
Kelly Barnes: 8/20/6-08: #3367187

RECOMMENDATION:

That Council advises the Department of Justice & Attorney-General, Office of Liquor & Gaming Regulation that 9 Shields Street, Cairns and described as Lot 429 on SP134200 that:

1. The Council objects to the proposed variation to the Conditions of the existing Licence for Tequila Bar & Grill, Cairns, as insufficient supporting information has been provided to Council to demonstrate that the proposed changes will not detrimentally impact on the amenity of the surrounding land uses; and

2. The Council has no objection to the proposed extension to trading hours provided the department conditions the approval accordingly:

   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. licencee 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:

Tequila Bar & Grill Cairns – Application for Extended Hours & Variation

An application has been submitted for an extension to trading hours and a variation to the conditions for Tequila Bar & Grill Cairns and described as Lot 429 SP134200. A copy of the application is attached as Attachment 1.

Type of Licence – Commercial Other - Subsidiary on Premise

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

Proposed Trading Hours: 10:00am to 2:00am – Monday to Sunday

Proposed Variation of Licence: To allow amplified entertainment.

Council officers do not support the proposal for a Variation of Licence on the grounds that the amenity, quiet or order of the locality concerned would be lessened in some way. The evidence or reasons for objection are as follows:

a. The premise is located in an area shared with accommodation uses; and

b. Council has not been provided a copy of a report from a suitably qualified acoustic consultant as supporting information to this request.

General Comments

Council has not as part of this application received any supporting information from a suitably qualified acoustic engineer indicating an appropriate level of noise having regard to residential uses in the immediate area.

With regards to the application for extended trading hours, Council’s General Policy for Liquor Licensing acknowledges that certain areas of the Cairns Region (ie. CBD) are appropriate for activities occurring beyond midnight. Council regards all licensed venues that trade beyond 12 midnight as requiring 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 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 which will include the supervision of taxi ranks provided in front of, or adjacent to, the licensed premises;
- Venue not to engage in irresponsible service of alcohol (including games);
- 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); and
● Permanent approval of the application is subject to a minimum of two six (6) month’s trials to cover all seasons within one year.

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 variations to trading hours of the licence 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 to sell food associated with the liquor licensing conditions.
ATTACHMENTS:

1. Application for Variation to Conditions.
2. Current Liquor License Conditions

Kelly Barnes
Planning Officer

Kelly Reaston
Manager Development Assessment
APPENDIX 1

Dear Sir/Madam

Tequila Bar & Grill, Cairns
Application for extended trading hours and variation of conditions
Real Property Description: Lot 429 on SP 134200, County of Nares, Parish of Cairns
Applicant's contact details: Lauren McQuillan, Commercial Licensing Specialist,
phone: 07 5526 0112, email: lauren@cleslicensing.com.au

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 an outdoor 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 16 November 2011.

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@deo.qld.gov.au
Website www.justice.qld.gov.au
ABN 24 830 236 406
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

[Signature]

MICHAEL SARQUIS
Executive Director
14 / 10 / 2011

Enc.
LIQUOR ACT 1992

NOTICE OF APPLICATION FOR EXTENDED TRADING HOURS AND VARIATION OF CONDITIONS

Applicant’s Name: Big Blue Fish Pty Ltd

Premises: Tequila Bar & Grill – The Global Palace, Floor 1, 9 Shields Street Cairns

Principal Activity: Commercial Other (Subsidiary On-Premises) Licence – The provision of meals prepared and served to be eaten on the premises

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

Proposed Trading Hours: 10:00am to 2:00am – Monday to Sunday

Proposed Variation of Licence: To allow live amplified entertainment

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 OBJECTORS 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 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;
(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 Jenny Wood, Commercial Licensing Specialists on (07) 5526-0112 or jenny@cjslicensing.com.au.

