

## **5.4. PROPOSED NEW RESTRICTED LIQUOR PERMIT- MOSSMAN PORT DOUGLAS SENIOR RUGBY LEAGUE CLUB AT PART OF LOT 92 SR 81 MOSSMAN SHOWGROUNDS**

**REPORT AUTHOR** Robert Donovan, Team Leader Property  
**MANAGER** Joanne Jacobson, Executive Manager People and Governance

**DEPARTMENT** People and Governance

### **RECOMMENDATION**

**That Council:**

- 1. Resolves to endorse the lodgment of an application for a new restricted liquor permit with the Office of Liquor and Gaming Regulation on part of Council Trustee Land Lot 92 SR81 Grogan Street Mossman for a period of no longer than 6 month from the date of issue;**
- 2. Notes that all costs associated with the issuing of the liquor licence will be borne by the Mossman Port Douglas Senior Rugby League Leagues Club; and**
- 3. Delegates authority under section 257 of the *Local Government Act 2009* to the Chief Executive Officer to finalize any and all matters associated with this application and the execution of any permit granted.**

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### **EXECUTIVE SUMMARY**

Council is Trustee of the land located on Lot 92 SR81 Grogan St Mossman also known as Coronation Park. This site has many user groups including the Mossman Port Douglas Senior Rugby League Leagues Club (the Sharks).

A new restricted liquor permit application has been received from the Sharks requesting Council's consent to apply for a restricted liquor permit which will allow the Club to trade for up to 25 hours per week. The proposed liquor permit will only be valid for 6 months from the date of issue. The Mossman Police do not object to the application.

### **BACKGROUND**

The application specifies the following trading hours:

- Friday 3pm to 12 midnight
- Saturday 12 noon to 12 midnight
- Sunday 2pm to 6pm

No trading will be permitted for the period of the Mossman Show weekend as stipulated in the liquor permit application.

The proposed licenced area encompasses the whole of the first floor of the Sharks clubhouse including balcony and the entire open shelter area adjacent to the clubhouse. A removable fence is proposed during trading for the shelters licensed area. (Attachment 1)

A petition has been received by Council and was presented at the Ordinary Council Meeting on the 26 March 2019. The petition, signed by 41 residents from Jack, Grogan and Front Street Mossman, expresses concern that the Sharks clubhouse will become a regular venue on Friday, Saturday and Sunday. The petition states that there are already regular disturbances in the streets during the night with extreme noise levels. The petitioners' concerns are that granting the new licence will increase the amount of traffic, noise and disturbances.

The Coronation Park User Group is a newly formed group that has been initiated by Council to address matters concerning the shared sportsground. Currently there are six users of the facility: Mossman and District Show Society, Sharks Seniors, Mossman Port Douglas Junior Rugby League Football Club, It's My Time Fitness, Enhance Family Day and Coral Coast Judo.

All user groups were asked to comment on the proposed liquor permit. Only one written submission was received. The submission opposes the granting of the liquor permit based upon the following:

- Enough venues exist in Mossman to cater for those who wish to enjoy an alcoholic beverage.
- The submitting Club uses the proposed undercover licensed area.
- The Clubhouse has been broken into on several occasions resulting in broken glass panels which the Club replaced at their own expense.
- Domestic and social issues that are associated with alcohol are already a problem for the community.
- Residents living in surrounding areas of the Showgrounds already report alcohol related noise disturbances and anti-social behavior.

## **COMMENT**

The issuing of the liquor licence for the clubhouse is supported as the activity is considered ancillary to the outdoor sports land use occurring on the site. The license will not be used to support functions separate to sporting events as this would not be considered an ancillary activity.

It will be the responsibility of the Shark's to manage the liquor licence and minimize any impact on residents and other organizations. Community members can lodge complaints of antisocial behavior or other issues resulting from the liquor licence with the Office of Liquor and Gaming and with the local police.

A review of impacts upon neighboring residents, police statistics and other user groups should be undertaken at the end of the six-month licencing period.

## **PROPOSAL**

This report proposes that Council provide trustee owner's consent to enable the application to be lodged with the Office of Liquor and Gaming Regulation.

