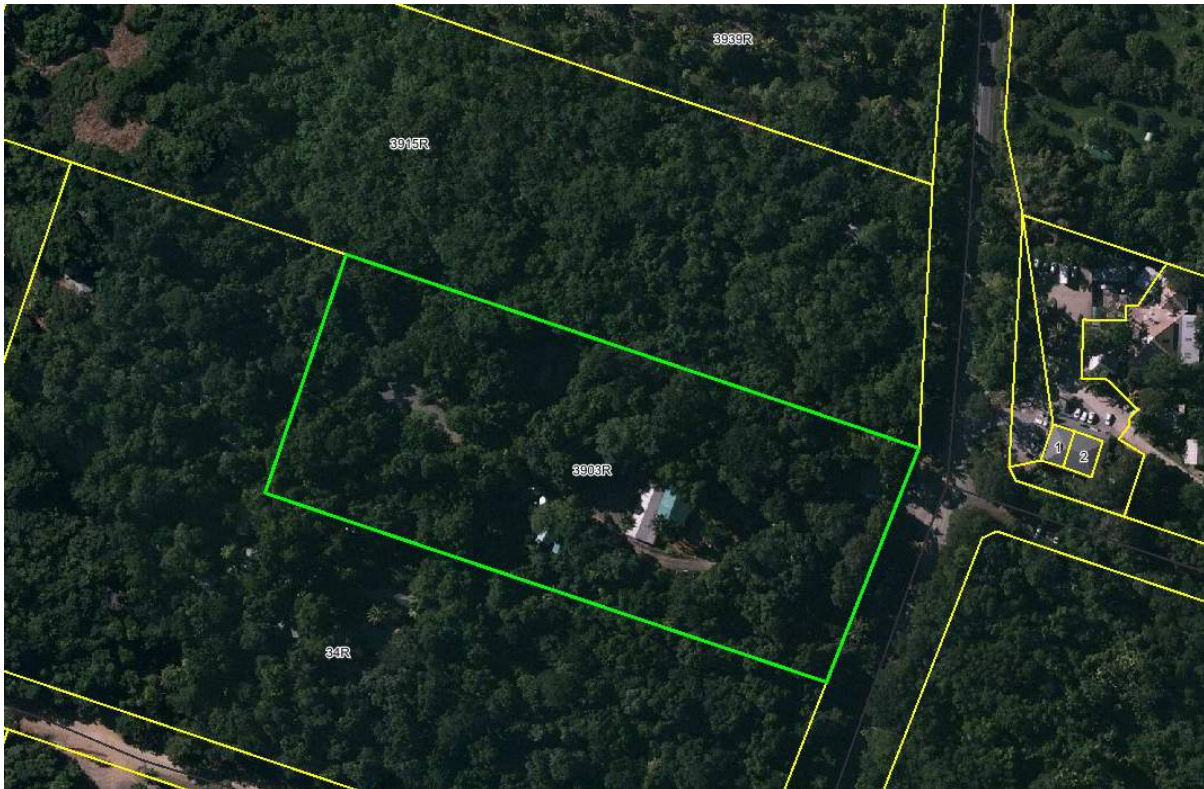


5.1. REQUEST FOR COMMENT ON TURTLE ROCK CAFÉ AND SAFARI LODGE PROPOSED LIQUOR LICENSE

REPORT AUTHOR(S):	Daniel Lamond, Planning Officer
GENERAL MANAGER:	Nicholas Wellwood, General Manager Operations
DEPARTMENT:	Sustainable Communities
PROPOSAL	Commercial Other Subsidiary on Premises Licence (provision of accommodation)
APPLICANT	Nothing Wrong Pty Ltd
NAME OF PREMISES	Turtle Rock Café & Safari Lodge
LOCATION OF SITE	3903R Cape Tribulation Road, Cape Tribulation
PROPERTY	Lot 4 on RP733181

LOCALITY PLAN



LOCALITY	Settlement Areas North of the Daintree River Locality
PLANNING AREA	Conservation
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	24 January 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 Turtle Rock Café & Safari Lodge, 3903R Cape Tribulation Road, also described as Lot 4 on RP733181.

INTRODUCTION

Turtle Rock Café & Safari Lodge

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 Turtle Rock Café & Safari Lodge, located at 3903R Cape Tribulation Road, Cape Tribulation and described as Lot 4 on RP733181. A copy of the request is attached as *Attachment 1*.

Type of Licence – Commercial Other Subsidiary on Premises Licence

If the license is granted it would enable the holder to sell liquor to a resident or guest of a resident for consumption on the premises at any time and up to 9 litres for consumption off the premises to residents only. Liquor may also be sold to members of the general public attending a function or in an area primarily used for the provision of meals prepared and served to be eaten on the premises (however, liquor may be sold in this area to patrons who are non-diners i.e. only there to have a drink).

Planning Scheme Requirements

The land is included within the Conservation Planning Area. There are no planning concerns with regard to the approved use on the site.

The most current planning approval is TP381- 1 December 1987 for Camping Ground, Cabins, Restaurant and Ancillary uses. The proposed license is considered to be consistent with the approved use of the land.

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.

Turtle Rock Café has a current Food Business Licence and Jungle Lodge (Safari Lodge) is licensed as a separate business with current Swimming Pool and Accommodation Permits under Council's Local Laws.

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.

ATTACHMENTS

1. Attachment 1- Request for Comment **[5.1.1]**

Please quote: 941699/LAB12
 Contact officer: Customer Support Team
 Contact Number: (07) 3224 7131



Chief Executive Officer
 Douglas Shire Council
Email: enquiries@douglas.qld.gov.au

Office of Liquor and Gaming Regulation

Department of
 Justice and Attorney-General

Dear Sir/Madam

TURTLE ROCK CAFE & SAFARI LODGE - CAPE TRIBULATION
Application for a Commercial Other Subsidiary On Premises licence
Real Property Description: Lot 4 on RP 733181
Applicant's contact details: Mr. Hayden Grimston, PD Law, Phone (07) 4946 6670, Email hayden.grimston@pdlaw.com.au

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>	Nothing Wrong Pty Ltd
<i>Name of premises:</i>	Turtle Rock Cafe & Safari Lodge
<i>Street address:</i>	Lot 4, Cape Tribulation Road, Cape Tribulation
<i>Proposed trading hours:</i>	10:00AM to 12:00AM - Monday to Sunday
<i>Type of licence:</i>	Commercial Other Subsidiary On Premises licence (provision of accommodation)

If this licence is granted it would enable the holder to sell liquor to a resident or guest of a resident for consumption on the premises at any time and up to 9 litres for consumption off the premises to residents only. Liquor may also be sold to members of the general public attending a function or in an area primarily used for the provision of meals prepared and served to be eaten on the premises (however, liquor may be sold in this area to patrons who are non-diners i.e. only there to have a drink).

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.

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 **7 February 2017**.

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

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.

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.



MICHAEL SARQUIS
Executive Director

24 / 01 / 2017