5.01. APPLICATION FOR A COMMERCIAL HOTEL LICENCE - HEMINGWAY'S BREWERY FNQ PTY LTD - THE REEF MARINA, PORT DOUGLAS

REPORT AUTHOR(S): Susanna Andrews, Technical Planning

Officer

GENERAL MANAGER: Paul Hoye, General Manager

Sustainable Communities
Development and Environment

PROPOSAL Application for Commercial Hotel Licence

APPLICANT Hemingway's Brewery FNQ Pty Ltd

NAME OF PREMISES The Reef Marina

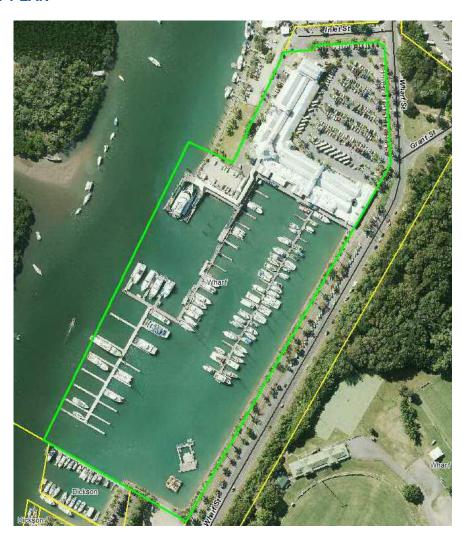
LOCATION OF SITE Shops 66 & 67

44 Wharf Street Port Douglas

PROPERTY Lot 146 on SR861

LOCALITY PLAN

DEPARTMENT:



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 19 January 2016

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 commercial hotel licence for Hemingway's Brewery FNQ Pty Ltd, Shops 66 & 67, The Reef Marina, 44 Wharf Street, Port Douglas, also described as Lot 146 on SR861.

INTRODUCTION

Hemingway's Brewery FNQ Pty Ltd

A request for Council's comment has been submitted by the Department of Justice and Attorney-General, Office of Liquor and Gaming Regulation, for Hemingway's Brewery FNQ Pty Ltd, located at Shops 66 & 67, The Reef Marina, 44 Wharf Street, Port Douglas, and described as Lot 146 on SR861. A copy of the request is attached as *Attachment 1*.

Type of Licence – Commercial Hotel Licence

If the licence is granted it would enable the holder to sell liquor for consumption on or off the premises.

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

Planning Scheme Requirements

The land is included within the Port Douglas Waterfront - North. 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 Executive Officer

The request for comment was forwarded to the Executive Officer to provide comments on behalf of the CEO Unit.

The Executive 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

Please quote: 925906 / LAB03
Contact officer: Customer Support Team
(07) 3224 7131 Contact officer: Customer Cupper Contact telephone: (07) 3224 7131

Oueensland Government

Office of Liquor and Gaming Regulation

Department of

Justice and Attorney-General

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

Dear Sir/Madam

HEMINGWAY'S BREWERY FNQ PTY LTD - PORT DOUGLAS

Application for a commercial hotel licence

Real property description: Lot 146 on CP SR861, County of Solander, Parish of Salisbury

Applicant's contact details: C/- Ms Melynda Robinson, Commercial Licensing Specialists. phone: 07 5526 0112. mel@clslicensing.com.au

Attached for your information is a copy of the advertising notice relating to an application lodged for the above named premises.

Should this licence be granted it would enable the holder thereof to sell liquor for consumption on or on and off the premises.

Please note that the applicant has also indicated their intention to include an outdoor area as part of their proposed licensed area.

This letter is to inform you of the application and give you the opportunity to:

- Comment on the reasonable requirements of the public in the locality.
- 1. Object to the grant of the application on the grounds that 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 19 February 2016.

If you do not support the application, your comments or objections should include full particulars of:

Office of Liquor and Gaming Regulation 33 Charlotte Street BRISBANE QLD 4000 Locked Bag 180 U¦åãjae¦^ÁT^^@A\BAEKKGH9Á87466\67833.49966FÎ CITY EAST QLD 4002

Telephone +61 7 3224 7131 Facsimile +61 7 3227 7047 Email <u>liquorandgaminglicensing@justice.qld.qov.au</u> Website www.business.gld.gov.au/liquor-gaming

- The grounds upon which the objection is made.
- The facts, evidence or reasons upon which it is based.

The Commissioner cannot rely on statements that merely indicate that council does not support, or objects to the application.

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 contact the Customer Support Team on telephone (07) 3224 7131.

Yours sincerely

MICHAEL SARQUIS
Executive Director

/4 / / 2016

LIQUOR ACT 1992 NOTICE OF APPLICATION FOR A LIQUOR LICENCE

Applicant's Name: Hemingway's Brewery FNQ Pty Ltd

Premises: Hemingway's Brewery FNQ Pty Ltd, Shops 66 & 67, The Reef Marina, 44 Wharf

Street, Port Douglas

Principal Activity: Commercial Hotel - sale of liquor for consumption on and on and off the

premises

Trading Hours: 10:00am to 12:00am - Monday to Sunday

OBJECTIONS TO THIS APPLICATION MAY BE FILED BY A MEMBER OF THE PUBLIC OVER THE AGE OF 18 WHO HAS A PROPER INTEREST IN THE LOCALITY CONCERNED AND IS LIKELY TO BE AFFECTED BY THE GRANT OF THE APPLICATION.

COPIES OF ANY OBJECTIONS OR SUBMISSIONS (INCLUDING OBJECTOR'S DETAILS) WILL BE FORWARDED TO THE APPLICANT AND A CONFERENCE MAY BE HELD.

Grounds for Objection

- (a) undue offence, annoyance, disturbance or inconvenience to persons who reside, work or do business in the locality concerned, or to persons in, or travelling to or from, an existing or proposed place of public worship, hospital or school;
- (b) harm from alcohol abuse and misuse and associated violence;
- (c) an adverse effect on the health or safety of members of the public;
- (d) an adverse effect on the amenity of the community.

Format of Objections

Objections must be lodged in writing individually or in petition form and must state the grounds for objection. An objection in the form of a petition must be in a format stipulated in the Act and the principal contact person should discuss the proposed petition with the Licensing Officer listed below. A petition template is able to be downloaded from the Office of Liquor and Gaming Regulation website at www.business.qld.gov.au/industry/liquor-gaming

A MEMBER OF THE PUBLIC MAY MAKE A WRITTEN SUBMISSION TO THE COMMISSIONER REGARDING whether the granting of this application will impact on the community, particularly relating to matters which the Commissioner must have regard under Section 116(8) of the *Liquor Act 1992*.

For further information on what is being proposed by the applicant, please contact Ms Melynda Robinson of Commercial Licensing Specialists on 07 5526 0112 or email mel@clslicensing.com.au

Closing Date for Objections or Submissions: 19 February 2016

Lodging Objections or Submissions:

Objections and/or Submissions should be lodged with:

Licensing Officer

Office of Liquor and Gaming Regulation

PO Box 3005

CAIRNS QLD 4870 Phone: (07) 4048 1172

All objectors will be notified in writing when a decision has been made on the application.

Executive Director Office of Liquor and Gaming Regulation