

5.01. LIQUOR LICENSE REQUEST FOR COMMENTARY - LIGHTHOUSE PORT DOUGLAS

REPORT AUTHOR(S): Daniel Lamond, Technical Planning Officer
GENERAL MANAGER: Paul Hoyer, General Manager Operations
DEPARTMENT: Sustainable Communities

PROPOSAL Commercial Other Subsidiary on Premises License

APPLICANT Jason Emmanuel Bellerio

NAME OF PREMISES Lighthouse Port Douglas

LOCATION OF SITE Unit 1, 19-23 The Esplanade,
Port Douglas

PROPERTY Lot 0 on BUP100211

LOCALITY PLAN



LOCALITY Port Douglas

PLANNING AREA Tourist and Residential

PLANNING SCHEME Douglas Shire Planning Scheme 2006

REFERRAL AGENCY Office of Liquor & Gaming Regulation
Department of Justice & Attorney-General
Locked Bag 180
CITY EAST QLD 4002

REQUEST RECEIVED

10 March 2016

RECOMMENDATION

That the applicant and the Office of Liquor and Gaming Regulation, Department of Justice and Attorney-General, be advised that Council does not object to the Application for Commercial Other Subsidiary on Premises License for Lighthouse Port Douglas, Unit 1, 19-23 The Esplanade, Port Douglas, also described as Lot 0 on BUP100211.

INTRODUCTION

Lighthouse Port Douglas

A request for Council's comment has been submitted by the Department of Justice and Attorney-General, Office of Liquor and Gaming Regulation, for Lighthouse Port Douglas, located at Unit 1, 19-23 The Esplanade, Port Douglas and described as Lot 0 on BUP100211. A copy of the request is attached as *Attachment 1*.

Type of Licence – Commercial Other Subsidiary on Premises Licence

If the licence is granted it would enable the holder to sell liquor for consumption on the premises where the principal activity is the provision of prepared food to be eaten on the premises. However, liquor may be sold to patrons who are non-diners, i.e. only there to have a drink.

The applicant has also indicated their intention to include an outdoor dining area as part of their proposed licensed area.

Planning Scheme Requirements

The land is included within the Tourist and Residential Planning Area. There are no planning concerns with regard to the approved use on the site.

Discussion/Comments

Comments in relation to the proposed Liquor Licence were received from Council's Community and Economic Development Officer and Council's Environmental Health Officer.

Council's Community & Economic Development Officer

The request for comment was forwarded to the Community and Economic Development Officer to provide comments on behalf of the CEO Unit.

The Community and Economic Development Officer supports the application provided that Responsible Service of Alcohol and Responsible Promotion of Alcohol standards are met.

Environmental Health Officer

Environmental Health and Regulatory Services advise that the premises was undergoing minor renovations (painting, new flooring and replacing some old equipment with new). Upon completion the business owner is required to make application for a food licence; following this a final inspection of the premises will be undertaken. Other than not holding a current food license Environmental Health and Regulatory Services have no concerns or comments.

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.

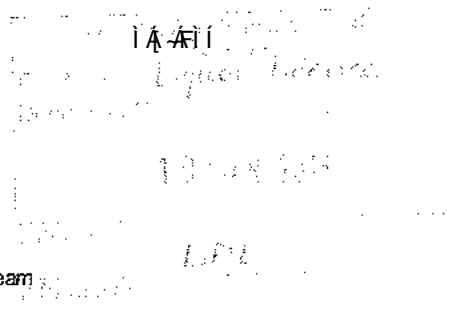
The following area outlines where Council has a clear responsibility to act:

Regulator: Meeting the responsibilities associated with regulating activities through legislation or local law.

Under the *Sustainable Planning Act 2009* and the *Sustainable Planning Regulation 2009*, Council is the assessment manager for the application.

ATTACHMENTS

Attachment 1 – Request



Office of Liquor and Gaming Regulation
Department of Justice and Attorney-General

Please quote: 927972/LAB12
Contact officer: Customer Support Team
Contact Number: (07) 3224 7131

Chief Executive Officer
Douglas Shire Council
PO Box 723
MOSSMAN QLD 4873

Dear Sir/Madam

LIGHTHOUSE PORT DOUGLAS - PORT DOUGLAS
Application for commercial other subsidiary on premises licence
Applicant's Contact Details: Mr Jason Belleri, email
jebelleri@outlook.com or telephone 07 4099 1054.

An application for a liquor licence within your area of authority has been received at this office. Details of the application are as follows:

Applicant: Jason Emmanuel Belleri
Name of Premises: Lighthouse Port Douglas
Street Address: Unit 1, 19-23 The Esplanade, Port Douglas
Proposed Trading Hours: 10:00am to 12:00am - Monday to Sunday
Type of Licence: Commercial other subsidiary on premises (Café)

If this licence is granted it would enable the holder to sell liquor for consumption on the premises where the principal activity is the provision of prepared food to be eaten on the premises. (However, liquor may be sold to patrons who are non-diners i.e. only there to have a drink.)

Please note that the applicant has also indicated their intention to include an outdoor dining area as part of their proposed licensed area.

By law, the relevant local government authority for the locality must be informed of the application and afforded the opportunity to:

- Comment on the reasonable requirements of the public in the locality.
- Object to the grant of the application on the grounds that the amenity, quiet or good order of the locality would be lessened.

Office of Liquor and Gaming Regulation
33 Charlotte Street
BRISBANE QLD 4000
Locked Bag 180
CITY EAST QLD 4002

Telephone +61 7 3224 7131
Facsimile +61 7 3227 7047
Email liquorandgaminglicensing@justice.qld.gov.au
Website www.business.qld.gov.au/liquor-gaming
ABN 13 846 673 994

Please advise whether you have any comments on, or objections to, the grant of the application. In accordance with section 117 of the *Liquor Act 1992* your comments or objection must be given to this office on or before the last day for filing objections. To comply with section 117 of the Act, your comments or objection should be received by 18 March 2016.

If you do not support the application, your comments or objection should include full particulars of:

- The grounds upon which the objection is made.
- The facts, evidence or reasons upon which it is based.

It is important to note that less weight will be given to statements that merely indicate that the Chief Executive Officer does not support, or objects to the application. Accordingly, any objection to this application should be supported by documentary evidence on the specific trading history of this venue and include incidents directly linked to the operation of the premises and the conduct of the licensee and their management.

If this application relates to a new licensed premises and there is no trading history to rely on, your objection may be based on anecdotal evidence, particularly in relation to the reasonable requirements of the public.

In the interests of natural justice, any comment or objection you provide may be referred to the applicant.

In considering your comments, including the likelihood of adverse health, public safety and amenity issues, the Commissioner for Liquor and Gaming may also impose licence conditions to mitigate any risk posed by the application.

The Commissioner's decision may be subject to review by the independent Queensland Civil and Administrative Tribunal. Substantiating any comments or objections as requested will ensure the Commissioner's decision is appropriately evidence-based and more capable of withstanding scrutiny in any subsequent review.

Compliance with local town planning requirements is requested to be confirmed in your reply to this letter.

If you require clarification on any of these matters, please do not hesitate to contact the Customer Support Team on telephone (07) 3224 7131.

Yours sincerely



MICHAEL SARQUIS
Executive Director

15/12/2016