## **FINANCIAL/RESOURCE IMPLICATIONS**

All costs associated with this application and any upgrades to the proposed licenced area that may be required by the Office of Liquor and Gaming Regulations are to be borne by the applicant.

## RISK MANAGEMENT IMPLICATIONS

The management of risks associated with the issuing of a liquor licence will be undertaken by the Mossman Port Douglas Senior Rugby League Club.

## SUSTAINABILITY IMPLICATIONS

**Economic:** Income generated by the liquor licence will help support the club financially

**Environmental:** Nil

**Social:** Nil

## CORPORATE/OPERATIONAL PLAN, POLICY REFERENCE

This report has been prepared in accordance with the following:

### Corporate Plan 2014-2019 Initiatives:

#### Theme 1 - Celebrating Our Communities

*1.1.5 - Support local non-profit community, sporting and cultural organisations to build their capacity.*

#### Theme 5 – Governance

*5.2.1 - Provide Councillors and community with accurate, unbiased and factual reporting to enable accountable and transparent decision-making.*

## COUNCIL'S ROLE

Council can play a number of different roles in certain circumstances and it is important to be clear about which role is appropriate for a specific purpose or circumstance. The implementation of actions will be a collective effort and Council's involvement will vary from information only through to full responsibility for delivery.

The following areas outline where Council has a clear responsibility to act:

**Asset-Owner** Meeting the responsibilities associated with owning or being the custodian of assets such as infrastructure.

## CONSULTATION

**Internal:** Council Management

**External:** Office of Liquor and Gaming Regulations, Coronation Park User Group

## ATTACHMENTS

1. Mossman Sharks Proposed Restricted Liquor Application **[5.4.1]**

## Liquor Act 1992

## Form 8

Queensland  
Government

## Application for new restricted liquor permit

Office of Liquor and Gaming Regulation

Received - 5 APR 2019

Attention PMH DPL

Information RTD

## Office use only

Date received \_\_\_\_\_

Receipt no. \_\_\_\_\_

Amount received \_\_\_\_\_

## Fees:

To find out the current  
application fee go to  
[www.business.qld.gov.au/  
liquor-gaming](http://www.business.qld.gov.au/liquor-gaming)

## Instructions

Please complete in BLOCK letters. Attach extra pages if needed. If you need help completing this form, visit our website  
[www.business.qld.gov.au/liquor-gaming](http://www.business.qld.gov.au/liquor-gaming) or contact the Office of Liquor and Gaming Regulation (OLGR) on 13 QGOV (13 74 68).

## Privacy statement – please read

OLGR is collecting the information on this form to assess your application for a restricted liquor permit. This information is authorised by section 105 of the *Liquor Act 1992*. This information will only be accessed by authorised employees within the department. Business information is placed on a register that may be inspected by the public, authorised by section 43 of the *Liquor Act 1992*. Your information will not be disclosed to any other parties unless authorised or required by law.

## Warning

False or misleading statements will attract a maximum penalty of 100 penalty units or six months imprisonment and may lead to immediate cancellation of licence.

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## Part A – Details

<b>Section 1</b> Club details	Name of club... <u>Mossman Port Douglas Senior</u> <u>Rugby League Leagues Club</u>
<b>Section 2</b> Premises details	Name of premises... <u>Mossman Sharks Clubhouse</u> Situating address of premises... <u>Coronation Park</u> Locality/suburb... <u>Mossman</u> State <u>QLD</u> Postcode <u>4873</u> Postal address of club (if same as physical address, write 'as above')... <u>P.O. Box 230</u> Locality/suburb... <u>Mossman</u> State <u>QLD</u> Postcode <u>4873</u>
<b>Section 3</b> Premises contact details	Phone... <u>40 981215</u> Fax... Mobile... <u>0627 744625</u> Email... <u>fuzza@5at.telstra.com</u>
<b>Section 4</b> Contact person for application	Name... <u>Jason Pasano</u> Phone... <u>40 981215</u> Mobile... <u>0627 744625</u> Postal address... <u>P.O. Box 77</u> Locality/suburb... <u>Mossman</u> State <u>QLD</u> Postcode <u>4873</u>
<b>Section 5</b> Permitted area details	Number of bars... <u>2</u> Size of consumption area (metres x metres)... <u>approx 2.5 x 2.5m, 8m x 10m</u> How area is defined (i.e. bounds of clubhouse, ropes, barriers)... <u>(2.5 x 2.5) - upstairs at clubhouse - railing all the way round.</u> <u>(8m x 10m) - Bollards &amp; Red Bunting.</u>

