

Office of Liquor and Gaming Regulation



Information Notice

Application Type: Commercial other subsidiary on premises licence

Trading Name: The Court House

Address of the Premises: 38-40 Abbott Street, Cairns City

Date of the Decision: 25 June 2021

Applicable Legislations: Part 4, Division 4, Subdivision 2 - *Liquor Act 1992*

Brief Summary of the Reasons for the Decision

On 25 June 2021, as delegate of the Commissioner for Liquor and Gaming, I conducted a review of the application for a new commercial other – subsidiary on-premises licence lodged by the applicant on 25 March 2021. In deciding the application, I took into account the following findings of fact:

1. The applicant is eligible to apply for a licence under the *Liquor Act 1992* (Liquor Act).
2. No objections were lodged by the local authority, Queensland Police Service (QPS) or the Office of Liquor and Gaming Regulation's (OLGR) compliance division.
3. Two letters of objection were received from the community.
4. The premises is located in the Cairns CBD entertainment precinct and is surrounded by commercial properties, including a supermarket, other licensed premises, restaurants and retail shops. There are no sensitive facilities or sub-communities identified within 200 metres.
5. Appropriate noise attenuation conditions have been determined and imposed on the licence following assessment of an acoustic report.
6. The Liquor 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 Part 4, Division 4, Subdivision 2 of the Liquor Act.

I took into account the objections received which outlined the following concerns:

8. The amenity of the recently restored heritage building will be degraded by noise, violence and the actions of patrons.

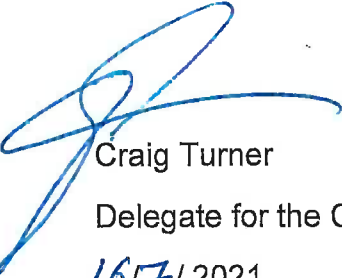
In response to the objections received, I am satisfied the granting of the new licence application would not necessarily have an adverse effect on the amenity of the locality as:

9. Although acknowledged amenity issues were previously attributable to the premises when it operated under a commercial hotel licence, the commercial other – subsidiary on-premises licence is intended to facilitate a gallery, community events and artistic performances. It is considered these proposed uses represent a lower level of risk and therefore are less likely to result in an adverse impact on community amenity.
10. No objections were received from the local authority, QPS or OLGR's compliance division.
11. Appropriate noise attenuation conditions have been determined and imposed on the licence following assessment of an acoustic report.

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 application, subject to the imposition of the following conditions:

- *Liquor may be sold or supplied only whilst the premises adheres to its principal activity of a civic centre providing gallery space, community events and live performances.*
- *Liquor may be sold or supplied for consumption on the licensed premises to persons who are genuinely attending a function on the licensed premises.*
- *Under section 155(4)(e), approval is granted for minors to be on the licensed premises for the purpose of attending an artistic performance, exhibition, concert, or community event.*
- *For the purpose of external noise monitoring:*
 - a) *Location A is situated external to the premises, on the boundary steps between the adjacent office building and the southern end of the front lawn*
 - b) *Location B is situated external to the premises, near boundary fence directly opposite and centre to the rear outdoor stage at the southern end of premises*
 - c) *Location C is situated external to the premises, at the boundary wall of Mantra Esplanade near the loading dock*
 - d) *Location D is situated external to the premises, on the steps of the Cairns Art Gallery at the northern end of the front lawn.*
- *Noise emanating from the premises including amplified and/or non-amplified noise and/or patron noise must not exceed the following levels, fast response, when measured at external monitoring location A:*
 - a) *61 dB(A) before 10.00pm*
 - b) *61 dB(C) after 10.00pm.*
- *Noise emanating from the premises including amplified and/or non-amplified noise and/or patron noise must not exceed the following levels, fast response, when measured at external monitoring location B:*
 - a) *69 dB(A) before 10.00pm*
 - b) *59 dB(C) after 10.00pm.*

- Noise emanating from the premises including amplified and/or non-amplified noise and/or patron noise must not exceed the following levels, fast response, when measured at external monitoring location C:
 - a) 73 dB(A) before 10.00pm
 - b) 65 dB(C) after 10.00pm.
- Noise emanating from the premises including amplified and/or non-amplified noise and/or patron noise must not exceed the following levels, fast response, when measured at external monitoring location D:
 - a) 64 dB(A) before 10.00pm
 - b) 60 dB(C) after 10.00pm.



Craig Turner

Delegate for the Commissioner of Liquor and Gaming

16/7/2021