

PLANNING COMMITTEE REPORT

Agenda Item 5.3

8 April 2008

LIQUOR LICENCE: 111-129 QUEEN STREET, MELBOURNE

Division Sustainability and Regulatory Services

Presenter Shiran Wickramasinghe, Manager Planning & Building

Purpose

1. To advise Committee of the process that was undertaken in relation to the granting of a liquor licence to Ninth Grange Pty Ltd., the purchaser of the building at 111-129 Queen Street, Melbourne and of current administrative action in relation number of patrons permitted at the premises. This report is presented to the Committee at the request of Cr Sneddon.

Recommendation from Management

2. That the Planning Committee note the report.

Key Issues

3. The CQ bar occupies the ground floor and level 1 and 2 of the existing building located at 111-129 Queen Street, Melbourne, in the former RACV Club premises. There is also a function area located at level 3 and a venue known as the Blue Diamond is located on level 15. The building has a general liquor licence covering five of the 15 levels of the building. The licence was granted by Liquor Licensing Victoria (“LLV”) in April 2004. The current licence is at *Attachment 1*.
4. The total number of patrons permitted in the current licence is 7186. This is the total of the patron numbers for all of the floors covered by the licence: ground floor (1746 patrons), level 1 (1544), level 2 (1458), level 3 (1428) and level 15 (1010).
5. The building as managed by the RACV was considered to be a club and held a full club licence under the *Liquor Control Reform Act 1998*. The building contained residential accommodation available to RACV members as well as bar, dining and recreational facilities. When the RACV sold the building after constructing its new premises at 423 Bourke Street, the new owner sought a general licence.
6. The operation of the building under new ownership was deemed to be a “residential hotel” as defined in the Melbourne Planning Scheme. This use does not require planning permission under the provisions of the Capital City Zone in the Melbourne Planning Scheme. There is therefore no planning permit regulating any aspect of the operation of the 15-level building, including the CQ bar at ground floor. The appropriate definition in the Melbourne Planning Scheme was discussed with a representative of the licensee in January and February 2004. Correspondence relating to this, including the plans of the proposed layout of the building and excerpts from the Planning Scheme, are at *Attachment 2*.

7. Council has recently received correspondence highlighting concerns over the total number of occupants permitted under the licence and the capacity of the building to adequately cater for the patrons, particularly in relation to the provision of toilets and fire egress provisions. This correspondence was from another operator in the licensed venue industry. Neither the Planning nor the Building teams has received complaints directly from the public concerning Planning or Building Act matters at the CQ Bar.
8. Patron numbers were not provided or discussed at the time of the referral of the liquor licence application to Council in October 2003. The licensee has since advised Council that the patron number total of 7186 was simply derived from the floor areas of the five floors to be licensed, assuming 0.75 square metres per patron over each entire floor. This floor space provision is a standard upper limit which has been used for many years in calculating capacities for licensed premises. The numbers were accepted by LLV and included in the licence.
9. A revised maximum number of patrons has been calculated by Council staff on the basis of egress width and sanitary facilities in accordance with the prescriptive provisions of the Building Code of Australia 2007. The total for all the public areas of the building is 2150, with the following distribution:

Ground Floor:	840
Level One:	620
Level Two:	320
Level Three:	170
Level Fifteen:	200

10. In addition to reviewing patron numbers, Council's Municipal Building Surveyor has been working in conjunction with the MFB to assess the venue during operation to ensure patrons are not at risk. On 15 March 2008 an inspection of all levels of the building covered by the liquor licence was carried out by the Municipal Building Surveyor and the MFB, extending into the early hours of Sunday morning. The numbers of patrons observed were:

* Ground and first combined:	1250
* level 15:	150
* other licensed levels:	zero

The observed numbers were within the limits nominated by the Municipal Building Surveyor.

11. The licensee has advised that the patron numbers stated on the licence are well in excess of any realistic maximum and he is prepared to accept a substantial reduction for all levels, including the ground floor occupied by CQ.
12. The maximum number of patrons (2150) that Council considers should occupy the building has been formally documented and served on the owner in a Building Notice issued on 5th March 2008. The notice requires the owner to "Show Cause" within 14 days why the building's Occupancy Permit should not be amended to reflect the maximum number of persons as calculated by the Municipal Building Surveyor.
13. On 19 March 2008, the owner and their consultants met with the Municipal Building Surveyor to submit documents in response to the notice. At this time they committed, in writing, to limit the maximum number of occupants to that specified by Council until an alternative number is assessed and approved.

14. It is understood that the owner is aiming to demonstrate, via fire engineering assessment, that the building is suitable for a total of a maximum of 2600 occupants in the licensed areas.
15. Council's Municipal Building Surveyor will review the submission and then determine whether the Notice is satisfied or a Building Order is required to be issued to ensure the matter is finalised.
16. Council's Municipal Building Surveyor is satisfied that by ensuring the occupant numbers do not exceed those specified in the Notice, the health and safety of occupants will not be compromised.

Finance

17. There are no direct financial implications for Council arising from the recommendations contained in this report.

Legal

18. The *Liquor Control Reform Act 1998* sets out the process by which the Director of Liquor Licensing issues liquor licenses. The *Building Act 1983* provides a process for taking legal action in relation to breaches of the Building Code of Australia 2007.

Sustainability

19. This matter does not raise negative sustainability issues for Council.

Background

20. The referral of the liquor licence application seeking approval for a general licence was sent by LLV to the Council on 14 October 2003. The information received from LLV stated that the applicant "*seeks to convert the premises from the existing [RACV] Club to a substantial 3-star hotel. The premises will provide a range of dining and function rooms, bottle shop, bars as well as well as more than 80 rooms of accommodation. [The] proposal includes the provision of liquor at any time on any day within the premises for both on and off-premises consumption.*" The number of patrons allowed was not detailed in the original application.
21. Both the City of Melbourne and Victoria Police expressed concerns at the time over the application for what was essentially a 24/7 liquor licence for the consumption and sale of liquor to any person. Council's concerns were expressed verbally at a meeting of the City Licensing Approvals Forum (CLAF) attended by representatives of LLV and Victoria Police in April 2004. Victoria Police submitted a written objection to LLV, opposing the sale of packaged liquor after midnight. The letter from LLV referring the application, together with the agendas and minutes of the April and May 2004 City Licensing Approvals Forum, are at *Attachment 3*.
22. Following receipt of the concerns of the Police and the Council, the applicant made amendments to the application. The amended application for a general licence was lodged with LLV in April 2004 and was listed for discussion at the May 2004 meeting of CLAF, attended by representatives of relevant Council branches, LLV and Victoria Police. The City of Melbourne does not have a formal copy of the amended application. The minutes of the May CLAF meeting show that "Council has some concerns of the proposal." However, the meeting was advised (as per the minutes) that a conditional permit had already been granted by LLV. There had been no discussion of patron numbers in either of the CLAF meetings when this application was considered.