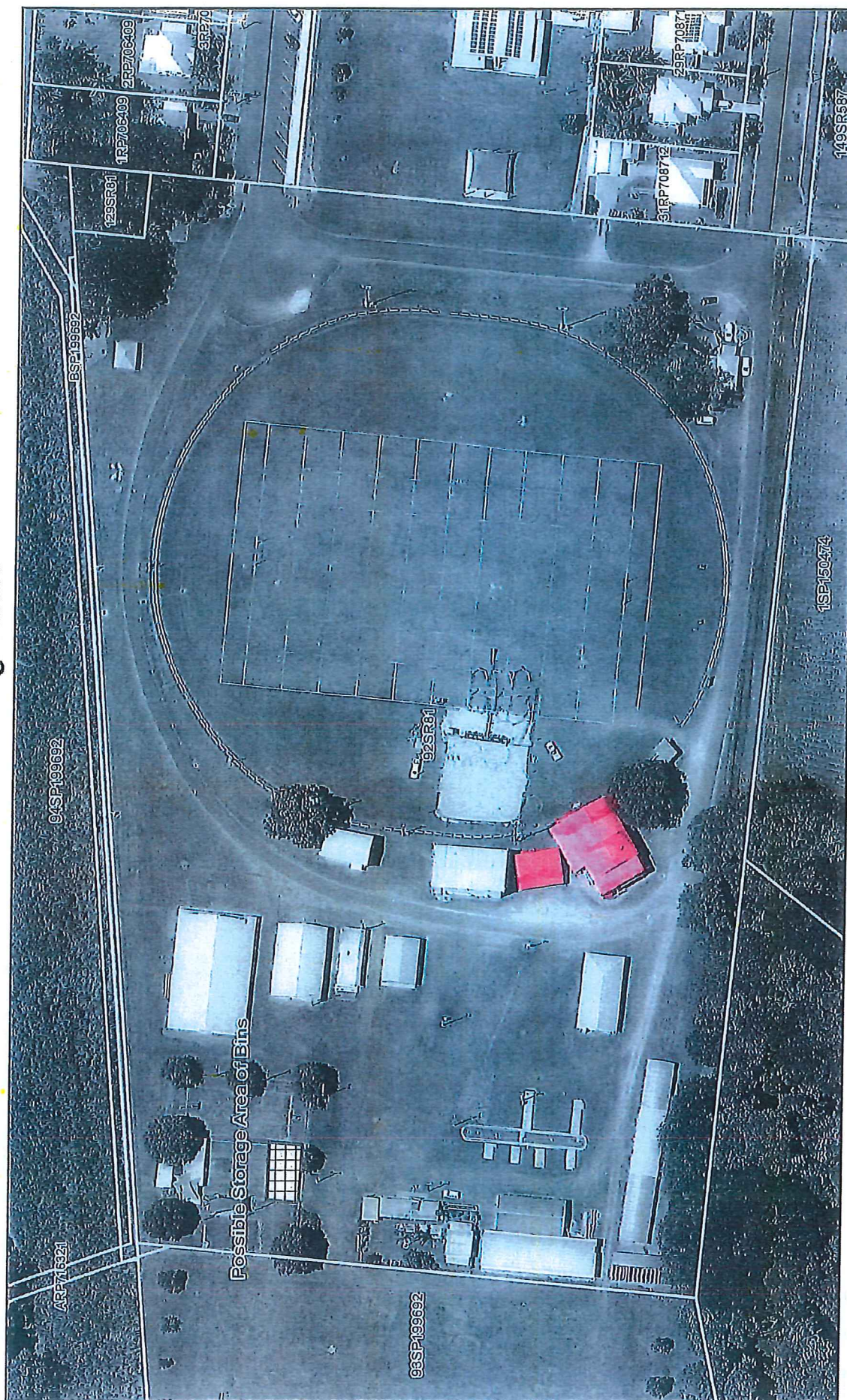
<b>Section 6</b> <b>Duration of permit</b>	Permit length: <input type="checkbox"/> 3 month <input checked="" type="checkbox"/> 6 month How many hours will you be trading per week? <input type="checkbox"/> up to 10 hours per week <input checked="" type="checkbox"/> 10–25 hours per week																
<b>Section 7</b> <b>Commencement date</b>	Desired commencement date: 16 / 02 / 2019 <small>D D M M Y Y Y Y</small>																
<b>Section 8</b> <b>Previous restricted liquor permit</b>	Have you previously held a restricted liquor permit? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes – do not continue with this application. You must complete <b>Form 15</b> 'Application for renewal of a restricted liquor permit'.																
<b>Section 9</b> <b>Incorporated club</b>	Is the club incorporated? <input type="checkbox"/> No – go to <b>Section 11</b> <input checked="" type="checkbox"/> Yes – go to <b>Section 10</b>																
<b>Section 10</b> <b>Certificate of Incorporation</b>	Is your certificate of incorporation attached? <input type="checkbox"/> No – you cannot proceed with this application until it is attached <input checked="" type="checkbox"/> Yes																
<b>Section 11</b> <b>Club constitution</b>	Is your club constitution attached? <input type="checkbox"/> No – you cannot proceed with this application until it is attached <input checked="" type="checkbox"/> Yes – the <i>Liquor Act 1992</i> requires that the rules of a club: <table border="1" data-bbox="403 1227 1406 1973"> <thead> <tr> <th data-bbox="403 1227 1161 1339">All below must be provided</th> <th data-bbox="1161 1227 1406 1339">Where in the constitution are these clauses (clause or page no.)</th> </tr> </thead> <tbody> <tr> <td data-bbox="403 1339 1161 1435">a) Must provide that a person cannot be admitted as a member unless the person makes written application for membership and the application is approved at a meeting of the club's management committee; and</td> <td data-bbox="1161 1339 1406 1435">CLAUSE 4</td> </tr> <tr> <td data-bbox="403 1435 1161 1509">b) Must provide that the members of the club entitled to vote at any meeting of the club do not include temporary or honorary members or minors; and</td> <td data-bbox="1161 1435 1406 1509">Clause 21</td> </tr> <tr> <td data-bbox="403 1509 1161 1606">c) Must provide that the club's management committee must be elected by the voting members of the club at a general meeting of the club for a period of at least one year; and</td> <td data-bbox="1161 1509 1406 1606">Attached</td> </tr> <tr> <td data-bbox="403 1606 1161 1720">d) Must provide that the management committee of the club must present to each annual general meeting of the club:            • a written report of the club's operation throughout the year            • an audited statement of the club's financial position; and</td> <td data-bbox="1161 1606 1406 1720">Attached</td> </tr> <tr> <td data-bbox="403 1720 1161 1767">e) Must be consistent with the club being a non-proprietary club.