

**LIQUOR LICENSING, GAMING MACHINE LICENSING AND ADULT ENTERTAINMENT PERMITS – GENERAL POLICY**

PGS | 65/9/1 | #7895125

**RECOMMENDATION:**

**That Council adopts the updated General Policy – Liquor Licensing, Gaming Machine Licencing and Adult Entertainment Permits.**

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**INTERESTED PARTIES:**

Nil

**EXECUTIVE SUMMARY:**

Council adopted its *Liquor Licensing General Policy* in October 2002 to ensure consistency when responding to applications for liquor licences and adult entertainment permits. The most recent iteration came into effect in 2020 and was due for review late November 2024.

While responsibility for liquor licensing decisions rests with the State through the Office of Liquor and Gaming Regulation (OLGR), Council is consulted on matters relating to public amenity and planning compliance as part of the assessment process. The Policy provides officers with a practical framework for preparing consistent responses to the OLGR, guiding Council's comments on new and amended liquor licences, licence variations, requests for extended trading hours, gaming machine licences and adult entertainment permits.

A recent review of liquor licence application trends, including City Safe incident data, has highlighted the need to strengthen the policy assessment provisions to focus on higher risk licences in certain areas, namely new detached bottle shop applications.

**BACKGROUND:**

Since 2023, Council's City Safe data shows a year-on-year increase in alcohol-related antisocial incidents across the Cairns Local Government Area. Most incidents occur within 250-500 metres of major alcohol distributors, predominantly in the CBD, North Cairns and inner suburbs. These trends have attracted growing community interest about public safety and amenity, underscoring the need to contemporise Council's position in relation to liquor outlets that present heightened community risk.

The OLGR has jurisdiction over approval or refusal of liquor licence applications. Applicants apply to OLGR for the relevant permits and conditions to sell alcohol, operate gaming machines and adult entertainment permits.

The OLGR is required to seek Council comment relating to the impact of a proposed liquor outlet on the social amenity of the locality, along with confirmation that the relevant land use approvals are in place.

Under the *Liquor Act 1992*, Council's feedback is limited to:

- (a) commenting on the reasonable requirements of the public in the locality; or
- (b) objecting to the grant of the relevant application on the grounds that the amenity, quiet or good order of the locality would be lessened.

For gaming machine licences, Council's role under the *Gaming Machine Act 1991* is limited to providing comment as the local government for the area in which the premises is located.

Council's comments must be evidence based to withstand appeal. Whilst Council comments are afforded considerable weight, liquor licence refusals are rare unless impacts cannot be mitigated through conditions.

The current Policy identifies the following key considerations to guide officer feedback on liquor licence applications referred by OLGR:

- Proximity to other licenced venues;
- Proximity to sensitive facilities;
- Proximity to residential areas;
- Socio-demographics of the area;
- Number of complaints about this venue or this type of venue;
- Noise impacts; and
- Proposed trading hours.

In most cases, Council is required to provide comments back to OLGR within an approximate two-week timeframe.

Council has no enforcement powers under the Policy or the *Liquor Act 1992* in relation to alleged breaches of liquor licence conditions.

### **COMMENT:**

A review of the current Policy and Officer experience administering it has identified the following challenges:

- The current Policy is broad and is difficult for Officers to apply consistently, and quantify in responses to the OLGR, particularly when qualifying impacts or substantiating objections to liquor licence applications;



3. Remove consideration of proximity to other licenced venues. With the introduction of a policy position to not support any additional bottle shops within the inner suburbs and CBD area, this removes the need to consider proximity to other venues. Other uses such as restaurants and bars are supported to co-locate where consistent with planning objectives, with any unsuitable proposals addressed through the development assessment process.
4. Given that previous versions of the policy did not include any specific provisions for gaming machine licences, include a statement that Council does not support gaming machine operation prior to 10am and post 12am.
5. Include consideration of land-use rights and development approvals, reflecting a key State assessment requirement and Council's established practice of ensuring planning compliance prior to licence issue.
6. Remove officer consideration of noise impacts from licence assessments, noting these are regulated by OLGR and addressed through development assessment where relevant.

