

## 5.2. PROPOSED LIQUOR LICENCE DIWAN ECO B&B

<b>REPORT AUTHOR(S)</b>	Daniel Lamond, Planning Officer
<b>GENERAL MANAGER</b>	Nicholas Wellwood, General Manager Operations
<b>DEPARTMENT</b>	Sustainable Communities
<b>PROPOSAL</b>	Commercial Other Subsidiary on Premises (Accommodation) Licence
<b>APPLICANT</b>	Diwan Eco Pty Ltd
<b>NAME OF PREMISES</b>	Diwan Eco B&B
<b>LOCATION OF SITE</b>	Cape Tribulation Road Diwan
<b>PROPERTY</b>	Lot 41 on RP739765

### LOCALITY PLAN



<b>LOCALITY</b>	Settlement Areas North of the Daintree River Locality
<b>PLANNING AREA</b>	Conservation (Rainforest Residential Precinct)
<b>PLANNING SCHEME</b>	Douglas Shire Planning Scheme 2006
<b>REFERRAL AGENCY</b>	Office of Liquor & Gaming Regulation Department of Justice & Attorney-General Locked Bag 180 CITY EAST QLD 4002
<b>REQUEST RECEIVED</b>	14 March 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 (Accommodation) Licence for Diwan Eco B&B, Cape Tribulation Road, Diwan, also described as Lot 41 on RP739765.**

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## **INTRODUCTION**

### **Diwan Eco B&B**

A request for Council's comment has been submitted by the Department of Justice and Attorney-General, Office of Liquor and Gaming Regulation, for Diwan Eco B&B, located at Cape Tribulation Road and described as Lot 41 on RP739765. A copy of the request is attached as *Attachment 1*.

### **Type of Licence – Commercial Other Subsidiary on Premises (Accommodation) Licence**

If the licence is granted it would enable the holder to sell liquor to a resident or a guest of a resident for consumption on the premises at any time and up to nine litres for consumption off the premises to residents only.

The applicant has also indicated their intention to include an outdoor dining area as part of their proposed licenced area.

### **Planning Scheme Requirements**

The land is included within the Rainforest Residential Precinct of the Conservation Planning Area. A valid development permit exists for the use of the site as a B&B. There are no planning concerns with regard to the approved use on the site. No residential development is located close to 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 has no record of this premises as having either a Food Business Licence or an Accommodation Approval. We have insufficient information about the operation of the premises to provide advice on whether such approvals are required or to make comment on the application for a liquor 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**

1. OLGR Request for Comment Diwan Eco B& B **[5.2.1]**



Please quote: 948391/LAB09  
 Contact officer: Customer Support Team  
 Contact Number: (07) 3224 7131

Office of Liquor and Gaming Regulation

Department of  
 Justice and Attorney-General

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

Email: [enquiries@douglas.qld.gov.au](mailto:enquiries@douglas.qld.gov.au)

Dear Sir/Madam

**DIWAN ECO B&B - DIWAN**  
**Application for Commercial Other – Subsidiary on Premises**  
**(Accommodation) Licence**  
**Real Property Description: Lot 41 on RP 739765**  
**Applicant's Contact Details: Ms. Lauren Doktor (Miller Harris Lawyers),**  
**Phone: 4036 9750, Email: [laurendoktor@millerharris.com.au](mailto:laurendoktor@millerharris.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>	Diwan Eco Pty Ltd
<i>Name of Premises:</i>	Diwan Eco B&B
<i>Street Address:</i>	Cape Tribulation Road, Diwan
<i>Proposed Trading Hours:</i>	10:00 AM to 12:00 AM – Monday to Sunday
<i>Type of Licence:</i>	Commercial Other – Subsidiary on Premises (Accommodation) Licence

Should this licence be granted it would enable the holder thereof to sell liquor to a resident or a guest of a resident for consumption on the premises at any time and up to nine litres for consumption off the premises to residents only.

Please note that the applicant has also indicated their intention to include an outdoor dining area 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.

Office of Liquor and Gaming Regulation  
 63 George 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](mailto:liquorandgaminglicensing@justice.qld.gov.au)  
 Website [www.business.qld.gov.au/liquor-gaming](http://www.business.qld.gov.au/liquor-gaming)

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- 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 29 March 2017

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

A handwritten signature in black ink, appearing to read 'Michael Sarquis', written over a horizontal line.

**MICHAEL SARQUIS**  
**Executive Director**  
14 / 03 / 2017