</td> <td data-bbox="1161 1720 1406 1767">Attached</td> </tr> <tr> <td data-bbox="403 1767 1161 1834">f) must provide that the club's secretary must keep on the club premises a list of reciprocal clubs; and</td> <td data-bbox="1161 1767 1406 1834">No Reciprocal clubs</td> </tr> <tr> <td data-bbox="403 1834 1161 1973">g) if the club is an RSL or Services Club—must provide that RSL honorary members and defence members are not entitled to any rights or privileges of members other than those rights or privileges expressly granted to RSL honorary members or defence members under sections 77, 79, 81, 83, 103JA and 103M.</td> <td data-bbox="1161 1834 1406 1973">N/A</td> </tr> </tbody> </table>	All below must be provided	Where in the constitution are these clauses (clause or page no.)	a) Must provide that a person cannot be admitted as a member unless the person makes written application for membership and the application is approved at a meeting of the club's management committee; and	CLAUSE 4	b) Must provide that the members of the club entitled to vote at any meeting of the club do not include temporary or honorary members or minors; and	Clause 21	c) Must provide that the club's management committee must be elected by the voting members of the club at a general meeting of the club for a period of at least one year; and	Attached	d) Must provide that the management committee of the club must present to each annual general meeting of the club: • a written report of the club's operation throughout the year • an audited statement of the club's financial position; and	Attached	e) Must be consistent with the club being a non-proprietary club.	Attached	f) must provide that the club's secretary must keep on the club premises a list of reciprocal clubs; and	No Reciprocal clubs	g) if the club is an RSL or Services Club—must provide that RSL honorary members and defence members are not entitled to any rights or privileges of members other than those rights or privileges expressly granted to RSL honorary members or defence members under sections 77, 79, 81, 83, 103JA and 103M.	N/A
