5.01. APPLICATION TO EXTEND TRADING HOURS OF LIQUOR LICENSE FOR BARBADOS PORT DOUGLAS

REPORT AUTHOR(S): GENERAL MANAGER: DEPARTMENT:	Daniel Lamond, Planning Officer Paul Hoye, General Manager Operations Sustainable Communities	
PROPOSAL	Application to Extend Trading Hours of Commercial Other Subsidiary on Premises Licence	
APPLICANT	Tripod Enterprises Pty Ltd	
NAME OF PREMISES	Barbados Port Douglas	
LOCATION OF SITE	Shop 65 The Reef Marina Wharf Street, Port Douglas	
PROPERTY	Lot 146 on SR861	

LOCALITY PLAN

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LOCALITY PLANNING AREA PLANNING SCHEME Port Douglas Port Douglas Waterfront North Douglas Shire Planning Scheme 2006 Office of Liquor & Gaming Regulation Department of Justice & Attorney-General Locked Bag 180 CITY EAST QLD 4002

REQUEST RECEIVED

15 April 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 to extend Trading Hours for Commercial Other Subsidiary on Premises Licence for Barbados Port Douglas, from 10:00am to 1:00am Monday to Sunday, Shop 65 The Reef Marina, Wharf Street, Port Douglas, also described as 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 Lot 146 on SR861. A copy of the request is attached as *Attachment 1*.

Current trading hours of the commercial other subsidiary on premises licence are the standard trading hours of 10:00am to 12:00am, Monday to Sunday. The proposed trading hours of the licence are 10:00am to 1:00am Monday to Sunday.

Type of Licence – Commercial Other Subsidiary on Premises Licence

Tripod Enterprises Pty Ltd currently holds a licence which enables it to sell liquor for consumption on the premises while adhering to its principal activity being the provision of entertainment or visual instruction to tourists. The licensed area includes an outdoor dining area, as part of the licensed area.

Planning Scheme Requirements

The land is included within the Port Douglas Waterfront North Planning Area. 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.

With respect to Town Planning considerations, no sensitive land uses such as residential development are within close proximity to the subject site. The potential for a noise nuisance and general disturbance to occur with an extension of trading hours within the vicinity is minimal.

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 advises that Barbados Port Douglas has kitchen plans approval to fit-out the premises as a bar with supporting kitchen facilities, and subsequently has a current food business licence. Environmental Health and Regulatory Services has no objection to an extension of trading hours.

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

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Ste Manie LL / Coperates	
Document No.	

15 APR 2018

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Attenion

Government

Please quote: Contact officer. Contact number: (07) 3224 7131

929835 / LAB03 Customer Support Team Information ----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

BARBADOS PORT DOUGLAS - PORT DOUGLAS Application for extended trading hours Applicant's contact details: C/- Ms Lisa Cook, Commercial Licensing Specialists, phone: 07 5526 0112, email: lisa@clslicensing.com.au

An application for extended trading hours 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				
Current Trading Hours:	10:00am to 12:00am – Monday to Sunday				
Proposed Trading Hours:	10:00am to 1:00am - Monday to Sunday				
(Standard trading hours	are 10:00am to 12midnight – Monday to Sunday.)				
Type of Licence:	Commercial other subsidiary on premises licence				

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

Note that the licensed area for this premises includes an outdoor dining area as part of their 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.
- 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 27 April 2016.

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

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MICHAEL SARQUIS Executive Director



Liquor licence premises details

Premise details:

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

Premises description:

MAIN PREMISES:

THE REEF MARINA SHOP 65 WHARF STREET PORT DOUGLAS QLD 4877 Phone:

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Real property description: LAND DESCRIBED AS PART OF LOT 146 ON CROWN PLAN SR861

Licensed area description:

Restaurant located at Shop 65 and kitchen located in part of Shop 37, separated by an internal walkway, situated at The Reef Marina, Wharf Street, Port Douglas including a defined outdoor dining deck adjoining Shop 65 measuring approximately 9 metres x 27 metres.

BARBADOS PORT DOUGLAS

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):				· · · ·	
Name		Interim authority?	Start date	To date	
TRIPOD ENTERPRISES P		No	16-DEC-2015		
Condition(s):			· ·· ··· ··· ···	· · · · · · · · · · · · ·	
Standard Condition(s)					
LL276	Liquor may be sold or supplied only whilst the premises adheres to its principal activity of provision of meals prepared, and served to be eaten, on the licensed premises.				
LL020					
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.				
Registered Interest(s):		• •			
Name		Туре	Start date	To date	
THE REEF MARINA PTY L	TD	LESSEE	27-FEB-2015		
TRIPOD ENTERPRISES P	TY LTD	SUB-LESSEE	27-FEB-2015		

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