#### **OPTIONS:**

##### Option 1 (Recommended):

That Council adopts the updated General Policy – Liquor Licensing, Gaming Machine Licencing and Adult Entertainment Permits.

##### Option 2:

That Council revokes the existing Liquor Licensing, Gaming Machine Licensing and Adult Entertainment Permits General Policy.

#### **CONSIDERATIONS:**

Most Queensland Councils do not maintain standalone liquor licensing policies.

The absence of a clear, measurable policy position by Council would represent a gap in Council policy in an area of currently high public focus on alcohol related anti-social behaviour impacting public safety, amenity and reputation of the Cairns region.

Council already commits significant resources to community safety initiatives, and the amendments are intended to support and strengthen this work.

If Council chose to revoke the Liquor Licensing, Gaming Machine Licensing and Adult Entertainment Permits General Policy and staff still required direction regarding feedback to the OLGR, this could be achieved through an internal administrative instruction.

Statutory:

The amendments maintain the Policy's alignment with the legislative intent and requirements of the *Liquor Act 1992* and the *Gaming Machine Act 1991*.

**ATTACHMENTS:**

**Attachment 1:** Liquor Licensing and Adult Entertainment Permit General Policy (ADOPTED) – Marked Up

**Attachment 2:** Liquor Licensing, Gaming Machine Licensing and Adult Entertainment Permit General Policy (PROPOSED) – Clean Version



Claire Simmons  
Executive Manager Development & Planning



Mark Davey  
Director Planning, Growth & Sustainability

# Attachment 1: Liquor Licensing and Adult Entertainment Permits General Policy (ADOPTED) – Marked Up

CAIRNS REGIONAL COUNCIL



General Policy

## LIQUOR LICENSING, GAMING MACHINE LICENSING AND ADULT ENTERTAINMENT PERMITS

**Intent:** The intent of this policy is to provide a guideline for providing comments assessing and commenting on liquor licensing, gaming machine licensing and adult entertainment permit applications, to ensure the amenity, safety and vibrancy of surrounding areas are maintained, sufficient demand is monitored in a locality, and other relevant approvals are in place.

**Scope:** This policy shall apply to all requests for comment on liquor licensing applications, gaming machine licensing and aAdult eEntertainment pPermits received from Office of Liquor and Gaming Regulation (OLGR) referred to Cairns Regional Council.

### PROVISIONS

#### Statutory

In accordance with the provisions of the Liquor Act 1992, the OLGR must provide certain liquor licence application (including proposed changes to existing liquor licences) to the relevant local government authority for comment or objection must be consulted about any liquor licence applications or proposed changes to existing liquor licences. Council may provide comment on the following matters: locality of the proposed application and object to the granting of the application on the grounds that the health, social and amenity of the locality would be lessened by the application.

- (a) comment on the reasonable requirements of the public in the locality; or
- (b) object to the grant of the relevant application on the grounds that the amenity, quiet or good order of the locality would be lessened.

In accordance with the provisions of the Gaming Machine Act 1991, the commissioner may invite representations on an application of significant community impact from:

- (a) the local government for the area in which the premises for which the licence is sought are situated.

#### Licensing

OLGR issues different types of liquor licenses, gaming machine licences and aAdult eEntertainment pPermits, with the type of licence issued dependent on the primary purpose.

#### ConsiderationsAssessment

Council's in preparing commentsassessment on an application will givehave consideration to the following matterscriteria:

- Proximity to other licensed venues;
- Proximity to sensitive receptorsfacilities including residential areas;
- Proximity to residential areas;Existing land use rights or development approvals for the premises
- Security and patron management
- Socio-demographics of the area;
- Number of complaints about this venue or this type of venue.
- Noise impacts
- Proposed patron capacity and tTrading hHours
- High risk areas in consideration of anti-social behaviours
- History of the applicant's ability to manage and operate a licenced venue

#### Specific Policy Position

Council does not support liquor licence trading prior to 10am and after 12 midnight. In the case of nightclubs, hotels (not including detached bottleshops), taverns and bars, Council may support trading until 3am with extended hours to 5am with lock out periods (3am) on Friday and Saturday, with appropriate consideration given to the assessment criteria above. Council does not support trading hours of detached bottleshops prior to 10am or post 10pm. location.

