

ORDINARY MEETING 28 APRIL 2011	3
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RESPONSE TO DEPARTMENT OF EMPLOYMENT, ECONOMIC DEVELOPMENT AND INNOVATION – OFFICE OF LIQUOR & GAMING REGULATION – APPLICATION FOR EXTENSION OF TRADING HOURS FOR ZEN BAR & TAPAS, LOCATED AT 29-31 SPENCE STREET, CAIRNS - DIVISION 5.

Kelly Barnes: 8/20/6-10: #3127877

RECOMMENDATION:

That the applicant and the Department of Employment, Economic Development and Innovation be advised that Council does not object to the application for an Extended Trading Hours (Permanent) for Zen Bar & Tapas, Cairns located at 29-31 Spence Street and described as Lot 105 C19835 subject to the inclusion of the following conditions:

- 1. The Venue is to ensure that:**
 - a. the presence of properly uniformed and licensed crowd controllers;**
 - b. a crowd controller supervising the dispersal of patrons up to one hour after closure of the venue;**
 - c. responsible service and responsible promotion of alcohol standards are met;**
 - d. staff to have completed Responsible Service of Alcohol course (within one month of employment);**
 - e. taxi and emergency numbers to be prominently displayed and access to a house or public telephone provided;**
 - f. the licensee is attentive to cleaning requirements in the vicinity of the venue (i.e. within 400 metres);and**
 - g. permanent approval of the application is subject to two six (6) month trials to cover all seasons within one year.**

INTRODUCTION:

ZEN BAR & TAPAS – APPLICATION FOR EXTENDED TRADING HOURS

An application has been submitted for Zen Bar & Tapas and described as Lot 105 C19835. A copy of the application is attached as *Attachment 1*.

Type of Licence – Commercial Other (Subsidiary on Premises) Licence

Current Hours of Operation 10:00am to 12 midnight – Monday to Sunday

Proposed Hours of Operation 10:00am to 12 midnight – Sunday to Thursday
10:00am to 2:00am – Friday to Saturday

Planning Scheme Requirements

The land is included within the City Centre Planning Area. There are no Planning concerns with regard to the approved use on the site. An inspection of the site indicated that the predominate use on the site is for a restaurant.

General Policy – Liquor Licensing

The proposed trading hours are consistent with Council's General Policy – Liquor Licensing No.1:04:14.

Council may support extended trading hours where premises are contained in concentrated areas of "entertainment" activity. These areas are shown in the plan attached as Attachment 2. The plan reflects those streets in the Cairns CBD where activity beyond 12:00 midnight is considered appropriate for the following reasons:

- the areas attract a high number of tourists of varying backgrounds;
- the extended hours provide activities for tourists and residents to complement the daytime activities the Regional offers;
- the extended hours encourage consolidated precincts of economic and entertainment activity on the tourist areas; and
- the areas ensure that appropriate opportunity for entertainment and economic activity is afforded by this policy.

General Comments

Council requires all licensed venues that trade beyond 12:00 midnight to include special conditions to ensure any impact on community safety and local amenity is minimised.

While the Liquor Licensing Division requires a Risk Assessed Management Plan of the licence holder, Council has identified a number of preferred management conditions for all licensed venues trading after 12:00 midnight. These include:

- the presence of properly uniformed and licensed crowd controllers;
- a crowd controller supervising the dispersal of patrons up to one hour after closure of the venue;
- responsible service and responsible promotion of alcohol standards are met;
- staff to have completed Responsible Service of Alcohol course (within one month of employment);
- taxi and emergency numbers to be prominently displayed and access to a house or public telephone provided;
- licensee attentive to cleaning requirements in the vicinity of the venue (i.e. within 400 metres);
- permanent approval of the application is subject to two six (6) month trials to cover all seasons within one year; and

The inclusion of these conditions forms part of the Recommendation.

Discussion/Comments

Comments in relation to the proposed Liquor Licence were received from the Divisional Councillor, Council's Safe Communities Coordinator and Environmental Health Officer.