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<b>Section 12</b> <b>Risk Assessed Management Plan (RAMP)</b>	<p>You must lodge a RAMP. Please refer to Guideline 42 which is available on our website <a href="http://www.business.qld.gov.au/liquor-gaming">www.business.qld.gov.au/liquor-gaming</a>, for assistance in completing this document. If you have an approved RAMP, an updated document must be lodged including changes relating to this application.</p> <p>Is your RAMP attached?</p> <p><input type="checkbox"/> No – do not lodge this application until the RAMP is available and attached.</p> <p><input checked="" type="checkbox"/> Yes</p>														
<b>Section 13</b> <b>Trading days and hours</b> Either maximum of: 10 hours/week or 25 hours/week.	<p>Proposed trading days and hours:</p> <table border="1"> <thead> <tr> <th>Days</th> <th>Intended trading hours</th> </tr> </thead> <tbody> <tr> <td>e.g. Monday</td> <td>6 pm – 8 pm</td> </tr> <tr> <td>Friday</td> <td>3pm – 12 midnight</td> </tr> <tr> <td>Saturday</td> <td>12pm – 12 midnight</td> </tr> <tr> <td>Sunday</td> <td>2pm – 6pm</td> </tr> <tr> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> </tr> </tbody> </table>	Days	Intended trading hours	e.g. Monday	6 pm – 8 pm	Friday	3pm – 12 midnight	Saturday	12pm – 12 midnight	Sunday	2pm – 6pm				
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<b>Section 14</b> <b>Entertainment details</b>	<p>Is any entertainment to be provided (e.g. solos, duos, bands, jukebox, pianist, piped music, karaoke etc.?)</p> <p><input type="checkbox"/> No – go to <b>Section 15</b></p> <p><input checked="" type="checkbox"/> Yes – give details of the type/s and location of entertainment .....</p> <p><u>Inside clubhouse only - solo band, karaoke</u></p> <p>.....</p>														
<b>Section 15</b> <b>Consent of owner</b> Must be signed by owner of freehold land	<p>As owner of the premises described in this form, I consent to this application.</p> <p><b>Note: evidence of power of attorney must be provided if signing on behalf of an owner.</b></p> <p>Name .....</p> <p>Signature.....</p> <p>Date: <input type="text"/> <input type="text"/> / <input type="text"/> <input type="text"/> / <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/></p>														
<b>Section 16</b> <b>Council endorsement</b> Note: it is the applicant's responsibility to collect council endorsement	<p>I, .....</p> <p>of .....</p> <p>received this application on: <input type="text"/> <input type="text"/> / <input type="text"/> <input type="text"/> / <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/></p> <p><input type="checkbox"/> <b>I object</b> – please send a written report outlining your reasons</p> <p><input type="checkbox"/> <b>I do not object</b></p> <p>to this application for a restricted liquor permit.</p> <p>Name .....</p> <p>Position .....</p> <p>Signature.....</p> <p>Date: <input type="text"/> <input type="text"/> / <input type="text"/> <input type="text"/> / <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/></p>														

