

# Office of Liquor and Gaming Regulation



## Information Notice

**Application Type:** Community Club Licence

**Trading Name:** Arcadian Surf Lifesaving Club, Alma Bay Clubhouse

**Address of the Premises:** 65-79 Armand Way, Arcadia

**Date of the Decision:** 27 June, 2024

**Applicable Legislations:** Part 4, Division 5 (*Liquor Act 1992*)

---

### Brief Summary of the Reasons for the Decision

As delegate of the Commissioner for Liquor and Gaming, I conducted a review of the application for a community club licence lodged by the applicant on 19 October 2023. In deciding the application, I took into account the following findings of fact:

1. The applicant is eligible to apply for a community club licence under the *Liquor Act 1992* (Liquor Act).
2. No objections were lodged by the local authority or Queensland Police Service (QPS).
3. 28 public objections were received from the community.
4. Appropriate noise mitigation conditions supported by an acoustic report from a qualified sound engineer will be imposed in support of the application.
5. The community impact statement was prepared in accordance with Commissioner's Guideline 38. The community impact assessment process did not identify any significant issues of concern/adverse comment in relation to the application.
6. The Liquor Act provides avenues to complain and empowers OLGR to address issues in the event non-compliance is substantiated.
7. A decision to grant the application is justifiable and reasonable under the *Human Rights Act 2019*.

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

- Excessive noise generated by events held by the premises.
- Unruly patron behaviour, including harassment of beach goers from the balcony of the clubhouse. There is a large park with a children's playground next to the club. Drunk patrons will make the park unsafe for families.
- There is a turtle nesting site near the club. Turtle nesting will be disrupted by excessive light and noise.
- The ferry services cease around 10:30pm. If patrons miss the last ferry, they could impact the local amenity.

In response to the objections received, I am satisfied the granting of the community club

licence would not necessarily have an adverse effect on the amenity of the locality as:

- No objections were received from the local authority or QPS.
- The Liquor Act does not contemplate nil impact on the amenity of the locality. The presumption is in favour of, rather than against, a grant of a licence unless the community impact cannot be minimised.
- Appropriate noise mitigation conditions, as supported by an acoustic report from a qualified sound engineer, are to be imposed on the licence.
- Assessment of environmental impact are dealt with by relevant planning or environmental legislations. This is not necessarily a relevant consideration under the Liquor Act. OLGR brought these concerns to the attention of Council, who did not object to the application regardless.
- 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 imposition of the following conditions:

- Liquor may be sold or supplied only whilst the premises adheres to its principal activity of the provision of facilities and services to the club's members and the achievement of the club's objects.
- Liquor may not be sold for consumption off the licensed premises after 10:00pm or be taken away from the premises after 10:30pm.
- Pre 10:00pm, noise emanating from the premises including amplified and/or nonamplified noise and/or patron noise must not exceed the following levels, fast response, at the following locations:
  - 108dB(A) measured approximately 3 metres from the primary source of noise.
  - 77dB(A) measured at Close External Monitoring Location A3 as identified in acoustic report, located 1 metre north from boundary of Arcadia Surf Life Saving Club (doors and windows in open position).
- Post 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, at the following locations:
  - 95dB(C) measured approximately 3 metres from the primary source of noise.
  - 74dB(C) measured at Close External Monitoring Location A3 as identified in acoustic report, located 1 metre north from boundary of Arcadia Surf Life Saving Club (doors and windows in open position).
- Management 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.
- Management must maintain a noise measurement register identifying that noise testing is conducted hourly for any period on any day when amplified entertainment and/or public address system announcements/commentary is provided by the licensee at levels above 75dB(C). The readings are to be recorded and made available to an investigator immediately on request.
- Management is to maintain a noise complaint register. All noise complaints must be recorded and made available to an investigator immediately on request.