

### 5.01. BARBADOS PORT DOUGLAS

**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  
– Variation from café to provision of meals

**APPLICANT** Tripod Enterprises Pty Ltd

**NAME OF PREMISES** Barbados Port Douglas

**LOCATION OF SITE** Shop 65, The Reef Marina  
Wharf Street  
Port Douglas

**PROPERTY** Part of Lot 146 on SR861

#### LOCALITY PLAN



**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**

14 December 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 the Commercial Other Subsidiary on Premises Licence from café to provision of meals for Barbados Port Douglas, Shop 65, The Reef Marina, Wharf Street, Port Douglas, also described as part of Lot 146 on SR861.**

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**INTRODUCTION**

**Barbados Port Douglas**

A request for Council's comment has been submitted by the Department of Justice and Attorney-General, Office of Liquor and Gaming Regulation, for Barbados Port Douglas, located at Shop 65, The Reef Marina, Wharf Street, Port Douglas, and described as part of Lot 146 on SR861. A copy of the request is attached as *Attachment 1*.

**Variation of Licence – Commercial Other Subsidiary on Premises Licence**

The application is for a variation of licence from Commercial Other – Subsidiary on Premises (café) to Commercial Other – Subsidiary on Premises (provision of meals). The licensed area for these premises includes an outdoor area as part of the 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 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 has provided the following comments:

Barbados is currently operating with a Food Business Licence (medium risk) in an approved food premises. Information provided with the application states that the premises is a bar that offers tapas and pizza (menu: <http://www.barbadosportdouglas.com.au/food/> )

The website advertises Barbados as a bar/lounge that has a food menu to accompany its drink menu of cocktails, wines, beer and spirits.

From the information available, Environmental Health is of the opinion that the 'principle activity' of the premises is a bar and not a café.

## 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







## Liquor licence premises details

### Premise details:

**Licence number:** 174712  
**Licence type:** Commercial Other - Subsidiary On Premises  
**Status:** Provisionally Issued

### Premises description:

#### MAIN PREMISES:

THE REEF MARINA  
 SHOP 65  
 WHARF STREET  
 PORT DOUGLAS QLD 4877

**BARBADOS PORT DOUGLAS**

Phone:

### Real property description:

LAND DESCRIBED AS PART OF LOT 146 ON CROWN PLAN SR861, COUNTY OF SOLANDER, PARISH OF SALISBURY

### Licensed area description:

Cafe located at Shop 65, The Reef Marina, Wharf Street, Port Douglas including a defined adjoining outdoor deck measuring approximately 9 metres x 27 metres.

### 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
TRIPOD ENTERPRISES PTY LTD	No	13-JUL-2015	12-JUL-2019

### Condition(s):

#### Standard Condition(s)

- LL296 Liquor may be sold or supplied only whilst the premises adheres to its principal activity of provision of prepared food to be eaten on the licensed premises.
- LL178 The majority of the premises (excluding the kitchen, toilets and any non-public areas) must be set up for the business of a cafe at all times the premises is open for the sale and/or supply of liquor except when the premises is being used for a bona fide function.
- LL183 Prepared food must be available for patrons up to one hour before the approved closing time for the sale and/or supply of liquor. This condition does not apply during the conduct of a function.
- LL250 Noise emanating from the premises including amplified or non-amplified noise and patron noise must not exceed 75dB(C), fast response, when measured approximately 3 metres from the primary source of the noise.
- LL253 Non-amplified entertainers or speakers used to amplify noise must not be located in any outdoor, verandah, patio or footpath area of the premises.
- LL140 Under Section 155(4)(e), approval is granted for minors to be on the licensed premises for the purpose of purchasing and consuming food and non-alcoholic beverages.
- LL164 The issue of the licence is subject to a final inspection of the premises by an officer of the Office of Liquor and Gaming Regulation and the completion of any further requirements of the Commissioner as a consequence of that final inspection.

#### Specific Condition(s)

- LL159 This Provisional Licence does not allow the sale or supply of liquor under the authority of a Commercial Other - Subsidiary on Premises licence.
- LL171 All the stated evidence must be produced to the Commissioner within four years of the issue of the provisional licence.



Liquor licence premises details

Premise details:

**Licence number:** 174712  
**Licence type:** Commercial Other - Subsidiary On Premises  
**Status:** Provisionally Issued

Registered interest(s):

Name	Type	Start date	To date
THE REEF MARINA PTY LTD	LESSEE	27-FEB-2015	
TRIPOD ENTERPRISES PTY LTD	SUB-LESSEE	27-FEB-2015	

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