Closing Date for Objections or Submissions: 16 November 2011

Lodging Objections or Submissions:
Objections and/or Submissions should be lodged with:
Licensing Officer
Office of Liquor and Gaming Regulation
PO Box 2378
SOUTHPORT QLD 4870
Phone: (07) 4048 1421

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

Executive Director
Office of Liquor and Gaming Regulation
**Liquor Licence Details**

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<tr>
<th>Premises details</th>
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<tbody>
<tr>
<td>Licence number:</td>
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<tr>
<td>Licence type:</td>
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<td>Status:</td>
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<table>
<thead>
<tr>
<th>Premises description</th>
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<tbody>
<tr>
<td>Main premises:</td>
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<td>Telephone:</td>
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<td>Real property description:</td>
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<td>Licensed area description:</td>
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<td>Trading hours description:</td>
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<tr>
<th>Licensee(s):</th>
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<tbody>
<tr>
<td>Name</td>
<td>Interim authority</td>
</tr>
<tr>
<td>BIG BLUE FISH PTY LTD</td>
<td>NO</td>
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<th>Condition(s):</th>
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<tbody>
<tr>
<td>Standard condition(s)</td>
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<tr>
<td>LL098</td>
<td>Noise emanating from entertainment; music or related activities must not exceed 75dB(C), fast response, when measured approximately 3 metres from the source of the noise.</td>
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<tr>
<td>LL099</td>
<td>Speakers used to amplify entertainment/music noise or non-amplified entertainers must not be located in any outdoor/verandah/patio area of the premises.</td>
</tr>
<tr>
<td>LL020</td>
<td>Liquor may be sold and supplied to persons on the licensed premises who are genuinely attending a function for consumption by those persons at the function.</td>
</tr>
<tr>
<td>LL179</td>
<td>The majority of the premises (excluding the kitchen, toilets and any non-public areas) must be set up for dining at all times the premises is open for the sale and/or supply of liquor except when the premises is being used for a bona fide function.</td>
</tr>
<tr>
<td>LL191</td>
<td>The kitchen must be operational and meals available for patrons up to one hour before the approved closing time for the sale and/or supply of liquor. This condition does not apply during the conduct of a bonafide function.</td>
</tr>
<tr>
<td>LL276</td>
<td>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.</td>
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<tr>
<th>Specific condition(s)</th>
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<tr>
<td>860790</td>
<td>The grant and issue of the approval for a Commercial Other - Subsidiary On Premises Licence does not in any way relieve the licensee, or any other party, of an obligation to obtain any other relevant licence, permit, permission, consent or approval, whether from the Commonwealth or State</td>
</tr>
</tbody>
</table>
Liquor Licence Details

Government, the local authority, the owner or occupier of the relevant premises, or any other person or authority.

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<tr>
<th>Registered interest(s):</th>
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<th></th>
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<tr>
<td>Name/Address</td>
<td>Type</td>
<td>Start date</td>
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<tr>
<td>RIGGROVE PTY LTD</td>
<td>FREEHOLD OWNER</td>
<td>04-02-2009</td>
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<tr>
<td>PO BOX 245, CAIRNS QLD 4870</td>
<td></td>
<td></td>
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<tr>
<td>BIG BLUE FISH PTY LTD</td>
<td>LESSEE</td>
<td>21-01-2011</td>
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<tr>
<td>20-26 MISSION ROAD, WHITE ROCK QLD 4868</td>
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<tr>
<td>BUDDIN' MEX PTY LTD</td>
<td>LESSEE</td>
<td>04-02-2009</td>
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<tr>
<td>26 MADANS STREET, TRINITY BEACH QLD 4879</td>
<td></td>
<td></td>
</tr>
<tr>
<td>KATRINA MARY BRENN</td>
<td>LIQUOR LICENCE NOMINEE</td>
<td>04-02-2009</td>
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Precautions have been taken to ensure that the information in this product is accurate. However, the Queensland Government accepts no liability for the accuracy of the information nor its use or the reliance placed on it. Queensland Government information in this product is subject to change without notice.