RESPONSE TO DEPARTMENT OF TREASURY – OFFICE OF LIQUOR GAMING & RACING – APPLICATION FOR COMMERCIAL OTHER (SUBSIDIARY ON PREMISES) LICENCE FOR FISH D’VINE LOCATED AT 17-41 ABBOTT STREET, CAIRNS, DIVISION 5.

Kelly Barnes: 8/20/6-08: #2502768

RECOMMENDATION:

That the applicant and the Department of Employment, Economic Development and Innovation be advised that Council does not object to the application for a Commercial Other (Subsidiary on Premises) Licence for Fish D’Vine located at 17-41 Abbott Street, Cairns and described as Lot 11 on RP743265.

INTRODUCTION:

Fish D’Vine Pty Ltd – on Premises Licence

An application has been submitted for Fish D’Vine Pty Ltd located at 17-41 Abbott Street, Cairns and described as Lot 11 on RP743265. A copy of the application is attached as Attachment 1.

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

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

Should this licence be granted it would enable the holder to sell liquor for consumption on the premises used for the principal activity of the provision of meals prepared and served to be eaten on the premises. However, liquor may be sold to patrons who are non-diners (i.e. only there to have a drink).

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.

General Policy – Liquor Licensing

The proposed change to trading hours is 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 Cr Blake further advised that he supports the proposal.

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:


Kelly Barnes
Planning Officer

Simon Clarke
Manager Development Assessment
APPENDIX 1

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

Dear Sir/Madam

FISH D’VINE, CAIRNS
APPLICATION FOR COMMERCIAL OTHER (SUBSIDIARY ON-PREMISES) LICENCE
REAL PROPERTY DESCRIPTION: LOT 11 ON RP 743265, COUNTY OF NARES, PARISH OF CAIRNS
APPLICANT’S CONTACT DETAILS: Kevin Collins, phone: 0414 785 462, email: kc@whitsunday.net.au

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

Applicant: Fish D’Vine Pty Ltd
Name of Premises: Fish D’Vine
Street Address: Abbot Street, Cairns
Real Property Description: Lot 11 on RP 743265, County of Nares, Parish of Cairns
Proposed Trading Hours: 10:00am to 12:00midnight – Monday to Sunday
Type of Licence: Commercial Other (Subsidiary On-Premises) Licence

Should this licence be granted it would enable the holder thereof to sell liquor for consumption on the premises used for the principal activity of the provision of meals prepared and served to be eaten on the premises. (However, liquor may be sold to patrons who are non-diners i.e. only there to have a drink.)

By law, the relevant Local Government Authority for the locality must be informed of the application and afforded the opportunity to:

1. comment on the reasonable requirements of the public in the locality; or

2. object to the grant of the application on the grounds that the amenity, quiet or good order of the locality would be lessened.

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@treasury.qld.gov.au
Website www.olg.qld.gov.au
ABN 97 405 359 732

Agenda – Ordinary Meeting 31 March 2010 - #2517385
If you do not support the application, your comments or objection should include full particulars of:

- the grounds upon which the objection is made; and
- the facts, evidence or reasons upon which it is based.

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.

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.

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

Please advise whether you have any comments on, or objections to, the grant of the application. Section 117(3) of the Liquor Act 1992 provides that your comments or objection should be received by 3 February 2010.

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

Yours sincerely

MICHAEL SARQUIS
Executive Director
5 / 2 / 2010