

Information Notice

Application Type: Commercial other subsidiary on premises licence
Trading Name: Flinders Lane Townsville
Address of Premises: 376-378 Flinders Street, Townsville City
Date of the Decision: 20 March 2024
Applicable Legislation: Part 4, Division 4, Subdivision 2 of the *Liquor Act 1992*.

Brief Summary of the Reasons for the Decision

As Manager, Licensing, I conducted a review of the application for a commercial other subsidiary on premises licence lodged by the applicant on 7 July 2023. 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* (the Act).
- 2) The Queensland Police Service, local authority, and OLGR compliance have no objection to the application.
- 3) One letter of objection was received from a resident of a nearby apartment block.
- 4) Appropriate conditions will be imposed on the licence to mitigate any potential amenity impacts.
- 5) The Act provides avenues to complain and empowers OLGR to address issues in the event non-compliance should be substantiated.
- 6) Human rights are not limited by my decision to approve the application.

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

I took into account the sole objection received which outlined concerns with the prospect of noise, and occurrence of concomitant disturbance and offensive anti-social behavior, from a resumption of events similar to those previously hosted in Flinders Lane.

In response to the objection received, I am satisfied the granting of the commercial other subsidiary on premises licence 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) The sole public objector has indicated his tentative support for granting the licence provided the applicant would take future occurrences of anti-social behaviour seriously and demonstrate their commitment with timely and

appropriate actions.

- 9) An acoustic report, prepared by a qualified sound engineer, was assessed to determine suitable noise conditions to minimise the impact of entertainment and patron noise on the locality.
- 10) 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.
- 11) The recommended conditions should assist the licensee to trade in a compliant manner and mitigate any potential for unreasonable noise to nearby residents.
- 12) 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 grant the licence, subject to endorsement of the following conditions:

- *Liquor may be sold or supplied only whilst the premises adheres to its principal activity being the provision of entertainment or visual instruction to tourists.*
- *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 while attending a function or for the purpose of purchasing and/or consuming food and non-alcoholic beverages.*
- *Approval for use of the footpath dining area will be removed if approval from the relevant local authority is not renewed.*
- *Patrons are permitted to remove liquor for on-premise consumption from the main premises for consumption in the footpath licensed area 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 2.5 metre unobstructed pedestrian thoroughfare is maintained between the footpath dining area and the Flinders Street kerbside.*
- *For the purpose of external noise monitoring:*
 - a) *Close external monitoring location CEML1 is located one metre away from the Flinders Street facade, between the door and window of the Cocktail Room*
 - b) *Close external monitoring location CEML2 is located one metre away from the Ogden Street facade, near the Executive Room window, between the black service doors and public walkthrough area at 1.5 metre height*
 - c) *Close external monitoring location CEML3 is located at the Ogden Street entrance, above the reserved spot for wheelchair access*
 - d) *Close external monitoring location CEML4 is located approximately 3 metres from the central pillar of the Flinders Street entrance, where the two grooves in the pavement cross.*

- *Noise emanating from the premises between 10:00am and 10:00pm, including amplified and non-amplified noise and/or patron noise must not exceed the following levels, fast response, when measured at the specified close external monitoring locations:*
 - a) *86 dB(A) at CEML1 with Section 2 windows closed*
 - b) *95 dB(A) at CEML1 with Section 2 windows open*
 - c) *68 dB(A) at CEML2 with Section 1 windows closed*
 - d) *70 dB(A) at CEML2 with Section 1 windows open*
 - e) *82 dB(A) at CEML3 with Section 3 louvres open*
 - f) *91 dB(A) at CEML3 with Section 3 louvres closed*
 - g) *73 dB(A) at CEML4 with Section 3 louvres open or closed.*

- *Noise emanating from the premises between 10:00pm and 12:00am (midnight), including amplified and non-amplified noise and/or patron noise must not exceed the following levels, fast response, when measured at the specified close external monitoring locations:*
 - a) *74 dB(C) at CEML1 with Section 2 windows closed*
 - b) *62 dB(C) at CEML2 with Section 1 windows closed*
 - c) *63 dB(C) at CEML2 with Section 1 windows open*
 - d) *70 dB(C) at CEML3 with Section 3 louvres open*
 - e) *74 dB(C) at CEML3 with Section 3 louvres closed*
 - f) *74 dB(C) at CEML4 with Section 3 louvres open or closed.*

- *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 noise readings to ensure noise does not exceed the levels prescribed on the licence. The noise meter must be capable of reading in both dB(A) and dB(C) weighting fast response.*