

Information Notice

Application Type:	Extended trading hours and variation of licence conditions
Trading Name:	Siblings @ Kirra
Address of Premises:	SLSC Building, 15 Marine Parade, Kirra
Date of the Decision:	18 January 2022
Applicable Legislation:	Sections 86 and 111 of the <i>Liquor Act 1992 (the Act)</i>

Brief Summary of the Reasons for the Decision

As Acting Manager, Licensing, I conducted a review of applications for extended trading hours and a variation of licence conditions. In deciding these applications, I took into account the following findings of fact:

1. The Gold Coast City Council is mindful of the potential negative amenity and other impacts of these changes and expects that appropriate conditions will be considered so as to mitigate the risk of any undue annoyance or disturbance, or any adverse effects on the amenity of occupiers of adjoining properties and the general community.
2. The Queensland Police Service objected to an increase in later trading hours, stating it will have a negative effect on the safety and amenity of the area and lead to a potential increase in alcohol related violence. The Police are also concerned that amplified entertainment in the outdoor areas of the premises will interfere with the peace and amenity of the residential area in close proximity to the premises. Should the licence variation be granted, Police submit conditions should be placed on the licence to mitigate the effect of amplified entertainment on the quiet and amenity of the locality.
3. One public objection was received seven days after the advertised closing date.
4. OLGR compliance has assessed an acoustic report prepared for the premises by a qualified sound engineer and has determined appropriate licence conditions to mitigate any potential amenity impacts.
5. The Act provides avenues to complain and empowers OLGR to address issues in the event non-compliance is substantiated.
6. Human rights are not limited by my decision to approve the applications.

I have considered the relevant matters outlined in sections 86 and 111 of the Act.

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

7. The proposal for increased trading hours and outdoor speakers would reduce the available quiet hours for sleep necessary to be fit and ready for work the next day.

8. High noise levels from the external speakers will jeopardise health and wellbeing.
9. Noise from patrons departing the venue to the nearby Kirra Hotel would further impact on ability to sleep.

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

10. The outdoor deck area is situated on the side of the building open to the ocean and all the deck speakers are oriented to direct entertainment noise towards the ocean thereby minimising the impact of outdoor entertainment and patron noise on residents of Kirra Gardens.
11. Suitable noise conditions have been imposed on the licence to mitigate any amenity concerns.
12. The Act does not contemplate nil impact on the amenity of the locality. The presumption is in favour of, rather than against, granting of the application unless community impact cannot be minimised.

After considering all the relevant factors and information, both positive and negative, and the aforementioned findings on material questions of fact, I decided to approve trading hours of 9:00am to 1:00am, Monday to Sunday, and vary the licence conditions to remove the following conditions:

- *Noise emanating from the premises including amplified and/or non-amplified noise and/or patron noise must not exceed 75dB(C), fast response, when measured approximately 3 metres from the primary source of the noise.*
- *Non-amplified entertainers or speakers used to amplify noise must not be located in any outdoor, verandah, patio or footpath area of the premises.*

and endorse the following conditions on the licence:

- *For the purpose of external noise monitoring:*
 - a) *CEML A is located next to the bike rack at the base of the stairs on the eastern side of the building*
 - b) *CEML B is located on the footpath at the base of three stone steps leading to the beach, approximately 6 metres from the north east corner of the building.*
- *Noise emanating from the premises including amplified and/or non-amplified entertainment noise and/or patron noise must not exceed the following levels, fast response, when measured at CEML A:*
 - a) *63 dB(A) before 10:00pm*
 - b) *66 dB(C) after 10:00pm.*
- *Noise emanating from the premises including amplified and/or non-amplified entertainment noise and/or patron noise must not exceed the following levels, fast response, when measured at CEML B:*
 - a) *83 dB(A) before 10:00pm*
 - b) *79 dB(C) after 10:00pm.*
- *Management 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 points CEML A and CEML B, at each one hourly interval while entertainment is being conducted at the*

premises. Each reading must be recorded in a Noise Register, which must be made available to an OLGR Investigator on request.

- *All external speakers are to be angled inwards and downwards of the outdoor area to the licensed premises.*
- *All amplified music in the outdoor area of the premises must cease at 10:00pm.*

Mike Chen
Acting Manager, Licensing
18 / 01 / 2022