

5.1. COMMERCIAL OTHER SUBSIDIARY ON PREMISES LICENCE

REPORT AUTHOR(S): Susanna Andrews, Technical Planning Officer
GENERAL MANAGER: Paul Hoyer, General Manager Operations
DEPARTMENT: Development and Environment

PROPOSAL Commercial Other Subsidiary on Premises Licence

APPLICANT Damian M^cCabe

NAME OF PREMISES Café Ziva

LOCATION OF SITE Shops 3 & 4
18-20 Macrossan Street
PORT DOUGLAS QLD 4877

PROPERTY Lot 1 on RP733177

LOCALITY PLAN



LOCALITY

Port Douglas & Environs

PLANNING AREA	Commercial
PLANNING SCHEME	Douglas Shire Planning Scheme 2008
REFERRAL AGENCY	Office of Liquor & Gaming Regulation Department of Justice & Attorney-General Locked Bag 180 CITY EAST QLD 4002
REQUEST RECEIVED	27 May 2015

RECOMMENDATION

That the applicant and the Office of Liquor & Gaming Regulation, Department of Justice & Attorney-General, be advised that Council does not object to the Application for Commercial Other Subsidiary on Premises Licence for Café Ziva, Shops 3 & 4, 18-20 Macrossan Street, Port Douglas, also described as Lot 1 on RP733177.

INTRODUCTION

Café Ziva

A request for Council's comment has been submitted by the Department of Justice and Attorney-General, Office of Liquor and Gaming Regulation, for Café Ziva, located at Shops 3 and 4, 18-20 Macrossan Street, Port Douglas, and described as Lot 1 on RP733177. 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 only whilst the premises adheres to its principal activity of provision of prepared food to be eaten on the licensed premises.

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 Commercial 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 & Regulatory Services has assessed this application and offers no objection or concerns with the proposal, on the condition that the operators have obtained a licence to sell food associated with the liquor licensing conditions.

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

ATTACHMENT 1: REQUEST

Queensland
Government

Please quote: 913525/LAB13
Contact officer: Customer Support Team
Contact Number: (07) 3224 7131

Office of Liquor and Gaming Regulation

Department of
Justice and Attorney-General

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

DOUGLAS SHIRE COUNCIL	
File Name	Received Liquor Licence
Document No	
27 MAY 2015	
Attention	SKA EP
Information	

Dear Sir/Madam

CAFE ZIVA - PORT DOUGLAS

Application for commercial other – subsidiary on premises licence

Real Property Description: Lot 1 on RP 733177, County of Solander, Parish of Salisbury

Applicant's contact details: Mr Damian McCabe, telephone 0411 323 553 or email: zivamccabe@westnet.com.au

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

Applicant:	Damian McCabe
Name of premises:	Café Ziva
Street address:	Shops 3 & 4, 18-20 Macrossan Street, Port Douglas
Proposed trading hours:	10:00am to 12:00am – Monday to Sunday
Type of licence:	Commercial Other – Subsidiary on premises Licence - cafe

Should this licence be granted it would enable the holder thereof to sell liquor only whilst the premises adheres to its principal activity of provision of prepared food to be eaten on the licensed premises.

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.

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

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

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.

The Commissioner cannot rely on statements that merely indicate the council does not support, or objects to the application.

Please note that any comments or objection provided may be referred to the applicant.

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

Please advise whether you have any comments on, or objections to, the granting of the application. Under section 117(3) of the *Liquor Act 1992*, your comments or objection should be received by 5 June 2015.

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

for 
MICHAEL SARQUIS
Executive Director
22 / 05 / 2015