

5.1. REQUEST TO EXTEND TRADING HOURS OF LIQUOR LICENSE - N17 BURGER CO

REPORT AUTHOR	Daniel Lamond, Planning Officer
MANAGER	Paul Hoye, Manager Environment and Planning
DEPARTMENT	Environment and Planning
PROPOSAL	Extend trading hours for existing Commercial Other Subsidiary on Premises License
APPLICANT	Macleod 9 Pty Ltd
NAME OF PREMISES	N17 Burger Co
LOCATION OF SITE	Shop 1 22 Macrossan Street PORT DOUGLAS QLD 4877
PROPERTY	Lot 1 on BUP70644
LOCALITY PLAN	



Figure 1. – Site Plan

ZONE	Centre
PLANNING SCHEME	2018 Douglas Shire Planning Scheme version 1.0.
REFERRAL AGENCY	Office of Liquor & Gaming Regulation Department of Justice & Attorney-General Locked Bag 180 CITY EAST QLD 4002
REQUEST RECEIVED	27 February 2019

RECOMMENDATION

That the Office of Liquor & Gaming Regulation, Department of Justice & Attorney-General, be advised that Council does not object to the Application for extended trading hours for the Commercial Other Subsidiary on Premises Licence for N17 Burger Co, Shop 1, 22 Macrossan Street, Port Douglas, also described as Lot 1 on BUP70644. The extended trading hours are considered to be consistent with the town planning intent for the site.

INTRODUCTION

A request for Council's comment has been submitted by the Department of Justice and Attorney-General, Office of Liquor and Gaming Regulation, for N17 Burger Co, located at Shop 1, 22 Macrossan Street, Port Douglas, and described as Lot 1 on BUP70644. A copy of the request is attached as *Attachment 1*. The original request was received on 27 February 2019. Comments are due to the Department by 14 March 2019 as required by section 117 of the Liquor Act 1992. Given comment can only be reasonably provided late, the advice may not be considered.

Proposal

The current trading hours of the Commercial Other Subsidiary on Premises (meals) liquor license permits the sale of alcohol between 10:00am and 12:00am, Monday to Sunday.

The applicant proposes to extend trading hours for the sale of liquor from 10:00am to 1:00am Friday to Saturday for the main premises. The footpath area adjacent to the site is not proposed for a 1:00am trading hours extension and will continue to be operated from 10:00am to 12:00am Monday to Sunday.

Planning Scheme Requirements

The land is included within the Centre zone of the 2018 Douglas Shire Planning Scheme version 1.0. 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 is afforded the opportunity to comment on the reasonable requirements of the public in the locality and object to the grant of the extended trading hours application on the grounds that the amenity, quiet or good order of the locality would be lessened. Given the

location on Macrossan Street it is considered that the grant of the license will not detract from the amenity of the area. Further, the proposal for extended trading hours is for the internal part of the building, and does not include the outdoor area on the footpath.

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, as the operators have obtained a food business license to operate a restaurant.

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 *Liquor Act 1992*.

ATTACHMENTS

1. Attachment 1- Liquor Licensing Request **[5.1.1]**



Please quote: 981844 / LAB04
Contact officer: Customer Support Team

Office of Liquor and Gaming Regulation

Department of
Justice and Attorney-General

Chief Executive Officer
Douglas Shire Council
enquiries@douglas.qld.gov.au

Dear Sir/Madam

N17 BURGER CO - PORT DOUGLAS

Real Property Description: Lot 1 on BUP 70644

Application for Extended Trading Hours

**Applicant's Contact Details: Mr Simon MacLeod; chefmacleod80@live.com;
phone: 0412005338**

An application for extended trading hours for a licensed premises within your area of authority has been received at this office. Details of the application are as follows:

Applicant: MacLeod 9 Pty Ltd
Name of Premises: N17 Burger Co
Street Address: Shop 1, 22 Macrossan Street, Port Douglas
Type of Licence: Commercial other subsidiary on premises (meals)

Current Trading Hours: 10:00am to 12:00am – Monday to Sunday

Proposed Trading Hours: Main Premises
10:00am to 1:00am - Friday to Saturday
10:00am to 12:00am - Sunday to Thursday
Footpath Area
10:00am to 12:00am - Monday – Sunday

Please find attached a copy of the Liquor Licence Premises Details report which outlines the current details of the liquor licence.