<p><b>Section 17</b></p> <p><b>Police endorsement</b></p> <p>Note: It is the applicant's responsibility to collect Police endorsement</p>	<p>I, ..... <u>MOSSMAN POLICE</u> ..... station</p> <p>of ..... station</p> <p>received this application on: <u>11/03/2019</u></p> <p><input type="checkbox"/> I object –please send a written report outlining your reasons</p> <p><input checked="" type="checkbox"/> I do not object</p> <p>to this application for a restricted liquor permit.</p> <p>Name ..... <u>NAT SMITH</u> .....</p> <p>Position ..... <u>OFFICER IN CHARGE</u> .....</p> <p>Signature..... <u>[Signature]</u> .....</p> <p>Date: <u>11/03/2019</u></p>
<p><b>Section 18</b></p> <p><b>Signature of club president/ secretary</b></p>	<p>Name ..... <u>Jason Fasano</u> .....</p> <p>Signature..... <u>[Signature]</u> .....</p> <p>Date: <u>11/03/2019</u></p> <p><i>*please note: This license is <u>not</u> to cover the period of the Mossman Show Weekend</i></p> <p><i>Thank you</i> <u>[Signature]</u></p>



## Mossman Showgrounds



Scale 1cm = (???) m or km) at A4  
Map Grid of Australia Zone 55 (GDA94)

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**DOUGLAS**  
SHIRE COUNCIL

- Licensed Area



## Part B – Lodgement and fee payment

### Payment details

### Lodging applications

Please lodge the completed application, any supporting documentation and fees at OLGR at the address below or any OLGR office at Gold Coast (Southport), Sunshine Coast (Maroochydore), Toowoomba, Wide Bay, Rockhampton, Mackay, Mount Isa, Townsville or Cairns. Call 13 QGOV (13 74 68) for addresses or visit our website [www.justice.qld.gov.au](http://www.justice.qld.gov.au)

By mail: Office of Liquor and Gaming Regulation  
Locked Bag 180  
City East Qld 4002

In person: Office of Liquor and Gaming Regulation  
Upper Plaza, 33 Charlotte Street  
Brisbane Qld 4000

### Payment type:

- ☐ Money order
- ☐ Cheque – make cheque payable to Office of Liquor and Gaming Regulation
- ☐ Credit card – charge my:

☐ Mastercard ☐ VISA

Credit card no.

Cardholder's name .....

Amount authorised \$ ..... Expiry date .....

Signature .....

A receipt will not be issued unless specifically requested.

OLGR will not accept credit card details by fax or email, including PDF attachments.

If an email is received with credit card details, it will be deleted immediately and your form will not be processed. This is in accordance with the Payment Card Industry Data Security Standard.

**Liquor Act 1992****Form 8**
**Queensland  
Government**
**Guide to applying for new restricted liquor permit**

Office of Liquor and Gaming Regulation

**Part A – Instructions**
**How do I complete this form?**

You will need to read this schedule very carefully in order to successfully complete the 'Application for new restricted liquor permit'. All of the questions are contained in the schedule, and your answers must then be transferred to the form which is at the back of this schedule.

All answers provided in this application must be in English.

A number of questions require you also to attach documents to the application. It is important that you do attach these documents where required, otherwise the application will be returned to you and will not be processed.

**What is a restricted liquor permit?**

**Important:** If you have previously held a restricted liquor permit do not continue with this application. You must complete **Form 15** 'Application for renewal of a restricted liquor permit'. A restricted liquor permit is granted to non-proprietary clubs so that they can sell liquor. The *Liquor Act 1992* defines a non-proprietary club as:

"an association of persons under whose constitution any income, profits and assets are used only in promotion of its objects, and are not for distribution to its members."

Under this permit, liquor may only be served for consumption on the premises to:

- members of the club
- members of a club with formal reciprocal rights
- a guest of a member in the member's company
- a guest of a reciprocal member in the member's company

**No sales of take away liquor are permitted at any time to anyone.**

A register of all members, and a register of all guests and reciprocal members (commonly referred to as a visitors register) must be maintained on the premises, and be available for inspection at any time by a licensing officer.

**How long will the application take?**

This application is required by law to be lodged at least 21 days before the first date on which your club wishes to commence trading. However, as comment will be sought from the local authority and the police, your application should be made well in advance of your desired commencement in trading.

If you should commence trading prior to the permit, or a renewal of the permit, being approved, you may be charged with unlicensed trading under section 169 of the *Liquor Act 1992*, and your club could face a fine of up to \$18 750.