23. The premises began full operation under new ownership in August 2005. The licensee for the entire building, including CQ Bar, is currently Ninth Grange Pty. Ltd.
 24. The City of Melbourne has been concerned that the owner of CQ bar has failed to fulfil its commitment to supply a report confirming maximum occupancy levels within the building. Subsequently, Council conducted a site inspection, measured exits and confirmed toilet provisions. Accordingly, Council has determined that the maximum number of occupants that should be permitted in the licensed areas of the building under the prescriptive provisions of the Building Code of Australia 2007 is 2150. This figure is a significant reduction from the 7186 permitted under the Liquor License issued in 2007. On 5 March 2008 the Council's Municipal Building Surveyor served a building notice on the owner, including 2150 as the maximum number of patrons permitted in the licensed areas with the distribution detailed in paragraph 9 of this report.
 25. A request has also been made to Consumer Affairs Victoria – Liquor Licensing (formerly Liquor Licensing Victoria) to review the patron numbers on the liquor licence when the licence is renewed, which occurs on a yearly basis, so that the numbers accord with the those permitted under the Building Code. Council has not yet received a response.
 26. Should Council become aware that the bar is being occupied at levels in excess of that allowed under the Building Notice served on the owner, Council's Municipal Building Surveyor may, if it is decided that there is a danger to life, choose to serve an Emergency Order requiring evacuation of the bar and/or shutting the bar for up to 48 hours. Council is also planning to undertake a further inspection of the premises in conjunction with the MFB and VicPol to ensure patron safety. The City of Melbourne has written to the Director of Liquor Licensing informing them of Council's recent actions.
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Attachments:

1. General Licence
2. Correspondence with P.A.J. Consultants
3. Minutes of Licensing Approvals Forum, 4 May 2004

General Licence

Licence No. 31951987

Subject to the provisions of the Liquor Control Reform Act 1998 and any conditions specified in the licence, the licensee is authorised to supply liquor up to and including 31 December 2008

Licensee	NINTH GRANGE PTY LTD		
Address for service of notices	111-129 QUEEN STREET MELBOURNE 3000	Licensed premises address	111-129 QUEEN STREET MELBOURNE 3000
Trading as	BEST WESTERN MELBOURNE		

TYPE OF LICENCE

This licence is a general licence and authorises the licensee to supply liquor on the licensed premises for consumption on or off the licensed premises during the trading hours specified below.

AMENITY

The licensee shall not cause or permit undue detriment to the amenity of the area to arise out of or in connection with the use of the premises to which the licence relates during or immediately after the trading hours authorised under this licence. The licensee shall ensure that the level of noise emitted from the licensed premises shall not exceed the permissible noise levels for entertainment noise as specified in the State Environment Protection Policy (Control of Music Noise from Public Premises) No.N-2.

When live or recorded amplified music other than background music is provided:

- The licensee shall install and maintain a surveillance recording system able to clearly identify individuals, which shows time and date and provides continuous images of all entrances and exits, bars and entertainment/dance floor areas. The surveillance recording system must operate from 30 minutes before the start of the entertainment being provided, until 30 minutes after closure. A copy of the recorded images must be available upon request for immediate viewing or removal by the Victoria Police, or a person authorised in writing by the Director of Liquor Licensing, or otherwise retained for at least one month. The position of the cameras will be to the satisfaction of the Licensing Inspector.
- Signs, as described below, are to be displayed in all areas subject to camera surveillance. Such signs shall read: "For the safety and security of patrons and staff this area is under electronic surveillance".
- All staff engaged in the serving of Liquor will complete a "Responsible Serving of Alcohol" training course, approved by the Director of Liquor Licensing within 2 months of this condition being imposed, or of commencing employment.
- Crowd controllers, licensed under the Private Security Act, are to be employed at a ratio of 2 crowd controllers for the first 100 patrons and 1 crowd controller for each additional 100 patrons or part thereof. One crowd controller is to be present outside the premises to monitor patrons arriving at and departing from the premises. Crowd controllers are to be present from 30 minutes before the start of the entertainment being provided, until 30 minutes after closure.

MAXIMUM CAPACITIES

Ground floor (1746 patrons) Level 1 (1544 patrons) Level 2 (1458 patrons) Level 3 (1428 patrons) Level 15 (1010 patrons).

TRADING HOURS

FOR CONSUMPTION OFF THE LICENSED PREMISES -

On any day Between 7 a.m. and 12 midnight.

FOR CONSUMPTION ON THE LICENSED PREMISES -

At any time on any day.



18 February 2004

P.A.J Consultants
P.O. Box 297
PRAHRAN VIC 3181

Attention: Mr. Peter Aldred.

ABN 55 370 219 287
City of Melbourne
GPO Box 1603M Melbourne
Victoria 3001 Australia
Hotline 61 3 9658 9658
Facsimile 61 3 9654 4854
DX210487 MELBOURNE
enquiries@melbourne.vic.gov.au
www.melbourne.vic.gov.au

111-129 QUEEN STREET, MELBOURNE: LIQUOR LICENCE FOR HOTEL

Dear Peter

I refer to your letter of 15 January 2004 and subsequent discussions concerning your client's proposal to make alterations to the premises following its acquisition from the RACV..

The site is within the Capital City Zone 1 (Outside the Retail Core) where "accommodation" of any type except a corrective institution is a Section 1 (i.e. automatically permitted) use. A "hotel" is a Section 2 use requiring planning permission.

Copies of the definition of "hotel" and "residential hotel" as included in the Planning Scheme are enclosed. In the former the emphasis is on the sale of liquor, whereas in the latter the emphasis is on residential use. From the description provided to me by you and your client I am satisfied that the emphasis will be strongly towards accommodation and that the appropriate definition of the proposal is "residential hotel".

In the circumstances I confirm that no planning permission is required for use of the premises as a residential hotel. Also, as the site is within the Capital City Zone, no planning permission is required under Clause 52.27 of the Planning Scheme.

