

ORDINARY MEETING 4 NOVEMBER 2014	5.5
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COMMERCIAL OTHER – SUBSIDIARY ON PREMISES LICENCE (MEALS) –
CHILLY'S PIZZA AND TRATTORIA, 2 MOWBRAY STREET, PORT DOUGLAS

Susanna Andrews: 432054

PROPOSAL: COMMERCIAL OTHER – SUBSIDIARY ON
PREMISES LICENCE (MEALS)

APPLICANT: OFFICE OF LIQUOR & GAMING REGULATION
DEPARTMENT OF JUSTICE & ATTORNEY
GENERAL
LOCKED BAG 180
CITY EAST QLD 4002

LOCATION: CHILLY'S PIZZA AND TRATTORIA
2 MOWBRAY STREET
PORT DOUGLAS QLD 4877

PROPERTY: LOT 1 ON RP734519

LOCALITY: PORT DOUGLAS AND ENVIRONS

PLANNING AREA: COMMERCIAL

PLANNING SCHEME: DOUGLAS SHIRE PLANNING SCHEME 2008

REFERRAL AGENCIES: NONE APPLICABLE

REQUEST RECEIVED 22 SEPTEMBER 2014

ATTACHMENT: 1. REQUEST

LOCALITY PLAN**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 (Meals) for Chilly's Pizza and Trattoria, 2 Mowbray Street, Port Douglas, also described as Lot 1 on RP734519.

INTRODUCTION:**Chilly's Pizza and Trattoria**

A request for Council's comment has been submitted by the Office of Liquor & Gaming Regulation, Department of Justice & Attorney-General, for the Chilly's Pizza and Trattoria, located at 2 Mowbray Street, Port Douglas, and described as Lot 1 on RP734519. The request is in relation to an application received by the Department for a Commercial Other – Subsidiary on Premises Licence (Meals). A copy of the request is attached as *Attachment 1*.

Type of Licence: Commercial Other – Subsidiary on Premises Licence (Meals)

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 meals prepared and served to be eaten on the premises. Liquor may also be sold to patrons who are non-diners, ie 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 Commercial Planning Area. There are no planning concerns with regard to the approved use on the site.

General Policy – Liquor Licensing

The proposed application is consistent with Council's General Policy – Liquor Licensing No 1:04:14.

Discussion/Comments

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

Mayor

The Mayor was forwarded the attached request and she advised that the existing General Policy is supported.

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, and that the proposal does not involve modifications that necessitate an application to construct or refit a food premises.

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:

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

ATTACHMENT 1: REQUEST

Please quote: 901777LAB09
 Contact officer: Customer Support Team
 Contact Number: (07) 3224 7131

DOUGLAS SHIRE COUNCIL	
File Name: <i>EP/Liquor</i>	
LENGTH: 1014	
22 SEP 2014	
Author:	<i>EP</i>
Information:	



Queensland
Government

Office of Liquor and Gaming Regulation

Department of
Justice and Attorney General

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

Dear Sir/Madam

CHILLY'S PIZZA AND TRATTORIA, PORT DOUGLAS

Application for Commercial Other – Subsidiary on Premises Licence (Meals)

Real Property Description: Lot 1 on RP 734519, County of Solander, Parish of Salisbury.

Applicant's Contact Details: Mr. Nicholas Taylor (Manager), Phone: (07) 4099 4444 or 0424 914 108, Email: nicholastaylor06@gmail.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:	Michaela Bruening
Name of Premises:	Chilly's Pizza And Trattoria
Street Address:	2 Mowbray Street, Port Douglas
Proposed Trading Hours:	10:00 AM to 12:00 AM – Monday to Sunday
Type of Licence:	Commercial Other – Subsidiary on Premises Licence (Meals)

Should this licence be granted it would enable the holder thereof to sell liquor for consumption on the premises where the principal activity is the provision of meals prepared and served 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.

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 7647
 Email liquor-enquiries@justice.qld.gov.au
 Website www.justice.qld.gov.au
 ABN 13 846 673 964

- 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 3 October 2014.

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


LINDA WOO
Executive Director
17 / 09 / 2014