

5.01. LIQUOR LICENCE - POSEIDON III

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 (Vessel)

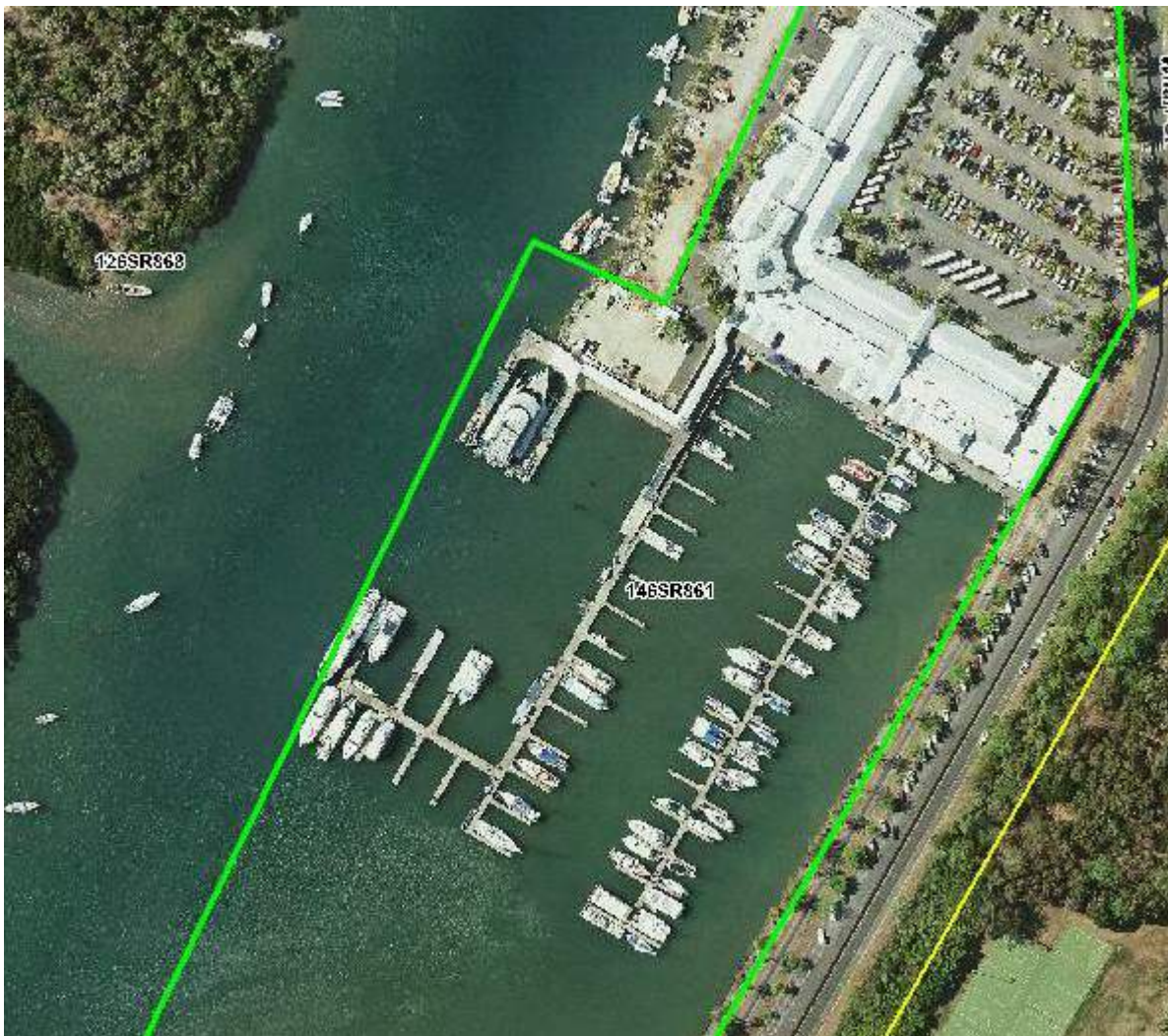
APPLICANT Quicksilver Connections Limited

NAME OF PREMISES Poseidon III

LOCATION OF BERTH Marina Mirage
Marine Berth D17
Inlet Street
Port Douglas

PROPERTY Lot 146 on SR861

LOCALITY PLAN



LOCALITY	Port Douglas and Environs
PLANNING AREA	Port Douglas Waterfront – North
PLANNING SCHEME	Douglas Shire Planning Scheme 2008
REFERRAL AGENCY	Office of Liquor & Gaming Regulation Department of Justice & Attorney-General Locked Bag 180 CITY EAST QLD 4002
REQUEST RECEIVED	12 October 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 a variation of liquor licence, Commercial Other Subsidiary on Premises Licence (Vessel) for Poseidon III, berthed at Marina Mirage, Marine Berth D17, Inlet Street, Port Douglas, also described as Lot 146 on SR861, and plying the waters of the Great Barrier Reef and the Torres Strait Zone not more than 50 nautical miles within the region or zone.

