

5.3. REQUEST FOR COMMENT ON PROPOSED LIQUOR LICENCE AT AQUAQUEST PORT DOUGLAS

REPORT AUTHOR(S)	Daniel Lamond, Planning Officer
GENERAL MANAGER	Nick Wellwood, General Manager Operations
DEPARTMENT	Sustainable Communities
PROPOSAL	Commercial Other Subsidiary on Premises Licence
APPLICANT	Ecrolight Pty Ltd
NAME OF PREMISES	Aquaquest
LOCATION OF SITE	Reef Marina, 44 Wharf Street, Port Douglas
PROPERTY	Lot 146 on SR861

LOCALITY PLAN



Figure 2 - Locality Plan

LOCALITY	Port Douglas
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	24 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 Licence for Aquaquest, The Reef Marina, also described as Lot 146 on SR861.

INTRODUCTION

Aquaquest

A request for Council's comment has been submitted by the Department of Justice and Attorney-General, Office of Liquor and Gaming Regulation, for Aquaquest, Dive Boat. The licence is for a new dive boat to run from the Marina. The licensed area will be the boat itself, and will not include 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 to persons who are about to make, are making, or have just completed a journey on the boat.

Planning Scheme Requirements

There are no planning concerns with regard to the approved use on the site, as the approved use is on a boat.

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. In the event that Aquaquest decides to prepare or serve food, a Food License and/ or Plan Approval may be required.

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

10. Aquaquest liquor request **[5.3.1]**



**Queensland
Government**

Please quote: 948694/LAB02
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

Dear Sir/Madam

AQUAQUEST - PORT DOUGLAS
Application for Commercial Other Subsidiary on Premises Licence
Applicant's Contact Details: Mr Anthony Physick Phone: 0418 725077
Email: tony@diversden.com.au

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

<i>Applicant:</i>	Ecrolight Pty Limited
<i>Name of Premises:</i>	Aquaquest
<i>Street Address:</i>	Reef Marina, 44 Wharf Street, Port Douglas
<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 - (Commercial carrying of passengers)

Should this licence be granted it would enable the holder thereof to sell liquor for consumption on the premises to persons who are about to make, are making, or have just completed a journey on an aircraft, boat, train or vehicle.

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.

Office of Liquor and Gaming Regulation
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BRISBANE QLD 4000
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CITY EAST QLD 4002

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Facsimile +61 7 3227 7047
Email liquorandgaminglicensing@justice.qld.gov.au
Website www.business.qld.gov.au/liquor-gaming

Ordinary Council Meeting 848694/19017

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 10 April 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.

Compliance with local town planning requirements is requested to be confirmed in your reply to this letter.

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



CRAIG TURNER
A/Executive Director
24/3 / 2017