

Office of Liquor and Gaming Regulation

Information Notice



Application Type: Variation of conditions on a community club licence
Trading Name: Sandhills Sports Club
Address of Premises: Tanner Street, Bargara
Date of the Decision: 22 October 2024
Applicable Legislation: Section 111 of the *Liquor Act 1992 (the Act)*

Brief Summary of the Reasons for the Decision

As Executive Director, I reviewed an application, lodged by the licensee on 8 February 2024, for a variation of licence to conduct amplified entertainment on the licensed premises. In deciding the application, I took into account the following findings of fact:

- 1) An acoustic report prepared by a qualified sound engineer was submitted with the application for assessment by the OLGR.
- 2) The application was advertised for public comment with two objections received.
- 3) The Queensland Police Service, Bundaberg Regional Council, and the OLGR compliance unit do not object to the application.
- 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 if non-compliance is substantiated.
- 6) My decision to approve the application does not limit human rights.

I have considered the relevant matters outlined in section 111 of the Act.

I took into account the two objections received that outlined concerns including additional amenity impacts from noise, increased property damage from rowdy drunken patrons experienced by neighbours living in close proximity to the premises, and increased demand for limited street parking.

In response to the objections received, I am satisfied the granting of a variation of licence to amend the noise conditions would not necessarily have an adverse effect on the amenity of the locality as:

- 1) There are no objections to the application from police, the local authority, or OLGR compliance.
- 2) An acoustic report, prepared by a qualified sound engineer, was assessed by OLGR compliance, and suitable noise conditions were proposed to minimise the impact of entertainment and patron noise on the locality.
- 3) Compliance with the recommended noise conditions will mitigate the potential for unreasonable noise impacts on nearby residents.

- 4) The licensee has a responsibility to ensure that entertainment and other activities do not impact neighbouring residents. 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 the relevant factors and information, both positive and negative, and the aforementioned findings on material questions of fact, I decided to grant the variation to replace existing licence conditions 10588125, 10588137, and 10588139 with the following new conditions:

- *For the purpose of external noise monitoring:*
 - a) *Close external monitoring location CEML1 is situated in line with the edge of the carpark bitumen and concrete leading to the stairs of the venue main entry doors*
 - b) *Close external monitoring location CEML2 is located at Ergon Energy pole No 6107441 opposite 34 Tanner Street*
 - c) *Close external monitoring location CEML3 is located at Ergon Energy pole No 3012601 opposite 30 Clarke Street*
 - d) *Close external monitoring location CEML4 is located at Ergon Energy pole No 3012604 opposite 25 Grimwood Street*
 - e) *Close external monitoring location CEML5 is situated on the western side of the old clubhouse at the base of the access ramp.*
- *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, when measured at the following locations:*
 - a) *58 dB(A) at CEML1*
 - b) *48 dB(A) at CEML2*
 - c) *45 dB(A) at CEML3*
 - d) *48 dB(A) at CEML4*
 - e) *48 dB(A) at CEML5.*
- *Noise emanating from the premises between 10:00pm and 12:00am, including amplified and/or non-amplified noise and/or patron noise, must not exceed the following levels, fast response, when measured at the following locations:*
 - a) *52 dB(C) at CEML1*
 - b) *41 dB(C) at CEML2*
 - c) *41 dB(C) at CEML3*
 - d) *44 dB(C) at CEML4*
 - e) *49 dB(C) at CEML5.*
- *Noise emanating from the premises between 12:00am 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.*



Brigette Tilley

Executive Director

Licensing and Harm Minimisation Programs