Yours sincerely

Martin Williams

Team Leader, Central City

Telephone 9658 - 8406

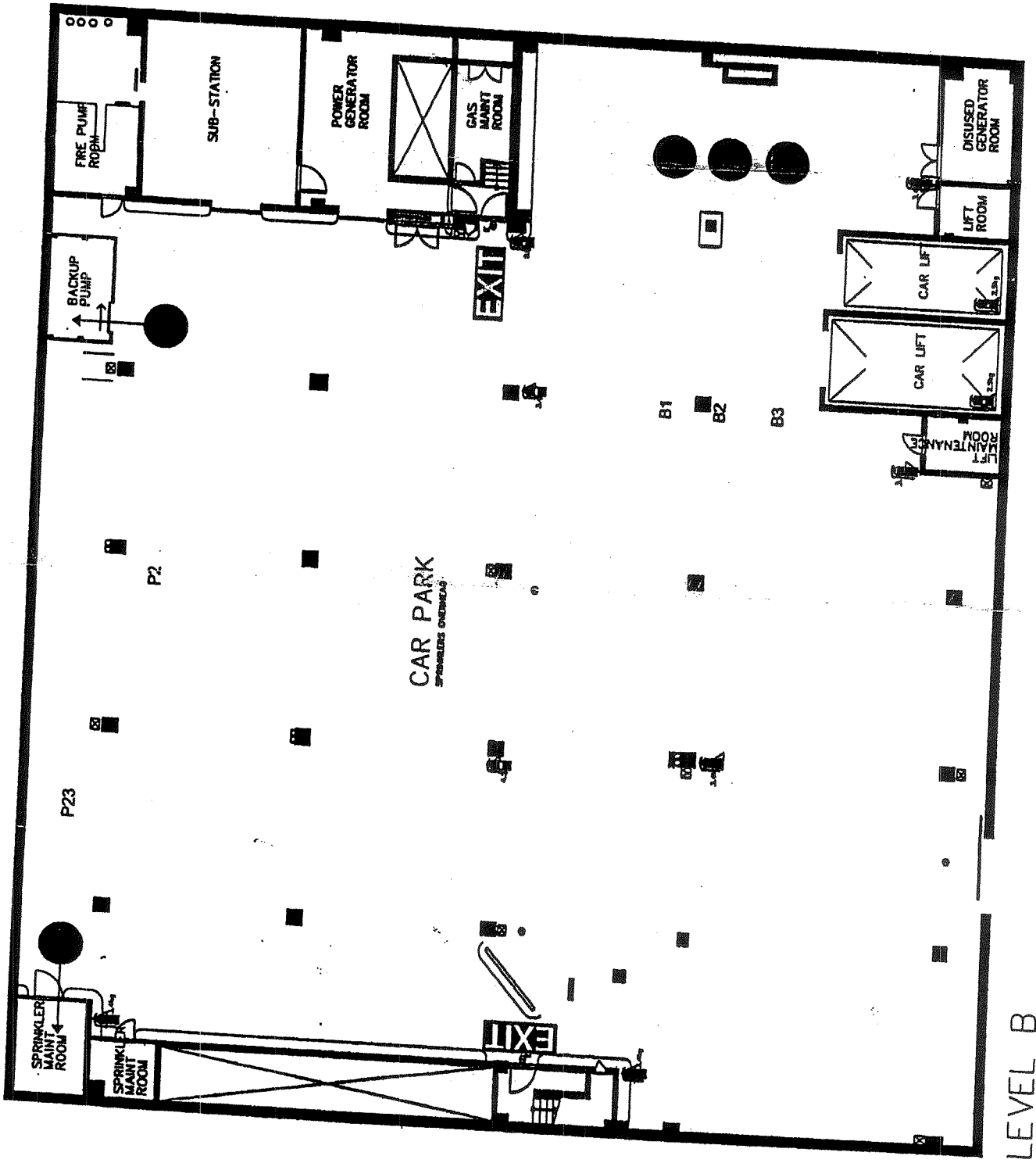
Facsimile 9650 - 1026

E-mail marwil@melbourne.vic.gov.au

Website www.melbourne.vic.gov.au

CoM reference 26/13/880; Docs #1407984

DEVELOPMENT
09 FEB 2004
PLANNING



LEVEL B

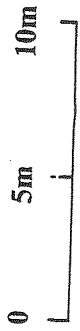
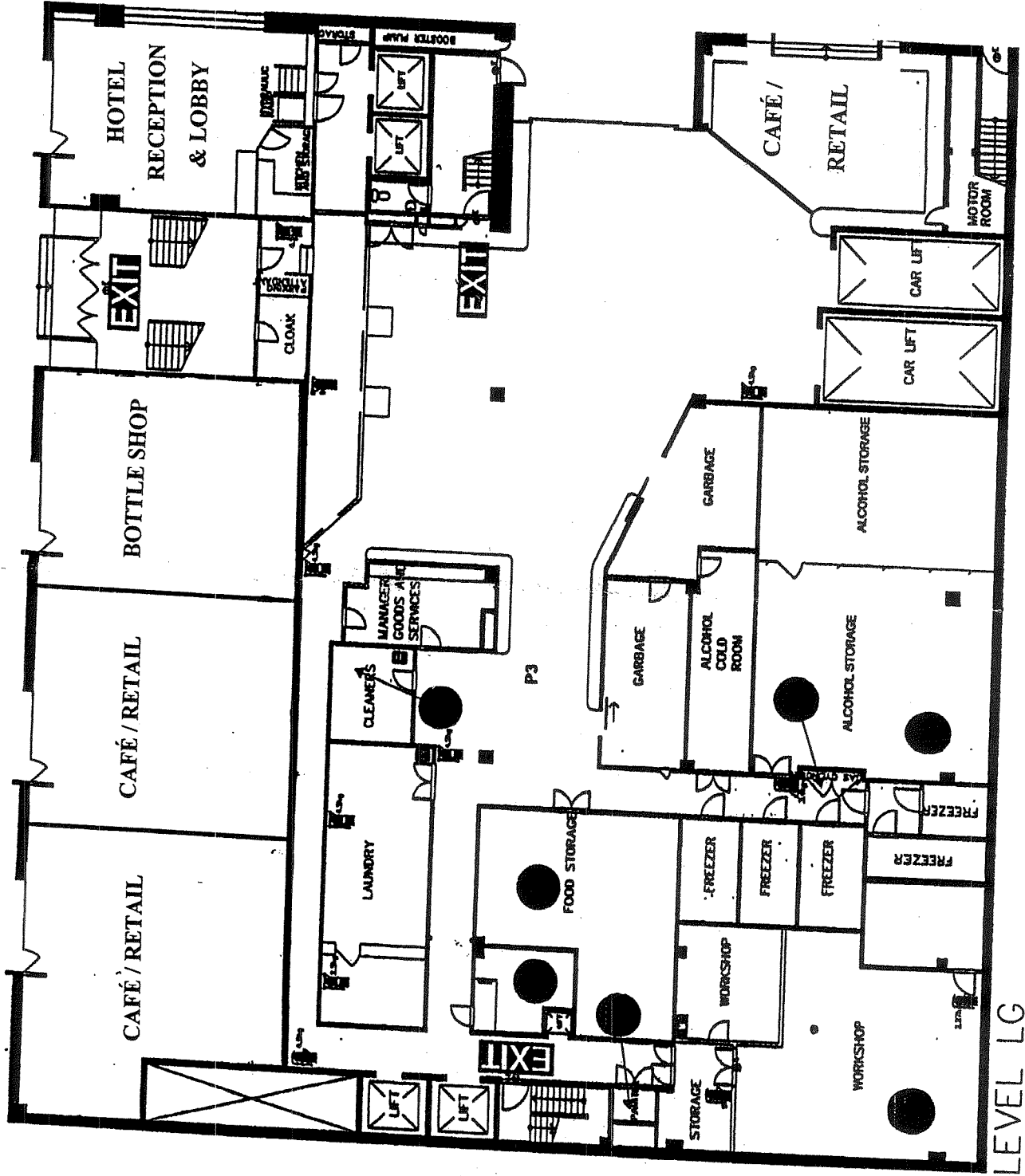
DEVELOPMENT

