

5.2. REQUEST FOR COUNCIL COMMENT FOR NEW LIQUOR LICENCE AT SHOP 1/22 MACROSSAN STREET

REPORT AUTHOR(S):	Daniel Lamond, Planning Officer
GENERAL MANAGER:	Nick Wellwood, General Manager Operations
DEPARTMENT:	Development Assessment and Coordination
PROPOSAL	Commercial Other Subsidiary on Premises Licence
APPLICANT	Simon Macleod
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 – Locality Plan

ZONE	Centre
PLANNING SCHEME	Douglas Shire Planning Scheme 2018

REFERRAL AGENCY

Office of Liquor & Gaming Regulation
Department of Justice & Attorney-General
Locked Bag 180
CITY EAST QLD 4002

REQUEST RECEIVED

25 JANUARY 2018

RECOMMENDATION

That 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 for N17 Burger Co, Shop 1, 22 Macrossan Street, Port Douglas, also described as Lot 1 on BUP70644.

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 25 January 2018. Comments are due to the Department by 9 February 2018 as required by section 117 of the Liquor Act 1992. Given comment can only be reasonably provided late, the advice may not be considered.

Type of Licence – Commercial Other Subsidiary on Premises Licence

If the licence is granted it would enable the holder to sell liquor only whilst the premises adheres to its principal activity of provision of prepared food to be eaten on the licensed premises.

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 Centre zone of the Douglas Shire Planning Scheme 2018. 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 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.

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 *Sustainable Planning Act* 2009 and the *Sustainable Planning Regulation* 2009, Council is the assessment manager for the application.

ATTACHMENTS

1. Attachment 1- Request **[5.2.1]**



Please quote: 963313/LAB02
Contact officer: Customer Support Team
Contact Number: (07) 3224 7131

Office of Liquor and Gaming Regulation

Department of
Justice and Attorney-General

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

Email: enquiries@douglas.qld.gov.au

Dear Sir/Madam

N17 BURGER CO - PORT DOUGLAS

Real Property Description: Lot 1 on BUP 70644

Application for Commercial Other Subsidiary on Premises Licence

Applicant's Contact Details: Mr Simon Macleod Phone: 0412 005 338

Email: chefmacleod80@live.com

An application for a liquor licence within your area of authority has been received at this office. Details of the application are as follows:

<i>Applicant:</i>	Macleod 9 Pty Ltd
<i>Name of Premises:</i>	N17 Burger Co
<i>Street Address:</i>	Shop 1, 22 Macrossan Street, 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 - 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 and footpath dining areas 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.

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63 George Street
BRISBANE QLD 4000
Locked Bag 180
CITY EAST QLD 4002

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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

Ordinary Council Meeting - 20 February 2018

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 9 February 2018.

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

25/1/2018