Note that the licensed area for this premises includes an outdoor and a footpath area as part of their 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.

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Facsimile +61 7 3227 7047
Email OLGRlicensing@justice.qld.gov.au
Website www.business.qld.gov.au/liquor-gaming

ABN 13 846 673 994

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.

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.

Any comments or objection provided may be referred to the applicant.

Please advise whether you have any comments on, or objections to, the granting of the application. In accordance with section 117(3) of the *Liquor Act 1992* your comments or objection should be received by **14 March 2019**.

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

Yours sincerely


Brian Bauer
A/Executive Director
27/2 / 2019

Encl.



Liquor licence premises details

Premise details:

Licence number: 196673
Licence type: Commercial Other - Subsidiary On Premises
Status: Issued

Premises description:

MAIN PREMISES:

SHOP 1 **N17 BURGER CO**
 22 MACROSSAN STREET
 PORT DOUGLAS QLD 4877
 Phone: 4223 4704

Real property description:

LOTS 1-3 ON BUP 70644

Licensed area description:

Restaurant including kitchen located at Shops 1-3, 22 Macrossan Street, Port Douglas, including:

- a) adjoining verandah area measuring approximately 6.8 square metres immediately in front of Shop 1; and
- b) footpath dining area measuring approximately 14.2 square metres.

Trading hours description:

10:00 AM to 12:00 AM Monday - Sunday

(excluding Christmas Day, New Year's Eve, Good Friday and Anzac Day, the trading hours of which are prescribed in the Liquor Act 1992)

ID Scanner Status:

SNP Region: Rest of State

Licensee(s):

Name	Interim authority?	Start date	To date
MACLEOD 9 PTY LTD	No	12-FEB-2018	

Condition(s):

Standard Condition(s)

- LL276 Liquor may be sold or supplied only whilst the premises adheres to its principal activity of provision of meals prepared, and served to be eaten, on the licensed premises.
- LL020 Liquor may be sold and supplied to persons on the licensed premises who are genuinely attending a function for consumption by those persons at the function.
- LL140 Under Section 155(4)(e), approval is granted for minors to be on the licensed premises for the purpose of purchasing and/or consuming food and non-alcoholic beverages.
- LL250 Noise emanating from the premises including amplified and/or non-amplified noise and/or patron noise must not exceed 75dB(C), fast response, when measured approximately 3 metres from the primary source of the noise.
- LL253 Non-amplified entertainers or speakers used to amplify noise must not be located in any outdoor, verandah, patio or footpath area of the premises.
- LL012 Footpath dining approval will be cancelled if approval from the relevant local authority is not renewed.
- LL224 Patrons are permitted to remove liquor for on-premise consumption from the main premises for consumption in the footpath licensed area only.
- LL225 The consumption of liquor in the footpath dining area is only authorised in respect of patrons seated at tables.

Specific Condition(s)

- 6329229 The Licensee, Approved Manager, Employees and Agents are to ensure a minimum of a 2 metre unobstructed pedestrian thoroughfare is maintained at all times the footpath licensed area is utilised by the Licensee.



Liquor licence premises details

Premise details:

Licence number: 196673
Licence type: Commercial Other - Subsidiary On Premises
Status: Issued

Registered interest(s):

Name	Type	Start date	To date
BRIAN DANIEL DOOLEY	FREEHOLD OWNER	29-JAN-2018	
MACLEOD 9 PTY LTD	LESSEE	24-JAN-2018	

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Ordinary Council Meeting - 26 March 2019