Additionally, Council does not support any additional detached bottleshops proposed within the following locations:

- |                       |                          |
|-----------------------|--------------------------|
| • <u>Cairns City</u>  | • <u>Westcourt</u>       |
| • <u>Cairns North</u> | • <u>Bungalow</u>        |
| • <u>Edge Hill</u>    | • <u>Earville</u>        |
| • <u>Whitfield</u>    | • <u>Woree</u>           |
| • <u>Manunda</u>      | • <u>Parramatta Park</u> |
| • <u>Manoora</u>      | • <u>Mooroolbool</u>     |

Where proposed bottle shops are located outside the areas identified above, they will be assessed against the considerations set out in this Policy. Proposals that do not satisfy these criteria, or that fail to demonstrate compliance through relevant supporting information, will not be supported by Council, regardless of their location.

All applications proposing to increase noise levels and/or undertake amplified entertainment, must be accompanied by an acoustic report from a licensed sound engineer and provide Council with details of speaker positions.

Council does not support trading hours of gaming machine licences prior to 10am or post 12am.

All applications for Adult Entertainment Permits will be assessed in accordance with the above criteria and consideration made to the suitability of the proposed location.

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**This policy is to remain in force until otherwise determined by Council.**

**General Manager/Director Responsible for Review: Planning, Growth & Sustainability & Environment**

**ORIGINALLY ADOPTED: 10/10/2002**

**CURRENT ADOPTION: 25/11/2020~~xx/xx/2026~~**

**DUE FOR REVISION: 25/11/2024~~xx/xx/2030~~**



**Christine PosgateKen Gouldthorp  
A/Chief Executive Officer**

## Attachment 2: Liquor Licensing, Gaming Machine Licensing and Adult Entertainment Permit General Policy (PROPOSED) – Clean Version

CAIRNS REGIONAL COUNCIL



General Policy

### LIQUOR LICENSING, GAMING MACHINE LICENSING AND ADULT ENTERTAINMENT PERMITS

- Intent:** The intent of this policy is to provide a guideline for providing comments on liquor licensing, gaming machine licencing and adult entertainment permit applications, to ensure the amenity, safety and vibrancy of surrounding areas are maintained, sufficient demand is monitored in a locality, and other relevant approvals are in place.
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- object to the grant of the relevant application on the grounds that the amenity, quiet or good order of the locality would be lessened.

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- the local government for the area in which the premises for which the licence is sought are situated.

#### Licencing

OLGR issues different types of liquor licenses, gaming machine licences and adult entertainment permits, with the type of licence issued dependent on the primary purpose.

#### Considerations

Council in preparing comments on an application will give consideration to the following matters:

- Proximity to sensitive receptors including residential areas
- Existing land use rights or development approvals for the premises
- Security and patron management
- Number of complaints about this venue or this type of venue
- Proposed patron capacity and trading hours
- High risk areas in consideration of anti-social behaviours
- History of the applicant's ability to manage and operate a licenced venue

#### Specific Policy Position

Council does not support liquor licence trading prior to 10am and after 12 midnight. In the case of nightclubs, hotels (not including detached bottleshops) and bars, Council may support trading until 3am on Friday and Saturday, with appropriate consideration given to the assessment criteria above. Council does not support trading hours of detached bottleshops prior to 10am or post 10pm.

Additionally, Council does not support any additional detached bottleshops proposed within the following locations:

- Cairns City
- Cairns North
- Edge Hill
- Whitfield
- Manunda
- Manoora
- Westcourt
- Bungalow
- Eartville
- Woree
- Parramatta Park
- Moorcoobool

Where proposed bottle shops are located outside the areas identified above, they will be assessed against the considerations set out in this Policy. Proposals that do not satisfy these criteria, or that fail to demonstrate compliance through relevant supporting information, will not be supported by Council, regardless of their location.

Council does not support trading hours of gaming machine licences prior to 10am or post 12am.

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**Director Responsible for Review:**

**Planning, Growth & Sustainability**

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**CURRENT ADOPTION: xx/xx/2026**

**DUE FOR REVISION: xx/xx/2030**

**Ken Gouldthorp  
Chief Executive Officer**