

## Information Notice

<b>Application Type:</b>	Commercial hotel with extended trading hours
<b>Trading Name:</b>	Casablanca
<b>Address of Premises:</b>	58 Cavill Avenue, Surfers Paradise
<b>Date of the Decision:</b>	27 June 2023
<b>Applicable Legislation:</b>	Part 4, Division 2 of the <i>Liquor Act 1992</i>

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### Brief Summary of the Reasons for the Decision

As delegate of the Commissioner for Liquor and Gaming, I conducted a review of the applications for a commercial hotel licence and extended trading hours lodged by the applicant on 3 February 2023. 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* (Liquor Act).
2. The premises is situated in the Surfers Paradise Safe Night Precinct.
3. A full community impact statement was lodged in accordance with section 116 of the Liquor Act and found to be suitable under Guideline 38.
4. The application was advertised for public comment with 73 objections received.
5. No objections were lodged by the local authority or Queensland Police Service (QPS).
6. Officers of the Office of Liquor and Gaming Regulation (OLGR) Compliance Division, who are responsible for assessing compliance of the licensee under the provisions of the Liquor Act, offered no objection to the application (subject to certain conditions to be endorsed on the licence).
7. Appropriate noise mitigation conditions supported by an acoustic report from a qualified sound engineer will be imposed to minimise the impact of entertainment and patron noise on the locality
8. Other appropriate conditions will be imposed on the licence to mitigate any potential amenity impacts.
9. The Liquor Act provides avenues to complain and empowers OLGR to address issues in the event non-compliance should be substantiated.
10. Human rights are not limited by my decision to approve the applications.

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

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

11. Amplified entertainment noise impact on the surrounding residential and multiple high-rise complexes.
12. Noise emanating from outdoor speakers and patrons on the balcony area.
13. Noise associated with the increased number of people departing the premises at a late hour.
14. An increase in antisocial behaviour from patrons in the adjacent park; changing the amenity of the area and causing a disturbance to local residents.
15. Light nuisance created from the illuminated sign for the premises.

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:

16. There are no objections to the application from police, the local authority, nor OLGR compliance.
17. Public concerns with noise emanating from the premises can be addressed with appropriate conditions that mitigate unreasonable noise, impose a patron limit on the outside balcony, require licensed crowd controllers, maintain a register of complaints, and provide a telephone number to facilitate public access to the licensee.
18. Public concerns of an increase in anti-social behaviours impacting the amenity of the locality can be addressed with appropriate conditions that require licensed crowd controllers including at least one that will maintain surveillance outside the premises and Lionel Perry Park, maintain a register of complaints, and provide a telephone number to facilitate public access to the licensee.
19. Public concerns of the light nuisance created from the illuminated sign for the premises can be addressed with appropriate conditions including maintaining a register of complaints and providing a telephone number to facilitate public access to the licensee.
20. An acoustic report, prepared by a qualified sound engineer, was lodged for assessment to determine suitable noise conditions to minimise the impact of entertainment and patron noise on the locality.
21. It is the responsibility of the licensee to make every effort to ensure patron and other venue related noise does not negatively impact on local residents.
22. Given the Act does not contemplate there will be no impact caused by licensed premises, any potential impact on the amenity of the community or locality would be minimised, mitigated or prevented by any proposed noise conditions and the additional conditions endorsed on the licence.

23. The Liquor Act provides avenues to complain and empowers OLGR to address issues in the event non-compliance should be substantiated.

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, subject to the following 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 10:00pm or be taken away from the premises after 10:30pm.
- 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 8:00pm 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 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 8:00pm 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.
- 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.
- For the purpose of external noise monitoring:
  - a) Close external monitoring location A (CEML A) is located next to the large tree at the end of Wahroonga Place
  - b) Close external monitoring location B (CEML B) is located in the middle of the bollards on the footpath on the northwest boundary of Lionel Perry Park
  - c) Close external monitoring location C (CEML C) is located on the footpath to the immediate northwest of the site, at the pathway light, between the moorings.
- Noise emanating from the premises between 10:00am and 10:00pm, including amplified and/or non-amplified noise and/or patron noise must not exceed the following levels, fast response:
  - a) 52 dB(A) when measured at CEML A
  - b) 75 dB(A) when measured at CEML B
  - c) 73 dB(A) when measured at CEML C.
- Noise emanating from the premises between 10:00pm and 3:00am, including amplified and/or non-amplified noise and/or patron noise must not exceed the following levels, fast response:
  - a) 50 dB(C) when measured at CEML A
  - b) 69 dB(C) when measured at CEML B
  - c) 76 dB(C) when measured at CEML C.
- Noise emanating from the premises between 3:00am and 10:00am, including amplified and/or non-amplified noise and/or patron noise must not exceed 75 dB(C), fast response, when measured approximately 3 metres from the primary source of the noise.
- Patrons are not permitted in the balcony outdoor area after 10:00pm.
- The licensee must ensure that the maximum occupancy of the outdoor balcony area does not exceed 280 patrons at any given time subject to all other local, state and federal legislative requirements.
- 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, including Lionel Perry Park, 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 and Lionel Perry Park.
- A licensed crowd controller is to be present after 8:00pm on the balcony at all times whenever there are patrons on the balcony.
- The licensee shall provide a contact telephone number which enables any person to make a complaint to the licensee or representative during the trading period. This telephone number must be advertised by the licensee in such a way so as to be available to any person wishing to contact the licensee or representative during the trading period.