09 FEB 2004

P17

LITTLE COLLINS STREET

QUEEN STREET



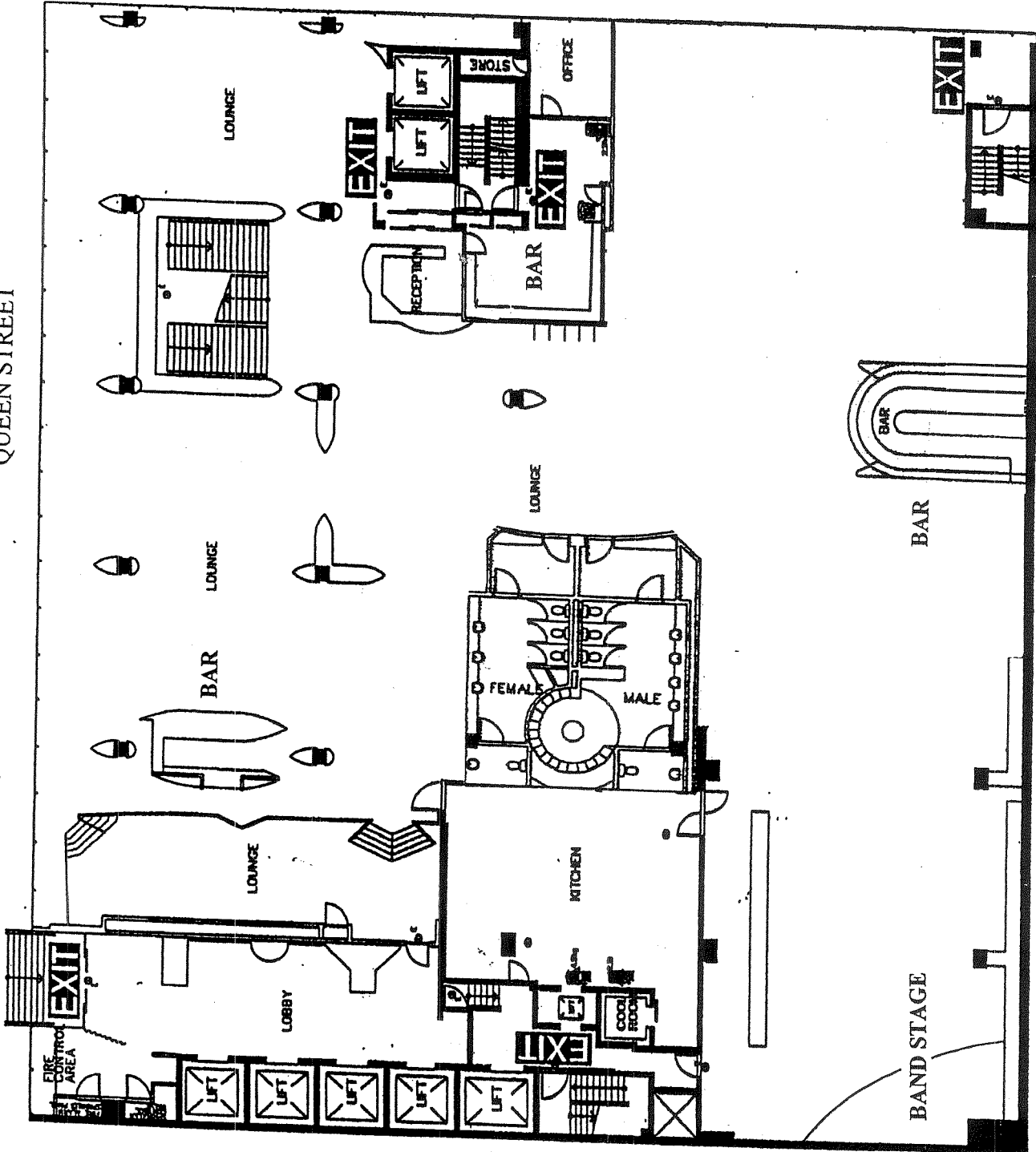
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09 FEB 2004

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LITTLE COLLINS STREET

QUEEN STREET



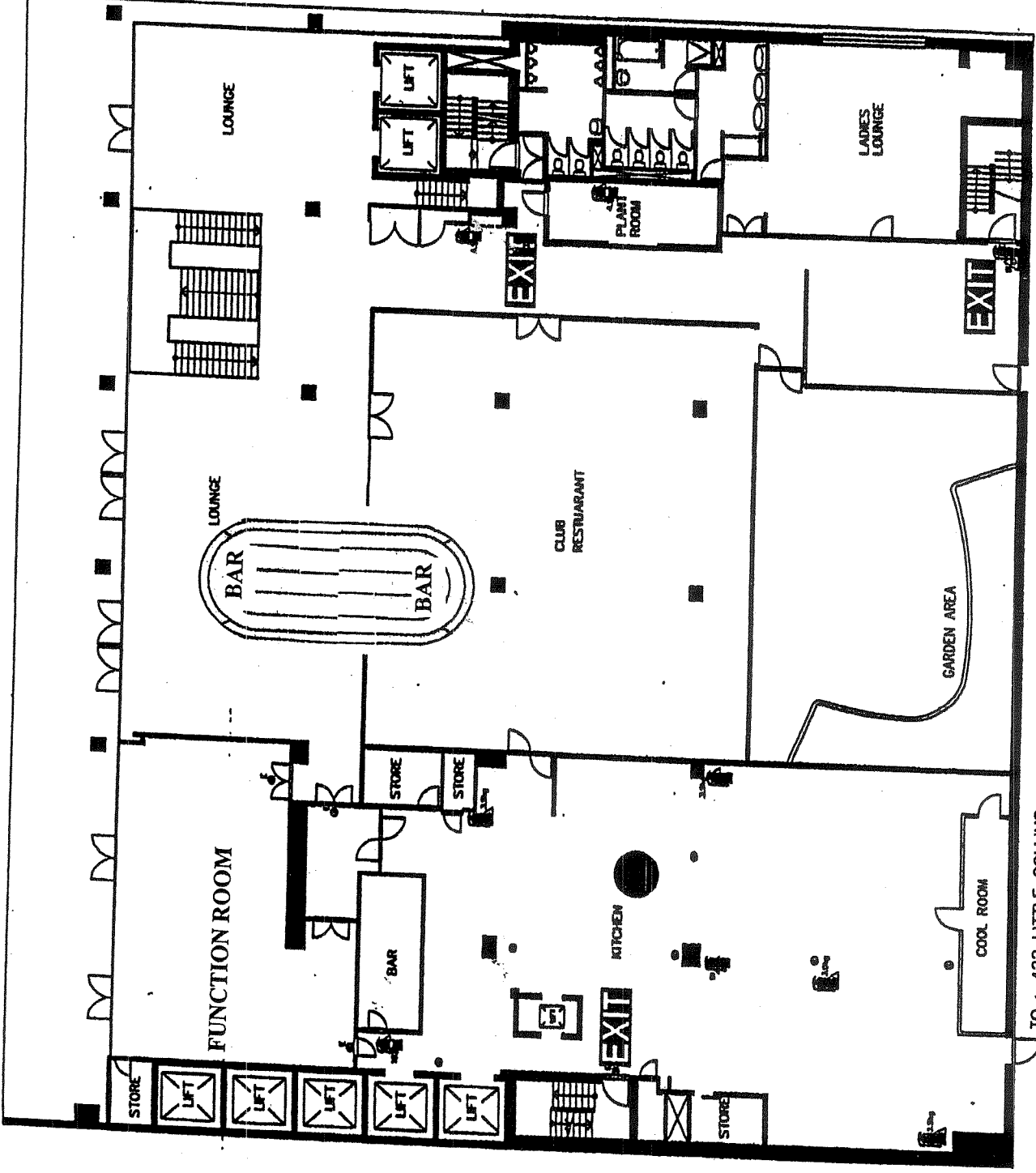
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DEVELOPMENT
09 FEB 2004
PLANNING