INTRODUCTION

Poseidon III

A request for Council's comment has been submitted by the Department of Justice and Attorney-General, Office of Liquor and Gaming Regulation, for Poseidon III, berthed at Marina Mirage, Marine Berth D17, Inlet Street, Port Douglas, also described as Lot 146 on SR861, and plying the waters of the Great Barrier Reef and the Torres Strait Zone not more than 50 nautical miles within the region or zone. A copy of the request is attached as *Attachment 1*.

Type of Licence – Commercial Other Subsidiary on Premises Licence (Vessel)

If the licence is granted it would enable the holder to vary the vessel mooring address from Marina Mirage, Marine Berth D17, Inlet Street, Port Douglas, to The Reef Marina, Marine Berth D1, Wharf Street, Port Douglas. *Note:* Under Section 155(4)(e), approval is granted for minors to be on the licensed premises for the purpose of commuting, sight-seeing and participating in aquatic activities.

Planning Scheme Requirements

The land at which the vessel is berthed is included within the Port Douglas Waterfront – North Planning Area. Compliance with local town planning requirements is confirmed.

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.

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.

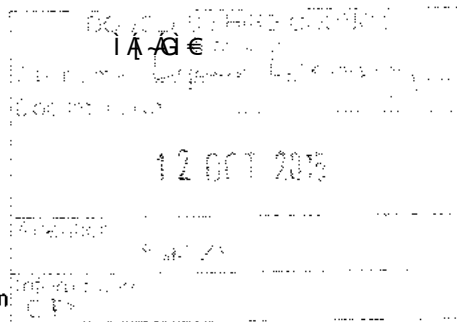
The following area outlines where Council has a clear responsibility to act:

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



Queensland
Government

Office of Liquor and Gaming Regulation

Department of
Justice and Attorney-General

Please quote: 921784 / LAB05
Contact officer: Customer Support Team
Contact telephone: 07 3224 7131

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

Dear Sir/Madam

POSEIDON III - PORT DOUGLAS

Applicant's Contact Details: Ms Rachel Cocks, Phone: 4087 2117, Email: rachel@quicksilver-cruises.com

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

<i>Applicant:</i>	Quicksilver Connections Limited
<i>Name of Premises:</i>	Poseidon III
<i>Street Address:</i>	Marina Mirage, Marine Berth D17, Inlet Street, Port Douglas
<i>Variation from:</i>	Old Mooring address - Marina Mirage, Marine Berth D17, Inlet Street, Port Douglas
<i>Variation to:</i>	New mooring address – The Reef Marina, Marine Berth D1, Wharf Street, Port Douglas
<i>Type of Licence:</i>	Commercial Other - Subsidiary on Premises (Vessel)

Under Section 155(4)(e), approval is granted for minors to be on the licensed premises for the purpose of commuting, sight-seeing and participating in aquatic activities.

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

You are now afforded the opportunity to comment or object to the granting 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
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

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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 22 October 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.

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.

The applicant has been advised to contact you in order to facilitate your advice.

If you require clarification on any of these matters, please do not hesitate to contact the Customer Support Team on telephone 3224 7131.

Yours sincerely



BRIAN BAUER
A/Executive Director
08 / 10 / 2015

Encl.



Liquor licence premises details

Premise details:

Licence number: 169192
Licence type: Commercial Other - Subsidiary On Premises
Status: Issued

Premises description:

MAIN PREMISES:

MARINA MIRAGE **POSEIDON III**
 MARINE BERTH D17
 INLET STREET
 PORT DOUGLAS QLD 4877
 Phone: 0402 862 253

Real property description:

Licensed area description:

Vessel known as Poseidon III plying the waters of the Great Barrier Reef and the Torres Strait Zone not more than fifty (50) nautical miles within the region or zone.

Trading hours description:

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

(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
QUICKSILVER CONNECTIONS LIMITED	No	30-MAY-2014	

Condition(s):

Standard Condition(s)

- LL099 Speakers used to amplify entertainment/music noise or non-amplified entertainers must not be located in any outdoor/verandah/patio area of the premises.
- LL098 Noise emanating from entertainment, music or related activities must not exceed 75dB(C), fast response, when measured approximately 3 metres from the source of the noise.
- LL286 Liquor may be sold or supplied only whilst the premises adheres to its principal activity of commercial carrying of passengers.

Specific Condition(s)

- 3560597 Under Section 155(4)(e), approval is granted for minors to be on the licensed premises for the purpose of commuting, sightseeing or partaking of approved activities of the vessel.
- 3560603 Liquor may only be sold to a person once they have completed their water activities for that day.

Registered interest(s):

Name	Type	Start date	To date
QUICKSILVER CONNECTIONS LIMITED	FREEHOLD OWNER	30-MAY-2014	

Whilst every care is taken to ensure the accurate compilation of this information, Department of Justice and Attorney-General (Incorporating the Office of Liquor and Gaming Regulation) expressly disclaims all liability for errors or omissions of any kind whatsoever (whether negligent or otherwise) or for any loss, damage or other consequence which may arise from any person relying on this information.