

ORDINARY MEETING 23 NOVEMBER 2011	3
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RESPONSE TO DEPARTMENT OF JUSTICE AND ATTORNEY GENERAL – OFFICE OF LIQUOR & GAMING REGULATION – APPLICATION FOR A COMMERCIAL OTHER (SUBSIDIARY ON PREMISE) LICENCE FOR MARILYN’S @ THE COVE, SHOP 6,2-22 VEIVERS ROAD, PALM COVE – DIVISION 10.

Kelly Barnes: 8/20/6-11: #3393304

RECOMMENDATION:

That the applicant and the Department of Justice and Attorney General be advised that Council does not object to the application for a Commercial Other (Subsidiary on Premises) Licence for Marilyn’s @ The Cove located at Shop 6, 2-22 Veivers Road, Palm Cove, and described as Lot 6 SP196230.

INTRODUCTION:

Marilyn’s @ The Cove

An application has been submitted for Marilyn’s @ The Cove, located at Shop 6, 2-22 Veivers Road, Palm Cove, and described as Lot 6 on SP196230. A copy of the application is attached as *Attachment 1*.

Type of Licence –Commercial Other – Subsidiary on Premises Licence

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

Planning Scheme Requirements

The land is included within the Tourist & Residential Planning Area. There are no Planning concerns with regard to the approved use on the site.

General Policy – Liquor Licensing

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

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 or concerns were raised.

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 if they sell food in associated with the liquor licensing conditions.

ATTACHMENTS:

1. Application – Commercial Other (Subsidiary on Premise) Licence.

Kelly Barnes
Planning Officer

Kelly Reaston
Manager Development Assessment

APPENDIX 1

Please quote: 843731 / LAB08
 Contact officer: Customer Support Team
 Contact telephone: (07) 3224 7131

Department of
Justice and Attorney-General

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



Dear Sir/Madam

MARILYN'S @ THE COVE, PALM COVE

Application for Commercial Other – Subsidiary On Premises Licence

Real property description: Lot 6 on SP 196230, County of Nares, Parish of Smithfield

Applicant's contact details: Mr Greg Waller on telephone (07) 4059 2185 or mobile 0466 408 783 or email g.m.waller@bigpond.com

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

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.

Please note that any comments or objection provided may be referred to the applicant.

Office of Liquor and Gaming Regulation
 33 Charlotte Street
 BRISBANE QLD 4000
 Locked Bag 180
 CITY EAST QLD 4002

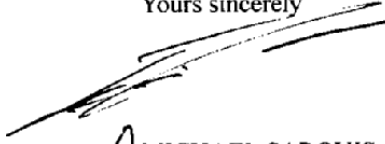
Telephone +61 7 3224 7131
 Facsimile +61 7 3227 7047
 Email liquor-enquiries@deedi.qld.gov.au
 Website www.justice.qld.gov.au
 ABN 24 830 236 406

Compliance with technical local authority requirements such as town planning, health and building approvals is checked separately, although you are welcome to canvass these matters in your reply to this letter.

Please advise whether you have any comments on, or objections to, the granting of the application. Under section 117(3) of the *Liquor Act 1992*, your comments or objection should be received by 16 December.

If you require clarification on any of these matters, please contact the Customer Support Team on telephone 3224 7131.

Yours sincerely



MICHAEL SARQUIS
Executive Director
27/10/2011

LIQUOR ACT 1992
NOTICE OF APPLICATION FOR A LIQUOR LICENCE

Applicant's Name: Title Share Australia Pty Ltd

Premises: Marilyn's @ The Cove, Shop 6, 2-22 Veivers Road, Palm Cove

Principal Activity: Commercial other subsidiary on premises licence – provision of meals prepared and served to be eaten on the premises

Trading Hours: 10:00am to 12:00midnight - 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.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 Greg Waller on 4059 2185 or email g.m.waller@bigpond.com

Closing Date for Objections or Submissions: 16 December 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