LITTLE COLLINS STREET

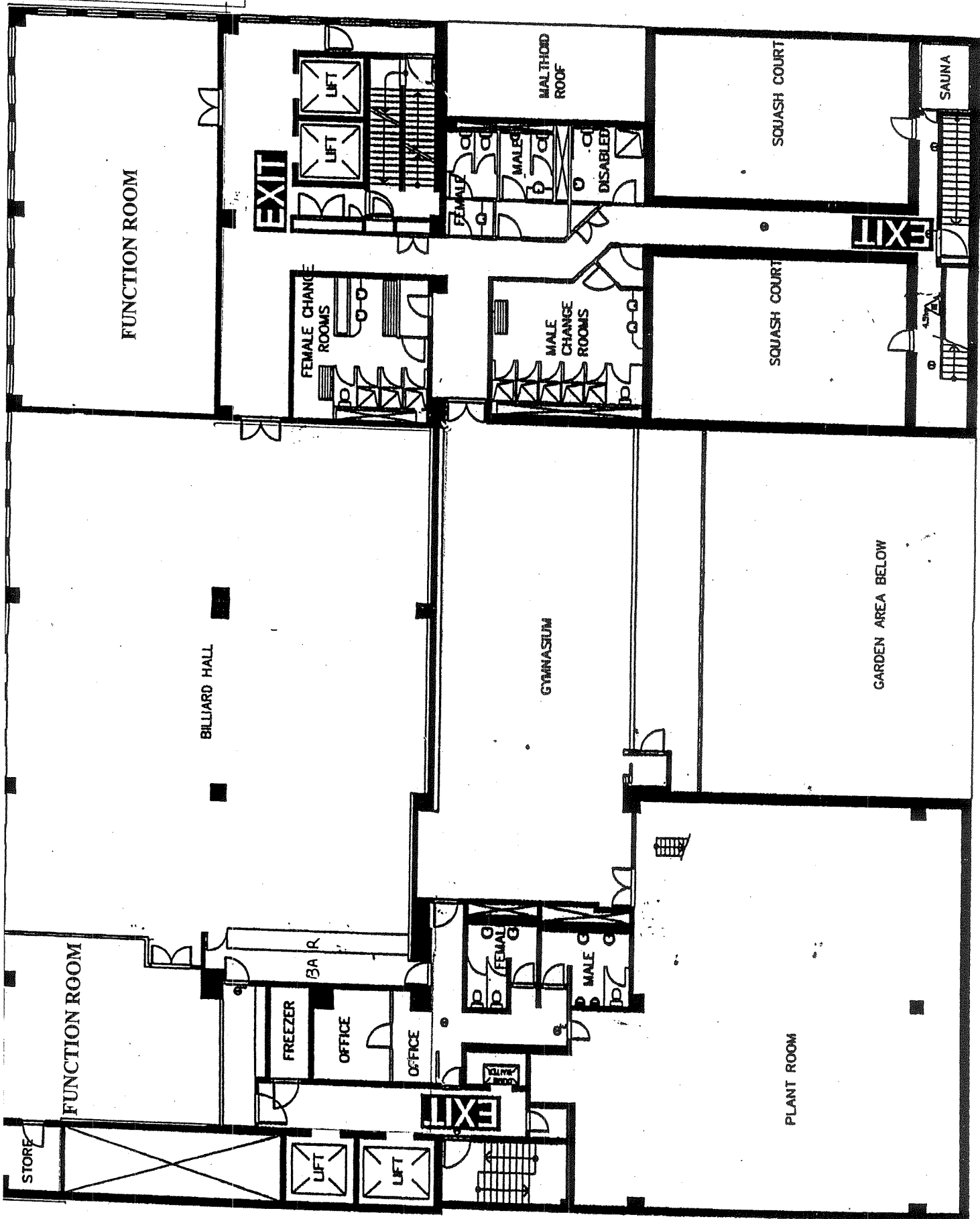
QUEEN STREET



TO : 422 LITTLE COLLINS

LEVEL 01

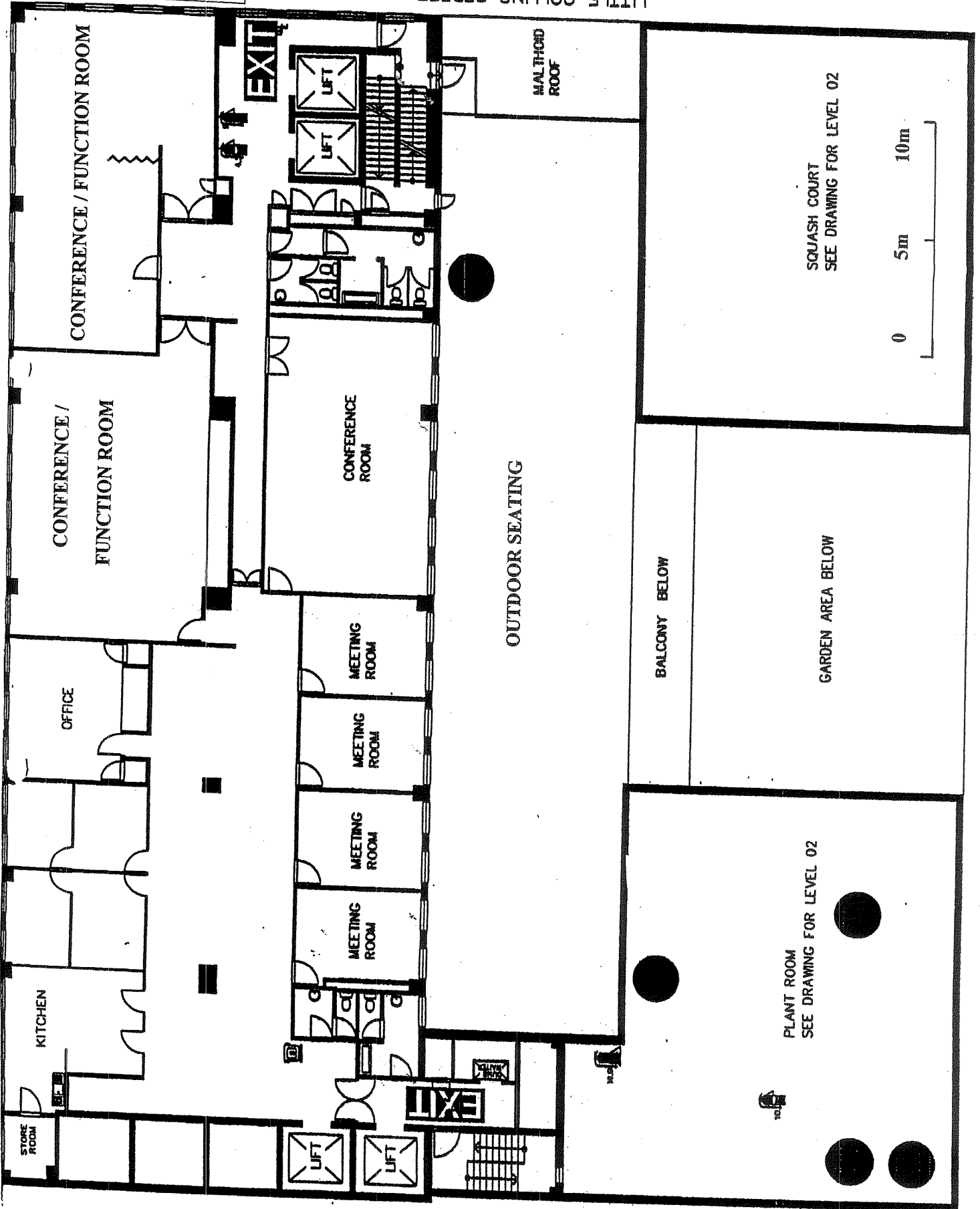
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09 FEB 2004
PLANNING



