

5.02. THE BOAT HOUSE RESTAURANT AND WINE BAR

REPORT AUTHOR(S): Susanna Andrews, Technical Planning Officer
GENERAL MANAGER: Paul Hoye, General Manager Operations
DEPARTMENT: Development and Environment

PROPOSAL Commercial Other Subsidiary on Premises Licence

APPLICANT Karen Wendy Buller

NAME OF PREMISES The Boat House Restaurant & Wine Bar

LOCATION OF SITE Shop 52, The Reef Marina
Wharf Street
Port Douglas

PROPERTY Lot 146 on SR861

LOCALITY PLAN



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| LOCALITY | Port Douglas & Environs |
| PLANNING AREA | Port Douglas Waterfront North |
| PLANNING SCHEME | Douglas Shire Planning Scheme 2006 |
| REFERRAL AGENCY | Office of Liquor & Gaming Regulation Department of Justice & Attorney-General Locked Bag 180 CITY EAST QLD 4002 |
| REQUEST RECEIVED | 7 December 2015 |

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 The Boat House Restaurant and Wine Bar, The Reef Marina, Shop 52, Wharf Street, Port Douglas, also described as Lot 146 on SR861.

INTRODUCTION

The Boat House Restaurant and Wine Bar

A request for Council's comment has been submitted by the Department of Justice and Attorney-General, Office of Liquor and Gaming Regulation, for The Boat House Restaurant and Wine Bar, located at Shop 52, The Reef Marina, Wharf Street, and described as Lot 146 on SR861. 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 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, that is only there to have a drink).

The applicant has also indicated her intention to include an outdoor dining area as part of the proposed licensed area.

Planning Scheme Requirements

The land is included within the Port Douglas Waterfront North 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, on the condition that the operators have obtained a licence to sell food associated with the liquor licensing conditions. Note there is currently no record of the business holding or having made application for a Food Licence.

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

Attachment 1 – Request for comment

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 24 December 2015.

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.

As 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.

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
1 / 12 / 2015