

5.2. REQUEST FOR COMMENT PROPOSED LIQUOR LICENSE FOR JIMMY RUM'S MIXING LOUNGE

REPORT AUTHOR(S):	Daniel Lamond, Planning Officer
GENERAL MANAGER:	Nicholas Wellwood, General Manager Operations
DEPARTMENT:	Sustainable Communities
PROPOSAL	Commercial Other Bar Licence
APPLICANT	L'Arte Pty Ltd
NAME OF PREMISES	Jimmy Rum's Mixing Lounge
LOCATION OF SITE	Shop 12-13, 53-61 Macrossan Street Port Douglas
PROPERTY	Lot 1 on SP150461

LOCALITY PLAN



LOCALITY	Port Douglas and Environs
PLANNING AREA	Commercial
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

9 February 2017

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 Licence for Jimmy Rum's Mixing Lounge, Shop 12-13, 53-61 Macrossan Street, Port Douglas, also described as Lot 1 on SP150461

INTRODUCTION

Jimmy Rum's Mixing Lounge

A request for Council's comment has been submitted by the Department of Justice and Attorney-General, Office of Liquor and Gaming Regulation, for Jimmy Rum's Mixing Lounge, located at Shop 12-13, 53-61 Macrossan Street, Port Douglas and described as Lot 1 on SP150461. A copy of the request is attached as *Attachment 1*.

Type of Licence – Commercial Other Bar Licence

If the licence is granted it would enable the holder to sell liquor for consumption on the premises having the capacity to seat not more than 60 persons at any one time.

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. A material change of use development permit was issued by Council for a 'Tavern' on 14 December 2016 following approval at the Ordinary Council Meeting held 13 December 2016 for the use of the premises.

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 has assessed this application and offers no objection or concerns with the proposal.

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

1. Request for comment Jimmy Rums [5.2.1]



Queensland
Government

Office of Liquor and Gaming Regulation

Department of
Justice and Attorney-General

Please quote: 946314/LAB06
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

JIMMY RUM'S MIXING LOUNGE - PORT DOUGLAS

Application for a commercial other – Bar licence

Real Property Description: Lot 1 on SP 150461

**Applicant's contact details: Danielle Piat, contact no: 07 4099 3933 or
email: daniellepiat@bigpond.com**

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: L'Artte Pty Ltd As Trustee For The L'Artte Family Trust
Name of Premises: Jimmy Rum's Mixing Lounge
Street Address: Shop 12-13, 53-61 Macrossan Street, Port Douglas
Proposed Trading Hours: 10:00am to 12:00am – Monday to Sunday
Type of Licence: Commercial Other Bar – (The sale of liquor on premises having the capacity to seat not more than 60 patrons at any one time)

If this licence is granted it would enable the holder to sell liquor for consumption on the premises having the capacity to seat not more than 60 persons at any one time.

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

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

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 21 February 2017.

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
3/2/2017