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PLANNING

LITTLE COLLINS STREET



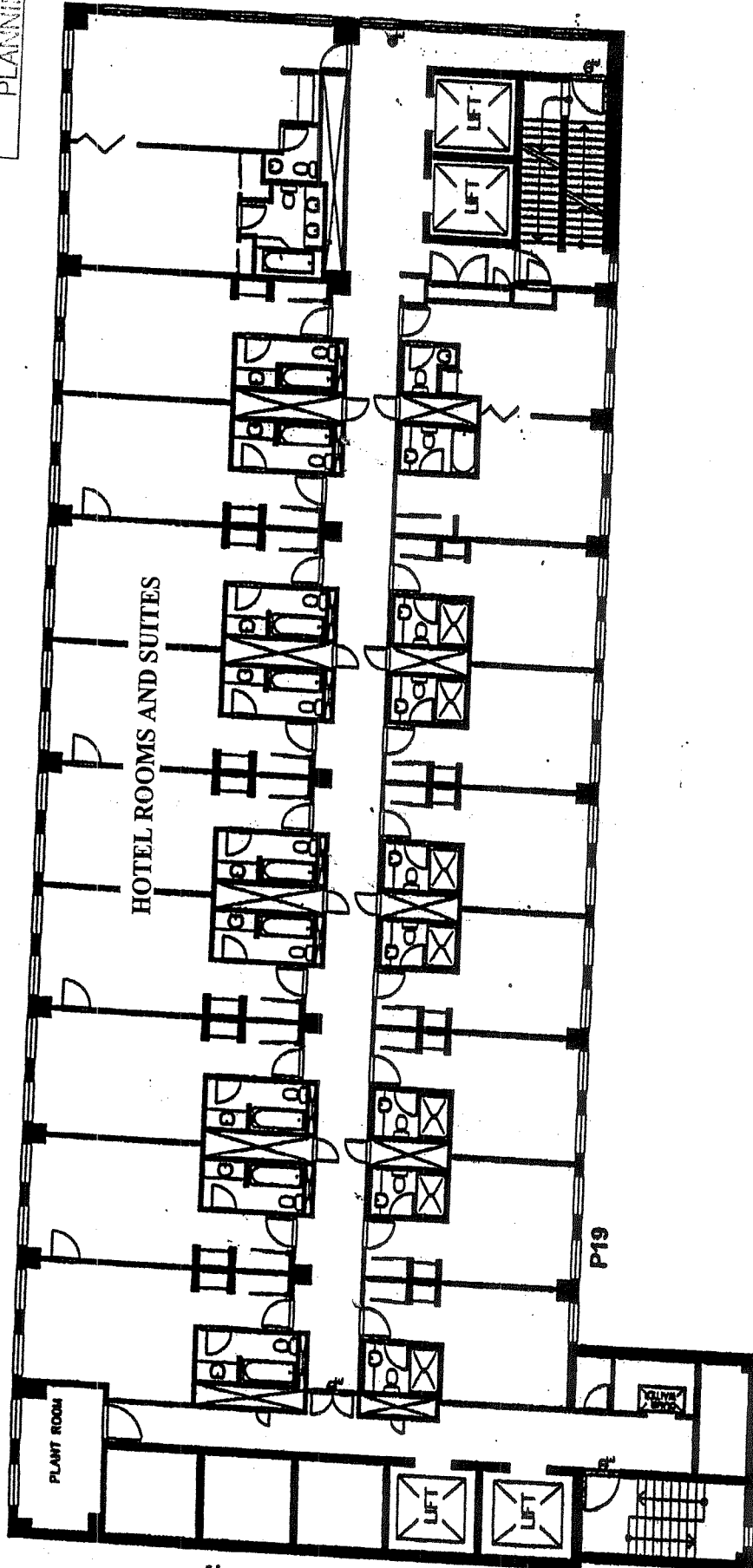
LEVEL 3

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09 FEB 2004
PLANNING

LITTLE COLLINS STREET

QUEEN STREET

HOTEL ROOMS AND SUITES

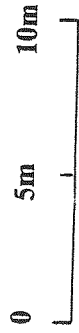
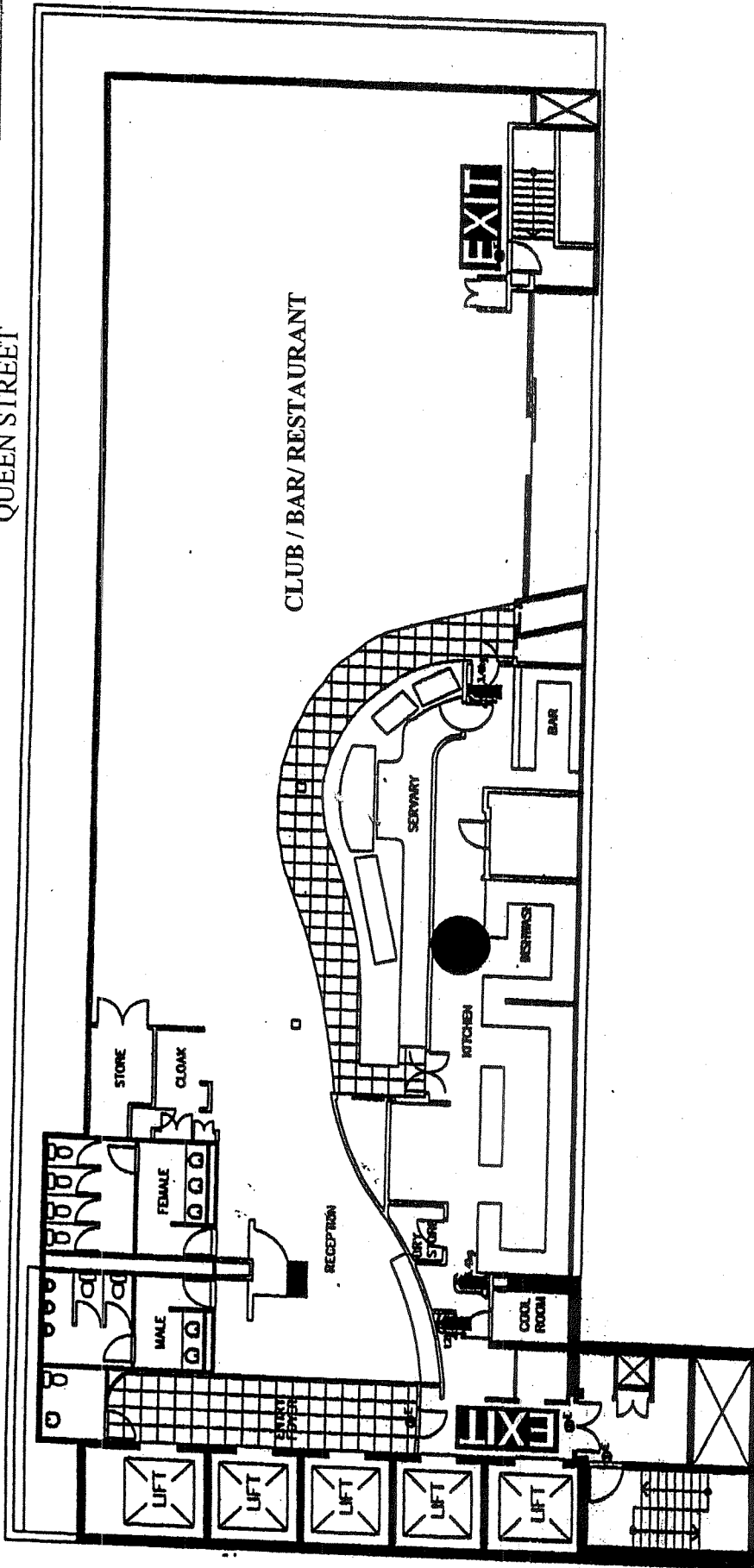


LEVEL 4 TO 14

DEVELOPMENT
09 FEB 2004
PLANNING

LITTLE COLLINS STREET

QUEEN STREET



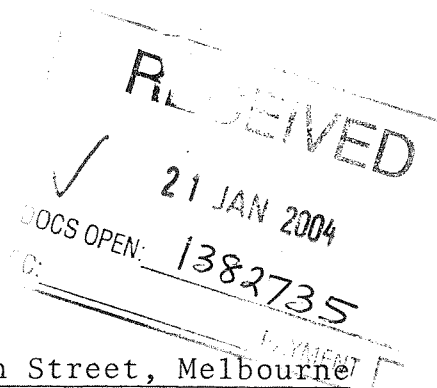
15 FLOOR



LIQUOR LICENSING . LOCAL GOVERNMENT
TOWN PLANNING . SECURITY

15th January, 2004

Manager
Planning Unit
City Of Melbourne
Council House
200 Little Collins St.
MELBOURNE, VIC. 3000.



Dear Sir,

Ref. : 111-129 Queen Street, Melbourne
RACV Club

I act for the Freehold Owner of these premises.

You may be aware that the RACV Club is to move from the site to new premises nearby later this year.

My client proposes to transform the premises into a Residential Hotel and to obtain the grant of a General Licence for the business.

The application has been lodged at Licensing Victoria and no objections have been received.