Divisional Councillor

The Divisional Councillor was forwarded the request and no additional comments were received.

Council's Safe Communities Coordinator

The request for comment was forwarded to the Safe Communities' Coordinator to provide comments on behalf of Community & Cultural Development.

"The Community Safety Officer supports the application provided that Responsible Service of Alcohol & Responsible Promotion of Alcohol standards are met."

Environmental Health Officer

The Public Health Unit 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.

ATTACHMENTS:

1. Application – Zen Bar & Tapas – Extension of Trading Hours.
2. Map of Areas supported for Extended Hours.

Kelly Barnes
Planning Officer

Kelly Reaston
Manager Development Assessment

APPENDIX 1

Please quote: 827737 / LAB07
 Contact officer: Customer Support Team
 Contact telephone: (07) 3224 7131



**Queensland
Government**



Department of
Justice and Attorney-General

Chief Executive Officer
 Cairns Regional Council
 PO Box 359
 CAIRNS QLD 4870

Dear Sir/Madam

Zen Bar & Tapas, Cairns

Application for approved extended trading hours

Real Property Description: Lot 105 on CP C19835, County of Nares, Parish of Cairns

Applicant's Contact Details: Mr Geoffrey Webb, telephone (07) 4041 2827, e-mail g-webb@bigpond.com

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

Please note that the licensed area for this premises includes a footpath 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.

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.

The delegate of the chief executive cannot rely on statements that merely indicate the council does not support, or objects to the application.

Any comments or objection provided may be referred to the applicant.

Please advise whether you have any comments on, or objections to, the granting of the application. In accordance with section 117(3) of the *Liquor Act 1992* your comments or objection should be received by 11 May 2011.

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

✓ MICHAEL SARQUIS
Executive Director
 28 / 03 / 2011

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 BRISBANE QLD 4000
 Locked Bag 180
 CITY EAST QLD 4002

Telephone +61 7 3224 7131
 Facsimile +61 7 3227 7047
 Email liquor-enquiries@deedi.qld.gov.au
 Website www.justice.qld.gov.au
 ABN 24 830 236 406

LIQUOR ACT 1992
NOTICE OF APPLICATION FOR EXTENDED TRADING HOURS

Applicant's Name: Fro Zen Investments Pty Ltd

Premises: Zen Bar & Tapas, 29-31 Spence Street, Cairns

Principal Activity: Commercial Other (Subsidiary On Premises) licence – the provision of meals prepared and served to be eaten on the licensed premises.

Current Trading Hours: 10:00 am to 12 midnight – Monday to Sunday

Proposed Trading Hours: 10:00 am to 12 midnight – Sunday to Thursday
 10:00 am to 2:00 am – Friday to Saturday

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.olgr.qld.gov.au**

A MEMBER OF THE PUBLIC MAY MAKE A WRITTEN SUBMISSION TO THE CHIEF EXECUTIVE REGARDING whether the granting of this application will impact on the community, particularly relating to matters which the chief executive 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 Mr Geoffrey Webb on (07) 4041 2827 or e-mail g-webb@bigpond.com

Closing Date for Objections or Submissions: 11 May 2011

Lodging Objections or Submissions:

Objections and/or Submissions should be lodged with:

