

ORDINARY MEETING 26 MAY 2015	5.1
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COMMERCIAL HOTEL LICENSE (DETACHED BOTTLE SHOP) – DAINTREE INN,
MOSSMAN-DAINTREE ROAD, WONGA BEACH
Susanna Andrews: 453347

<u>PROPOSAL:</u>	COMMERCIAL HOTEL LICENCE (DETACHED BOTTLE SHOP)
<u>APPLICANT:</u>	OFFICE OF LIQUOR & GAMING REGULATION DEPARTMENT OF JUSTICE & ATTORNEY GENERAL LOCKED BAG 180 CITY EAST QLD 4002
<u>LOCATION:</u>	MOSSMAN-DAINTREE ROAD WONGA BEACH QLD 4873
<u>PROPERTY:</u>	LOT 1 ON RP742757
<u>LOCALITY:</u>	COASTAL SUBURBS, VILLAGES AND TOWNSHIPS
<u>PLANNING AREA:</u>	COMMERCIAL
<u>PLANNING SCHEME:</u>	DOUGLAS SHIRE PLANNING SCHEME 2008
<u>REFERRAL AGENCIES:</u>	NONE APPLICABLE
<u>REQUEST RECEIVED</u>	21 APRIL 2015
<u>ATTACHMENT:</u>	1. REQUEST

LOCALITY PLAN



RECOMMENDATION:

- A. 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 Hotel Licence (Detached Bottle Shop) within an existing tenancy at Lot 1 on RP742757, Mossman-Daintree Road, Wonga Beach, subject to the hours of operation being restricted to no later than 8:00 pm in accordance with Condition 21 of the development permit issued on 21 May 2010.
- B. That the Office of Liquor & Gaming Regulation, Department of Justice & Attorney-General, be further advised that with respect to Part 3, section 7(4) of the *Liquor Regulation 2002*, that:
 - 1) The projected population of Wonga Beach is not expected to grow significantly within the foreseeable future. However vacant land is available for new housing.
 - 2) The detached bottle shop –
 - (a) will be in a locality in which there is no licensed premises at which liquor is sold for consumption off premises;
 - (b) will primarily service the residents of the locality.
 - 3) Because of the locality's population, the locality is not likely to attract the establishment of licensed premises, other than the detached bottle shop.

INTRODUCTION:

A request for Council's comment has been submitted by the Office of Liquor & Gaming Regulation, Department of Justice & Attorney-General, for a proposed detached bottle shop to be located at Mossman-Daintree Road, Wonga Beach, on land described as Lot 1 on RP742757. The request is in relation to an application received by the Department for a Commercial Hotel Licence (detached bottle shop). A copy of the request is attached as *Attachment 1*.

Type of Licence: Commercial Hotel License (Detached Bottle Shop)

If the licence is granted it would enable the holder to establish a detached bottle shop on the premises. The proposed operating hours are 10:00 am to 10:00 pm – seven (7) days per week.

Planning Scheme Requirements

The land is part of the Coastal Suburbs, Villages and Townships Locality and is included within the Commercial Planning Area. A detached bottle shop is defined as a shopping facility. Under the relevant Assessment Table, a shopping facility is self-assessable development, when using an existing building.

A development permit was issued for shopping facilities/business facilities by the Iconic Places Panel on 21 May 2010. Condition 21 of the development permit restricted the hours of operation to between 5:30 am – 8:00 pm, seven (7) days per week. In order to comply with this condition, the hours of operation for the proposed detached bottle shop will need to be limited to 8:00 pm, and not 10:00 pm as proposed.

There are no other planning concerns with the proposed licence.

Part 3, section 7(4) of the *Liquor Regulation 2002*

As the proposed detached bottle shop is more than ten (10) kilometres from the main premises, Part 3, section 7(4) of the *Liquor Regulation 2002* applies, which requires Council's comments with respect to the projected population of the locality, within the foreseeable future.

It is recommended that the Department be advised as follows:

- 1) The projected population of Wonga Beach is not expected to grow significantly within the foreseeable future. However vacant land is available for new housing.
- 2) The detached bottle shop –
 - (a) will be in a locality in which there is no licensed premises at which liquor is sold for consumption off premises;
 - (b) will primarily service the residents of the locality.
- 3) Because of the locality's population, the locality is not likely to attract the establishment of licensed premises other than the detached bottle shop.

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 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 THE 8:00 pm limit is implemented as proposed, and 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 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 911902/LAB03
 Contact officer Customer Support Team
 Contact telephone 07 3224 7131

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

DOUGLAS SHIRE COUNCIL	
Received	
File Name	Liquor
Document No	
21 APR 2015	
Attention	SKA EP
Information	



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

Attention: Jenny Elphinstone, town planning officer

Dear Ms Elphinstone

DAINTREE INN - WONGA BEACH**Application for a detached bottleshop**

Real Property Description: Lot 1 on RP 742757, County of Solander, Parish of Whyanbeel

Applicant's contact details: C/- Mark Collins, phone: 0424 945 901, email: mark@boardexpress.com.au

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

Applicant:	Trevor Robinson and Julie Stephen
Name of premises:	Daintree Inn
Address of bottleshop:	Lot 1 Mossman Daintree Road, Wonga Beach
Proposed trading hours:	10:00am to 10:00pm, Monday to Sunday
Type of licence:	Commercial hotel licence

Please note this proposed bottleshop is more than 10 kilometres from the main premises. In such circumstances, Part 3, section 7(4) of the *Liquor Regulation 2002* applies.