It is my understanding that the proposed change of use does not require a Planning Permit (Schedule 1 To The Capital City Zone) where "Accommodation" is a Section 1 use.

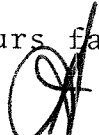
Could you please confirm that no Planning Permit is required for the proposal and further, that no Planning Permit is required for the grant of the General Licence sought under Clause 52.27 of the Planning Scheme.

There are a whole range of other issues associated with the proposed change of use and I have sought a meeting to discuss these issues with Council.

In the interim, I would appreciate you confirmation as to the matters raised above.

If you have any queries, please contact me.

Yours faithfully,


Peter J. Aldred
Consultant

MINUTES OF MEETING OF THE LICENSING APPROVALS FORUMHeld on Tuesday 4th May 2004, Birrarung Room, Melbourne Town Hall

Present:

MCC Town Planning

Martin Williams, Allana Gaitanis, Jim Woolcock, Alison Philip,
Josephine Lee, Phillipa Dwyer

Liquor Licensing Victoria

Joe Rosano

Victoria Police

Chris Brown, Ross Cameron

1 Minutes of Meeting 6th April 2004 : adopted**2 Matters Arising**

None

3. Particular Applications**111-129 Queen Street, Melbourne- General Licence**

Police to delete conditions off permit including trading after hours and under age.

Council have some concerns of the proposal but deletion of these conditions would meet most of them

LLV have conditionally granted a permit, due to the fact works are still being carried out on the site?

24-88 Commercial Road, South Yarra – On-premises Licence

Police have not received the application.

LLV can not locate the application.

Allana to circulate a copy of the application.

169-171 Exhibition Street, Melbourne – On-premises Licence

No concerns of trading hours. All parties agree rooftop trading should only be permitted till 11pm.

621-629 Bourke Street, Melbourne – Limited Licence

All parties have no objection to application.

192-198 A'Beckett Street, Melbourne – On-premises Licence

New backpacker hostel with bar = Residential Hotel, therefore no planning permit required. MCC expect restrictions on liquor licence so that the bar remains ancillary.

442-450 Elizabeth Street, Melbourne – General Licence

Operating as Residential Hotel, but seeking 24 hour trading and permission for live music. MCC has lodged an objection and will oppose any further relaxation of controls.

Franklin Street, Melbourne

MCC have lodged an objection to removal of restrictions on liquor licence. If the Residential Hotel definition is applied, no further planning permit is required for tavern, but conditions on licence must be maintained.

4. General Business

Meeting dates to be changed to the second Tuesday of each month.

Next Meeting**8th June 2004****Docs#****1483273AG**



CITY LICENSING APPROVALS FORUM

MEETING 10.30 AM TUESDAY 4 MAY 2004

BIRRURUANG ROOM, SECOND FLOOR TOWN HALL SWANSTON STREET

AGENDA

ABN 55 370 219 287
City of Melbourne
GPO Box 1603M Melbourne
Victoria 3001 Australia
Hotline 61 3 9658 9658
Facsimile 61 3 9654 4854
DX210487 MELBOURNE
enquiries@melbourne.vic.gov.au
www.melbourne.vic.gov.au

1. **Minutes of Previous Meeting**

2. **Matters Arising from the Minutes**

3. **Particular Applications**

111-129 QUEEN STREET, MELBOURNE – GENERAL LICENCE

24-88 COMMERCIAL ROAD, SOUTH YARRA – ON-PREMISES LICENCE

169-171 EXHIBITION STREET, MELBOURNE – ON-PREMISES LICENCE

ROYAL MELBOURNE HOTEL – 621-629 BOURKE STREET, MELBOURNE – LIMITED LICENCE

192-198 A'BECKETT STREET, MELBOURNE – ON-PREMISES LICENCE

442-450 ELIZABETH STREET, MELBOURNE – GENERAL LICENCE

1479759AG

Franklin St,

MINUTES OF MEETING OF THE LICENSING APPROVALS FORUM

Held on Tuesday 6th April 2004, Birrarung Room, Melbourne Town Hall

Present:

MCC Town Planning

Martin Williams, Allana Gaitanis, Jim Woolcock, Alison Philip,
Stephen Rowley

Liquor Licensing Victoria
Victoria Police

Andrew Doran
Chris Brown

1 Minutes of Meeting 9th March 2004 : adopted

165 City Road – LLV Permit Issued.

2 Matters Arising

Go Kart Track, Cnr Todd Road & Cook Street, Port Melbourne – Renewable Limited Licence
All parties offer no objection to granting of licence.

Amber Lounge, 388 Lonsdale Street, Melbourne – Limited Licence

LLV have an on-site notice on display until 10 April 2004, LLV will then set a hearing date for this application.

Council at this stage, object to the application.

Icon Bar, 125 Flinders Lane, Melbourne – Limited Licence

Council has no objection to application. LLV to issue permit.

111-129 Queen Street, Melbourne – General Licence

An amended application form has been submitted, waiting on a copy for review.

420 Lonsdale Street, Melbourne – Variation Of Licence

Council currently have a planning application under consideration and will not make comment until a determination has been made.

Police have no objection.

Bond Bar, 24 Bond Street, Melbourne – Limited Licence

All parties offer no objection.

St. Peter & Paul Ukrainian Catholic Cathedral, 35 Canning Street, North Melbourne – Limited Licence

All parties offer no objection.

Brens Oval Pavilion, Macarthur Road, Parkville – Limited Licence

All parties offer no objection.

Star City, 189-195 Exhibition Street, Melbourne – Variation Of Licence

All parties offer no objection.

3 General Business

Andrew Doran to attend CLAF meetings in place of Simon Willshire until further notice.

Next Meeting
Docs#

4th May 2004
1461480AG



CITY LICENSING APPROVALS FORUM

MEETING 10.30 AM TUESDAY 6 APRIL 2004

BIRRURUANG ROOM, SECOND FLOOR TOWN HALL SWANSTON STREET

AGENDA

ABN 55 370 219 287
City of Melbourne
GPO Box 1603M Melbourne
Victoria 3001 Australia
Hotline 61 3 9658 9658
Facsimile 61 3 9654 4854
DX210487 MELBOURNE
enquiries@melbourne.vic.gov.au
www.melbourne.vic.gov.au

1. **Minutes of Previous Meeting**

2. **Matters Arising from the Minutes**

3. **Particular Applications**

~~GO KART TRACK~~, CNR TODD ROAD & COOK STREET, PORT MELBOURNE – RENEWABLE LIMITED LICENCE

~~AMBER LOUNGE~~, 388 LONSDALE STREET, MELBOURNE – LIMITED LICENCE

~~111-129~~ QUEEN STREET, MELBOURNE – GENERAL LICENCE

~~420~~ LONSDALE STREET, MELBOURNE – VARIATION OF LICENCE

~~BOND BAR~~, 24 BOND STREET, MELBOURNE – LIMITED LICENCE

~~ICON BAR~~, 125 FLINDERS LANE, MELBOURNE – LIMITED LICENCE

~~ST. PETER & PAUL UKRAINIAN CATHOLIC CATHEDRAL~~, 35 CANNING STREET, NORTH MELBOURNE – LIMITED LICENCE

~~BRENS OVAL PAVILION~~, MACARTHUR ROAD, PARKVILLE – LIMITED LICENCE

~~STAR CITY~~, 189-195 EXHIBITION STREET, MELBOURNE – VARIATION OF LICENCE

1449492AG



Department of Justice

Office of Director of Liquor Licensing

File number: 38234A01

14 October 2003

Chief Executive Officer
Melbourne City Council
DX 120487
MELBOURNE

RECEIVED
13 OCT 2003
DOCS OPEN
A/R: _____ PAYE: _____

Level 24
80 Collins Street
Melbourne Victoria 3000
GPO Box 4304
Melbourne Victoria 3001
Australia
DX 210740
Telephone (03) 9655 6696
Facsimile (03) 9655 5303
www.liquor.vic.gov.au

DM# 1304521

Dear Sir/Madam

**AMENITY BASED OBJECTIONS BY COUNCIL TO AN:
APPLICATION FOR A GENERAL LICENCE & ADDITIONAL HOURS BY NINTH GRANGE PTY LTD
AT 111-129 QUEEN STREET, MELBOURNE
RECEIVED 13 OCTOBER 2003**

The purpose of this letter is to provide council with an opportunity, if it so chooses, to lodge an objection to the above application on the ground that the grant of the application would be detrimental to or detract from the amenity of the area in which the subject premises are situated. A copy of the application is attached.