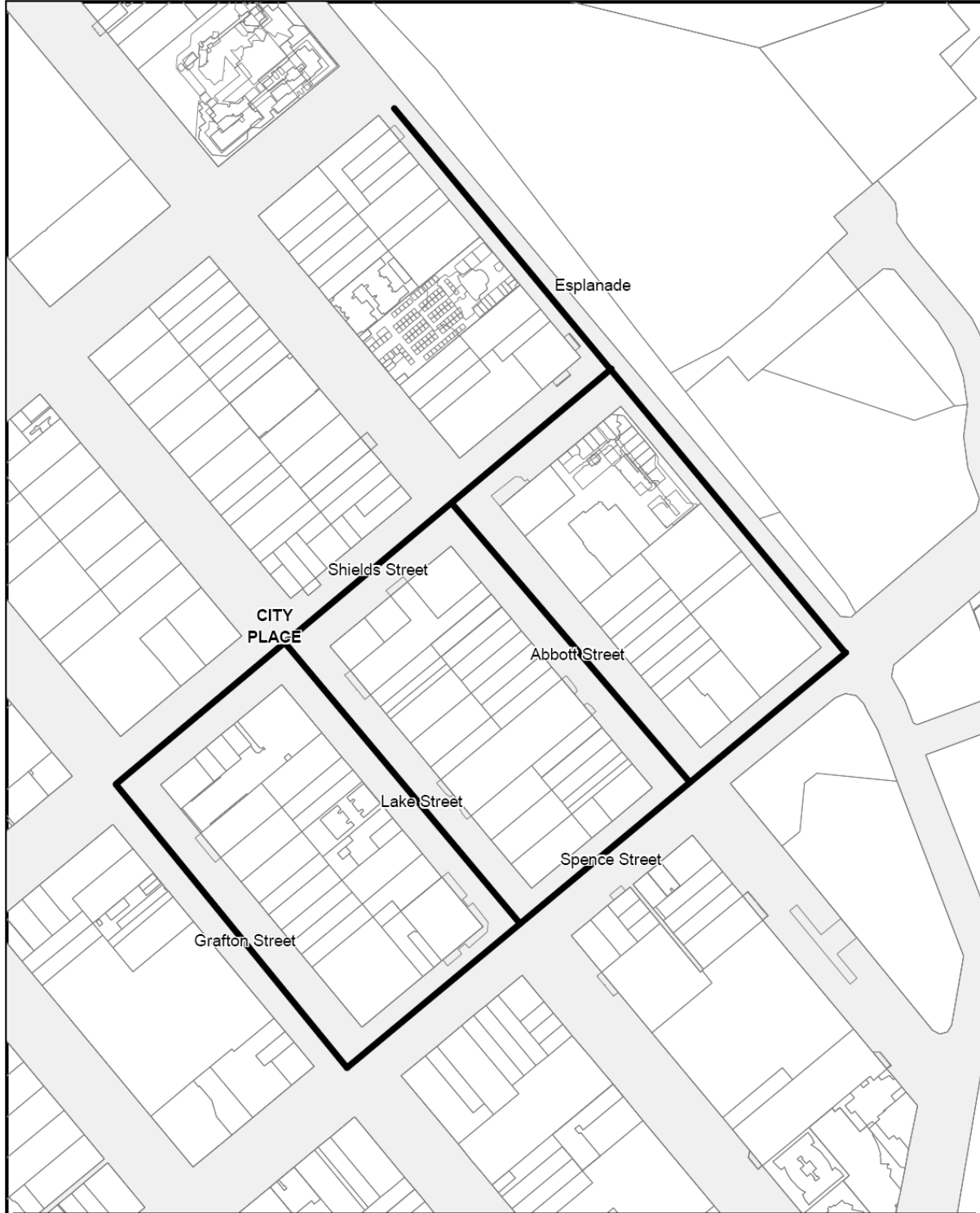
Licensing Officer
 Office of Liquor and Gaming Regulation
 PO Box 3005
 CAIRNS QLD 4870

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

APPENDIX 2 – Areas for Supported Extended Hours



Annotations:

Extended Hours Permits may be supported for licenced premises fronting the following streets (to the extent shown on this Plan):
 - Esplanade, Spence Street, Shields Street, Abbott Street, Lake Street, Grafton Street

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DO NOT SCALE

P.O. Box 359 Tel: (07) 4044 3044
 Cairns, Qld., 4870 Fax: (07) 4044 3022



**CAIRNS REGIONAL COUNCIL
 EXTENDED HOURS ON PREMISES
 CAIRNS, CBD**



Plan No.
 CBD

File: General Policy 1:04:14 - Liquor Licencing

Author: PDC

Date: Sept 2009

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