As such council's comments are requested in relation to the projected population of the locality within the foreseeable future. A copy of OLGR's guideline is attached for assistance in this regard.

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

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

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.

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.

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 5 May 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


 MICHAEL SARQUIS
 Executive Director
 17/4/2015



Home > For industry > Liquor and gaming > Liquor > Guidelines > Detached bottle shops
 further than 10km from main hotel premises

Guideline 57: Detached bottle shops further than 10km from main hotel premises

Liquor Act 1992 - Part 4, division 2, section 60(1)(d)
Liquor Regulation 2002 - Part 3, section 7

This guideline is to inform applicants and licensees of certain factors the Commissioner for Liquor and Gaming may consider in making a determination on an application for a detached bottle shop where a proposed detached bottle shop will be more than 10kms by road from the main hotel premises.

Legislative exemption to 10km maximum distance requirement

Part 3, section 7(4) of the Liquor Regulation 2002 authorises the Commissioner to approve a detached bottle shop that is more than 10kms by road from the main hotel premises, if the following criteria are met:

- (a) The proposed detached bottle shop will –
 - (i) be in a locality in which there is no licensed premises at which liquor is sold for consumption off the premises; and
 - (ii) primarily service the residents of the locality; and
- (b) because of the locality's population or projected population, the locality is not likely to attract the establishment of licensed premises other than a detached bottle shop.

The regulation provides an example of a locality as 'a small rural community more than 10kms from the nearest premises from which takeaway liquor is sold to the public'.

Commissioner for Liquor and Gaming's interpretation of section 7(4)

For the purposes of section 7(4)(a)(i) and (ii) –

Suspended licences in the locality

It is acknowledged that on occasions there may be a suspended licensee in the locality of the proposed detached bottle shop who would ordinarily be authorised to sell liquor for off-premises consumption. In such cases the Commissioner may have regard to the reasons for, and length of, the suspension in determining whether or not there is an appropriately licensed premises within the locality.

For the purposes of section 7(4)(b) –

Issue of 'projected population'

Where there is a proposed development near the locality of the proposed detached bottle shop (for example, a residential subdivision), the Commissioner may have regard to the status (if any) of the development approval process in considering the locality's projected population.

This guideline should be read in conjunction with Guideline 37: Sale of liquor from premises that also sell petrol [<https://www.business.qld.gov.au/industry/liquor-gaming/liquor/guidelines-listing/sale-liquor-premises-petrol>].

Issued 23 April 2014

Related links

- Find out how to apply for a liquor or wine licence [<https://www.business.qld.gov.au/industry/liquor-gaming/liquor/liquor-wine-licensing/licence-permit-applications>].
- Learn more about compliance for liquor licensees [<https://www.business.qld.gov.au/industry/liquor-gaming/liquor/compliance-licensees>].
- Read the *Liquor Act 1992* (PDF, 1.2MB) [<https://www.legislation.qld.gov.au/LEGISLTN/CURRENT/L/LiquorA92.pdf>].
- Read the *Wine Industry Act 1994* (PDF, 444KB) [<https://www.legislation.qld.gov.au/LEGISLTN/CURRENT/W/WineIndA94.pdf>].

Contact: General enquiries 13 QGOV (13 74 68)

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Liquor licence premises details

Premise details:

Licence number: 166529
Licence type: Commercial Hotel
Status: Issued

Premises description:**MAIN PREMISES:**

2 FRONT STREET
 MOSSMAN QLD 4873
 Phone: (07) 4098 1111

DAINTREE INN**Real property description:**

LAND DESCRIBED AS LOT 2 ON RP 719247, COUNTY OF SOLANDER, PARISH OF VICTORY.

Licensed area description:

Premises situated at the corner of Mill and Front Streets, Mossman.

Trading hours description:

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

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

(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
TREVOR ROBINSON AND JULIE STEPHEN	No	07-MAR-2014	

Condition(s):**Standard Condition(s)**

- LL274 Liquor may be sold or supplied only whilst the premises adheres to its principal activity of the sale of liquor for consumption on the licensed premises, or on and off the premises.
- LL125 Liquor may be sold for consumption off the main licensed premises in the course of the licensee providing catering services for a function to persons genuinely attending the function for consumption by those persons at the function. This approval is subject to the condition that liquor must not be sold to a person who is unduly intoxicated. Catering to public functions is subject to approval of a commercial public event permit.

Specific Condition(s)

- 3299959 Any entertainment conducted at the premises must cease at 12midnight.
- 3299961 Provision of amplified entertainment or amplification through a public address system is prohibited on the verandah.

Registered interest(s):

Name	Type	Start date	To date
TREVOR ROBINSON AND JULIE STEPHEN	FREEHOLD OWNER	07-MAR-2014	
AUSTRALIAN AND NEW ZEALAND BANKING GROUP LIMITED	MORTGAGEE	05-MAY-2010	

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