

## 5.1. REQUEST FOR COMMENT ON PROPOSED LIQUOR LICENSE FOR OTZ FOOD

REPORT AUTHOR(S):	Daniel Lamond, Planning Officer
GENERAL MANAGER:	Nicholas Wellwood, General Manager Operations
DEPARTMENT:	Sustainable Communities
PROPOSAL	Commercial Other Subsidiary on Premises Licence
APPLICANT	Elizabeth Lillian Fines and Karen Lesley Fines
NAME OF PREMISES	OTZ Food
LOCATION OF SITE	Shop 1, Four Mile Beach Plaza, 364-366 Port Douglas Road Port Douglas
PROPERTY	Lot 1 on BUP70698

### LOCALITY PLAN



LOCALITY	Port Douglas and Environs
PLANNING AREA	Commercial

<b>PLANNING SCHEME</b>	Douglas Shire Planning Scheme 2006
<b>REFERRAL AGENCY</b>	Office of Liquor & Gaming Regulation Department of Justice & Attorney-General Locked Bag 180 CITY EAST QLD 4002
<b>REQUEST RECEIVED</b>	20 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 OTZ Food, Shop 1, Four Mile Beach Plaza, 364-366 Port Douglas Road, Port Douglas, also described as Lot 1 on BUP70698.**

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## **INTRODUCTION**

### **OTZ Food**

A request for Council's comment has been submitted by the Department of Justice and Attorney-General, Office of Liquor and Gaming Regulation, for OTZ Food, located at Shop 1, Four Mile Beach Plaza, 364-366 Port Douglas Road, Port Douglas, also described as Lot 1 on BUP70698. 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 for consumption on the premises while adhering to its principal activity being 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).

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 and Regulatory Services has assessed this application and offers no objection or concerns with the proposal. The premises currently have a food business license.

## 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. OTZ Food - Request for Comment [5.1.1]





Please quote: 946957/LAB12  
 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  
**Email:** enquiries@douglas.qld.gov.au

Dear Sir/Madam

### **OTZ FOOD - PORT DOUGLAS**

#### **Application for a Commercial Other Subsidiary On Premises licence**

**Real Property Description:** Lot 1 on BUP 70698

**Applicant's contact details:** Ms. Sue Christensen, Liquor Licensing Consultants, Email [info@liquor-licensing.com.au](mailto:info@liquor-licensing.com.au), Phone 0419 775 540

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:

<i>Applicant:</i>	Elizabeth Lillian Fines and Karen Lesley Fines
<i>Name of premises:</i>	OTZ Food
<i>Street address:</i>	Shop 1, Four Mile Beach Plaza, 364-366 Port Douglas Road, Port Douglas
<i>Proposed trading hours:</i>	10:00AM to 12:00AM - Monday to Sunday
<i>Type of licence:</i>	Commercial Other Subsidiary On Premises (provision of meals)

If this licence is granted it would enable the holder to sell liquor for consumption on the premises where the principal activity is 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).

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

Office of Liquor and Gaming Regulation  
 63 George 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](mailto:liquorandgaminglicensing@justice.qld.gov.au)  
 Website [www.business.qld.gov.au/liquor-gaming](http://www.business.qld.gov.au/liquor-gaming)

Ordinary Council Meeting 13 March 2017

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 **3 March 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.

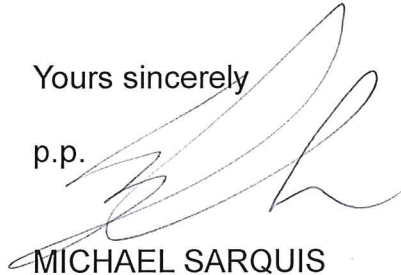
The Commissioner's decision may be subject to review by the independent Queensland Civil and Administrative Tribunal. Substantiating any comments or objections as requested will ensure the Commissioner's decision is appropriately evidence-based and more capable of withstanding scrutiny in any subsequent 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

p.p.

A handwritten signature in black ink, appearing to read 'MS', is written over the 'p.p.' text.

**MICHAEL SARQUIS**  
**Executive Director**  
17 / 02 / 2017