5.01. BARBADOS PORT DOUGLAS

REPORT AUTHOR(S): GENERAL MANAGER: DEPARTMENT:	Susanna Andrews, Technical Planning Officer Paul Hoye, General Manager Operations 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

Part of Lot 146 on SR861

PROPERTY

LOCALITY PLAN

LOCALITY

Port Douglas & Environs

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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.

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: <u>http://www.barbadosportdouglas.com.au/food/</u>)

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

Circas @ ^) of here Please quote: Contact officer: Contact telephone: 920772 / LAB08 Customer Support Team 07 3224 7131 Contact telephone: 07 3224 7131 Contact telepho

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

Dear Sir/Madam

BARBADOS PORT DOUGLAS - PORT DOUGLAS

Real Property Description: Part of Lot 146 on Crown Plan SR861, County of Solander, Parish of Salisbury Applicant's Contact Details: Lisa Cook, Commercial Licensing Specialists, Phone: (07) 5526 0119, Email: lisa@clslicensing.com.au

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

Applicant:	Tripod Enterprises Pty Ltd
Name of Premises:	Barbados Port Douglas
Street Address:	The Reef Marina, Shop 65, Wharf Street, Port Douglas
Variation from:	Commercial Other - Subsidiary on Premises (café)
Variation to:	Commercial Other - Subsidiary on Premises (provision of meals)
Type of Licence:	Commercial Other – Subsidiary on Premises

Please find attached a copy of the Liquor Licence Premises Details report which outlines the current details of the liquor licence.

Note that the licensed area for this premises includes an outdoor area as part of their licensed area.

You are now afforded the opportunity to comment or object to the granting of the application on the grounds that the amenity, quiet or good order of the locality would be lessened.

ion Telephone +61 7 3224 7131 Facsimile +61 7 3227 7047 Emall liquorandgaminglicensing@justice.qld.gov.au U¦å勇 忠^ÁT ^^ Wehsite.www.business.qld.gov.au/liquor-gaming ABN 13 846 673 994 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 23 December 2015.

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.

The applicant has been advised to contact you in order to facilitate your advice.

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If you require clarification on any of these matters, please do not hesitate to contact the Customer Support Team on telephone 3224 7131.

Yours sincerely

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MICHAEL SARQUIS Executive Director

Encl.



Liquor licence premises details

Premise details:	
Licence number: Licence type: Status:	174712 Commercial Other - Subsidiary On Premises Provisionally Issued
Premises description: MAIN PREMISES:	

BARBADOS PORT DOUGLAS

THE REEF MARINA SHOP 65 WHARF STREET PORT DOUGLAS QLD 4877 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.

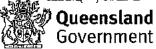
Trading hours description:

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)

D Scanner Status:		SNP Region: Rest of State			
Licensee(s):	· · · · · · · · · · · · · · · · · · ·	Interim authority?	· · · ···. ·	· · · · · ·	
Name		Interim authority?		Start date	To date
TRIPOD ENTERPRISES PTY LTD		No		13-JUL-2015	12-JUL-2019
Condition(s):		····	····· · · · · ·	· · · · · · · · · · · · · · · · · · ·	· · · ·
Standard Condition(s)					
LL296	, ,	or supplied only whilst th d food to be eaten on the	•	,	cipal activity of
LL178		remises (excluding the I			blic areas) must
		iness of a cafe at all tim			
LI 183		pt when the premises is be available for patrons	-		
		or supply of liquor. This			
	of a function.				
LL250		m the premises including ed 75dB(C), fast respon			
	from the primary sou		se, when mea		atery 5 metros
LL253	Non-amplified entertainers or speakers used to amplify noise must not be located in any				located in any
		atio or footpath area of			
LL140)(e), approval is granted asing and consuming fo			
LL164	• • •	nce is subject to a final i		-	
		Gaming Regulation and			requirements of
	the Commissioner as	s a consequence of that	final inspecti	on.	
Specific Condition(s)				.	
LL159		nce does not allow the s Subsidiary on Premises		y of liquor under t	he authority of a
LL171		ce must be produced to		sioner within four	vears of the
	issue of the provision				

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Office of Liquor and Gaming Regulation

Liquor licence premises details

Premise details:		· ·	· · · · · · · ·			ļ
Licence number:	174712					
Licence type:	Commercial Other - Subsidiary On Premises					
Status:	Provisionally Issued					
Registered interest(s):	····· · · · · · · · · · · · · · · · ·			 - -		
Name		Туре		Start date	To date	
THE REEF MARINA PTY LT	ſD	LESSEE		27-FEB-2015		
TRIPOD ENTERPRISES PT	YLTD	SUB-LESSEE		27-FEB-2015		

Whilst every care is taken to ensure the accurate compilation of this Information, Department of Justice and Attorney-General (Incorporating the Office of Liquor and Gaming Regulation) expressly disclaims all liability for errors or omissions of any kind whatsoever (whether negligent or otherwise) or for any loss, damage or other consequence which may arise from any person relying on this information. Utåg at AT ^^d Attorney at Attorey at Attorney at Attorney at Attorney at Attore