RESPONSE TO DEPARTMENT OF TREASURY – OFFICE OF LIQUOR GAMING & RACING – APPLICATION FOR COMMERCIAL OTHER (SUBSIDIARY ON-PREMISES) LICENCE FOR SUGAR FLAMES, MOSSMAN DIVISION 10.

Kelly Barnes: 8/20/6-08: #2364584

RECOMMENDATION:

That the applicant and the Department of Treasury, Office of Liquor Gaming & Racing, be advised that Council does not object to the application for a Commercial Other (Subsidiary On-Premises) Licence for Sugar Flames Restaurant, located at 79 Alchera Drive, Mossman.

INTRODUCTION:

Sugar Flames - Commercial Other Licence

An application for a Commercial Other (Subsidiary On-Premises) Licence has been lodged for Sugar Flames Restaurant, located at 79 Alchera Drive, Mossman. The Notice of Application is attached as Appendix 1.

Should this licence be granted it would enable the holder thereof to sell liquor for consumption on the premises used for the primary purpose of eating 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).

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

The application is included within Residential 2 Planning Area. The premises have been established as a restaurant for some time. There are no planning objections to the proposed Liquor Licence.

General Policy – Liquor Licensing

The proposal 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 for a Commercial Other (Subsidiary On-Premises) licence and no response was 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. Commercial Other Licence – Sugar Flames.

Kelly Barnes
Planning Officer

Neil Beck
Acting Manager Development Assessment
APPENDIX 1

Licensing Branch, Office of Liquor and Gaming Regulation
Contact Officer Gerard Carnes
Telephone 322 47131
Out File Ref 86376/1IP805

30 September 2009

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

Dear Sir/Madam

SUGAR FLAMES, MOSSMAN
APPLICATION FOR COMMERCIAL OTHER (SUBSIDIARY ON-PREMISES)
REAL PROPERTY DESCRIPTION: LOT 2 ON RP 722372, COUNTY OF SOLANDER,
PARISH OF VICTORY
APPLICANT’S CONTACT DETAILS: DEBORAH SOMERSALL, PO BOX 137, MOSSMAN
QLD 4873. PHONE (07) 4098 3183. EMAIL: debsom1@bigpond.net.au

Please find enclosed a copy of the advertising notice relating to an application lodged in
respect of the abovenamed premises.

Should this licence be granted it would enable the holder thereof to sell liquor for consumption
on the premises used for the primary purpose of eating 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.)

Please note that the applicant has also indicated their intention to include an outdoor dining
area as part of their proposed licensed area.

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.

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.

Level 4
33Charlotte Street
CITY EAST QLD 4002
Locked Bag 189

Telephone +61 7 322 47131
Facsimile +61 7 322 00039
Email liquor-enquiries@treasury.qld.gov.au
Website www.olgr.qld.gov.au
ABN 56 656 020 238

Agenda – Ordinary Meeting 28/10/09 - #2330558
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.

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 13 November 2009.

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

Gerard Carnes
Licensing Officer
Office of Liquor and Gaming Regulation
LIQUOR ACT 1992
NOTICE OF APPLICATION FOR A LIQUOR LICENCE

Applicant’s Name: Deborah Anne Somersall
Premises: Sugar Flames, 79 Alchera Drive, Mossman
Principal Activity: Commercial Other Licence (Subsidiary On-Premises) – Provision of Meals
Trading Hours: 10am to 12midnight – 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.

Grounds for Objection
1. Undue offence, annoyance, disturbance or inconvenience to persons who reside or 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 is likely to happen; or

2. The amenity, quiet or good order of the locality concerned would be lessened in some way.

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 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(6) of the Liquor Act 1992.

For further information on what is being proposed by the applicant, please contact Deborah Anne Somersall on (07) 4098 3193 or email debsom1@bigpond.net.au

Closing Date for Objections or Submissions: 13 November 2009

Lodging Objections or Submissions:
Objections and/or Submissions should be lodged with: Licensing Officer
Office of Liquor and Gaming Regulation
PO Box 2378
CAIRNS QLD 4870
Phone: (07) 4048 1172

Copies of any objections or submissions will be forwarded to the applicant and a conference may be held.

All objectors will be notified in writing when a decision has been made on the application.

Executive Director
Office of Liquor & Gaming Regulation