The Liquor Control Reform Act 1998 provides that a council may make an objection on the above ground within 30 days of the details of the application being displayed on the premises.

The Director will refer eligible objections to the Liquor Licensing Panel. Applicants and objectors will be offered the opportunity to present their case to the Panel at a public hearing. The Panel will provide a recommendation to the Director who will determine the application after giving full consideration to the Panel's recommendation(s).

Please note that the applicant has been advised that they are required to provide Liquor Licensing Victoria with a planning permit or other evidence from the responsible planning authority indicating that the grant of the application would not contravene the relevant planning scheme. There is no need for council to lodge an objection based on the absence of a planning permit or permission.

Please contact our team if you require further information quoting the above file number.

Yours faithfully

Shane Spiteri
Licensing Services
For the Director of Liquor Licensing





Liquor Licensing Victoria

Application For a NEW LICENCE/PERMIT

Please Print Clearly



APPLICANT DETAILS

Name/s of applicant (person/partnership/company/body corporate/club) Blue

Ninth Grange Pty. Ltd.

ACN Number (if applicable)

105 498 175

Detail of each individual, each partner, each director company secretary, public officer, executive committee member

Name	Address
Harold CHUA	1906/1 William Street, Melbourne, Vic. 3000

CONTACT DETAILS (business hours contact for you/your representative)

Contact Name	Phone	Fax
Email:	P.A.J. CONSULTANTS P.O. BOX 297, PRAHRAN, VIC 3151 PH: 959 1111	

PREMISES DETAILS

Address of premises to be licensed

111-129 Queen Street,
Melbourne, Vic. Postcode: 3000

Postal address (if different from above): Postcode:

Trading Name: Yet To Be Determined

PURPOSE

Give a brief description of the nature of the business and the purpose to which the liquor licence/permit will be put

Applicant has purchased the former RACV building in Queen Street, Melbourne and seeks to convert the premises from the existing Club to a substantial 5 star Hotel. The premises will provide a range of dining and function rooms, bottleshop, bars as well as more than 80 rooms of accommodation. Proposal includes the provision of liquor at anytime on anyday within the premises for both on and off-premises consumption. Comprehensive liquor range will be provided within the Bottleshop and full room service and inhouse mini bars will be available for guests.

CONDITIONAL APPROVAL

If the licence/permit is granted, are you able to commence trading immediately? YES NO

If NO, give details of and indicate likely date of commencement

Settlement is to take place within the next 12 months and applicant seeks conditional grant pending settlement.

Are you seeking approval on condition that some requirement is met in the near future? YES NO

If YES, please state what requirement

Pending settlement by 01/12/2004



Application For A
GENERAL LICENCE

LLV1.1/99

Please Print Clearly

GENERAL LICENCE

This licence type authorises the licensee to supply liquor on the licensed premises for consumption on and off the licensed premises

ORDINARY TRADING HOURS

At any time on any day to a resident of the licensed premises.

To other persons on:

Sunday Between 10 a.m & 11 p.m.
Good Friday & Anzac Day Between 12 noon & 11p.m.
On any other Day Between 7 a.m & 11 p.m.

Are you applying for additional trading hours?

YES NO

If YES indicate the days and hours you wish to trade

At anytime on any day of the year for both on and off-premises consumption.

CONDITIONS

Indicate if you are seeking to have any other conditions attached to the licence

If persons under the age of 18 (not accompanied by a parent, spouse or guardian) are to be on the licensed premises an authority may be required. Do you wish to apply for such an authority?

YES NO

DECLARATION REGARDING RIGHT TO OCCUPY PREMISES

As the applicant, certify that

I am the freehold owner of the premises to which this application relates. or

I have an exclusive right to occupy the premises to which this application relates

Signed

SIGNATURE/S OF APPLICANT/S

x _____ Date 10 / 10 / 2005

_____ Date / / _____ Date / /

As part of your application you will also be required to provide:

1. The Appropriate Fee

The fee on applying is \$500.

If you are also applying for additional trading hours, the following fees will be payable when the application has been granted

Monday to Saturday

11p.m. to 1a.m. the day following \$360
1a.m. to 7a.m. \$930

Sunday

1a.m. to 7a.m. \$930
7a.m. to 10a.m. \$300
11p.m. to 1a.m. the day following \$715

Sunday, Good Friday & Anzac Day

11p.m. to 1a.m. the day following \$715
Good Friday & Anzac Day
7a.m. to 12 noon \$500

The above additional trading fees will be pro-rated according to the number of months remaining in the year.

2. Planning permit or permission

A copy of a planning permit or other permission from the responsible planning authority indicating that the use of the premises as licensed premises will not contravene the planning scheme that applies to the premises under the *Planning and Environment Act 1987*.

3. Completed Police Questionnaires

To be completed by each applicant / partner / company director / club executive committee member. If the applicant is a club or company a separate questionnaire relating to the organisation is required

4. A Plan or Depiction of the premises.

A plan, drawing or sketch of the premises showing the official address, the location and boundaries of the proposed licensed premises and indicating the area/s within the premises that you are seeking to have licensed (use a red line). A detailed scale plan may be required by the Director in determining some applications.

5. Statement of Display

This statement is required following the 28 day period of display of the Public Notice. See "Guidelines on Requirements for the Display, Advertising and Notification of Licence and Related Applications"

Please Note: The Director of Liquor Licensing may request an applicant to provide any other information. If required to do so you will be notified in writing.

FINANCE ATTACHMENT

LIQUOR LICENCE: 111-129 QUEEN STREET, MELBOURNE

There are no direct financial implications for Council arising from the recommendations contained in this report.

Joe Groher
Manager Financial Services

LEGAL ATTACHMENT

LIQUOR LICENCE: 111-129 QUEEN STREET, MELBOURNE

The *Liquor Control Reform Act 1998* sets out the process by which the Director of Liquor Licensing issues liquor licenses. The *Building Act 1983* provides a process for taking legal action in relation to breaches of the Building Code of Australia 2007.

Liquor Licence

Section 50(1) of the *Liquor Control Reform Act 1998* provides that ‘a licence or BYO permit has effect on the day on which it is granted and continues in force until the end of the calendar year in which it is granted’.

Building Control

Section 102 of the *Building Act 1983* provides that Council may make an emergency order if he or she is of the opinion that the order is necessary because of a danger to life or property arising out of the condition or use or proposed use of a building, the land on which building work is being or is proposed to be carried out or a place of public entertainment.

Section 106 of the *Building Act 1983* provides that a municipal building surveyor or a private building surveyor may cause a building notice to be served on an owner of a building if

“(c) *the building surveyor is of the opinion that the building is unfit for occupation or for use as a place of public entertainment.*

(d) *The building, land or place or building work on the building, land or place is a danger to the life, safety or health of any member of the public or of any person using the building, land or place or to any property”.*

Kim Wood
Manager Legal Services