 5** *The closest corner of the closest carparking space adjacent to the kiosk, overlooking the gardens, approximately 17 metres from the kiosk deck. This has approximate coordinates of -26.7010369, 152.9460111.*

- 54 dB(A) between 10.00 am and 7.00 pm*
- 51 dB(A) between 7.00 pm and 10.00 pm*
- 52 dB(C) between 10.00 pm and 12.00 am*

- 7. Rectangular pergola located adjacent to, and parallel with Landershute Road (between CEML 1 and 2), is not to be used after 7.00 pm.*
- 8. Semi-circular pergola located adjacent to Landershute Road (between CEML 3 and 4) is not to be used after 7.00 pm.*
- 9. Unless otherwise conditioned on this licence, noise emanating from all areas of 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.*
- 10. Alterations or changes to the premises or landscape that could vary the location of any CEMLs or make their location unidentifiable are to not be undertaken without the authority of the Commissioner for Liquor and Gaming.*
- 11. The approved operating hours for public ingress are between 9.00 am to 11.00 pm Monday to Saturday and 9.00 am to 9.00 pm Sunday.*