

<b>ORDINARY MEETING</b> <b>25 FEBRUARY 2009</b>	<b>11</b>
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RESPONSE TO DEPARTMENT OF TREASURY – LIQUOR LICENSING DIVISION – APPLICATION FOR ON PREMISES (RESIDENTIAL) LICENCE DAINTREE RAINFOREST RETREAT MOTEL, COWBAY - DIVISION 10

Kelly Barnes: 8/20/6-07: #1970419

**RECOMMENDATION:**

**That the applicant and the Department of Treasury Liquor Licensing Division be advised of the following comments and that the reply contain the general safety issues Council has with Licenses. A copy of Council’s report is to be attached:**

**1. Daintree Rainforest Retreat Motel – Residential Licence**

**Council does not object to the application for a Residential Licence for the Daintree Rainforest Retreat Motel located 336 Cape Tribulation Road, Cow Bay and described as Lot 336 on RP738178.**

**INTRODUCTION:**

**Daintree Rainforest Retreat Motel – On Premise (Residential) Licence**

An application for a Commercial Other - Subsidiary On Premises (Residential) Licence has been submitted by the Daintree Rainforest Retreat Motel on a site located 336 Cape Tribulation Road, Cow Bay. A copy of the application is attached as *Attachment 1*.

**Type of Licence – Residential Licence**

Should this licence be granted, it would enable the applicant to sell liquor to a resident or a guest of a resident for consumption on the premises at any time and up to 9 litres for consumption off the premises to residents only.

**Planning Scheme Requirements**

The subject land is included within the Conservation Planning Area. There are no Planning objections to the proposed On Premises (Residential) Licence.

**General Policy – Liquor Licensing**

The proposal is consistent with Council’s General Policy – Liquor Licensing.

**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 request for comment was forwarded to the Divisional Councillor. No additional comments were received.

**Council's Safe Communities Coordinator**

Community & Cultural Development has no objection to this application provided it complies with the Responsible Service of Alcohol and Responsible Promotion of Alcohol and is subject to the provisions under the Liquor Act 1992.

**Environmental Health Officer**

Councils Public Health Unit have assessed the application and raised no issues.

**ATTACHMENTS:**

1. On Premise (Residential) Licence – Daintree Rainforest Retreat Motel

Kelly Barnes  
Planning Officer  
**Action Officer**

Simon Clarke  
**Manager, Development Assessment**

**APPENDIX 1**

Licensing Branch, Office of Liquor, Gaming and Racing  
 Contact Officer Customer Support Team  
 Telephone 07 3224 7131  
 Our File Ref Application 633976

**Treasury**

Office of  
**Liquor, Gaming and Racing**

28 January 2009

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



Dear Sir/Madam

**DAINTREE RAINFOREST RETREAT MOTEL, COW BAY  
 APPLICATION FOR COMMERCIAL OTHER - SUSIDIARY ON PREMISES  
 (RESIDENTIAL) LICENCE  
 REAL PROPERTY DESCRIPTION: LOT 336 ON RP 738178, COUNTY OF SOLANDER,  
 PARISH OF ALEXANDRA  
 APPLICANT'S CONTACT DETAILS: ERIC CULMER ON 07 4098 9101**

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 to a resident or a guest of a resident for consumption on the premises at any time and up to 9 litres for consumption off the premises to residents only.

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.

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.

Level 4  
 33 Charlotte Street  
 BRISBANE QLD 4000  
 Locked Bag 180, City East Qld 4002

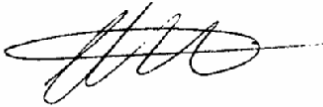
**Telephone +61 7 07 3224 7131**  
**Facsimile +61 7 07 3220 0039**  
**Email liquor-enquiries@treasury.qld.gov.au**  
**Website www.olgr.qld.gov.au**  
 ABN 60 856 020 239

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 **11 March 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



Laine Stephens  
**A/Assistant Licensing Officer**  
**Office of Liquor, Gaming and Racing**

## **LIQUOR ACT 1992**

### **NOTICE OF APPLICATION FOR A LIQUOR LICENCE**

**Applicant's Name:** Eric Charles Culmer

**Premises:** Daintree Rainforest Retreat Motel, 336 Cape Tribulation Road, Cow Bay

**Primary Purpose:** Commercial Other - Subsidiary On Premises (Residential) Licence - Provision of accommodation

**Trading Hours:** **10:00am to 12midnight - Monday to Sunday (allows sale of liquor 24 hours per day to residents and guests)**

**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 is in the public interest particularly relating to matters which the Chief Executive must have regard under Section 116 of the *Liquor Act 1992*.

For further information on what is being proposed by the applicant, please contact Eric Culmer on 07 4098 9101

**Closing Date for Objections or Submissions:** 11 March 2009

#### **Lodging Objections or Submissions:**

Objections and/or Submissions should be lodged with:

Licensing Officer  
Office of Liquor, Gaming and Racing  
Queensland Treasury  
PO Box 2378  
CAIRNS QLD 4870  
Phone: (07) 4048 1172

#### **Objections Conference**

All objectors, other than those objecting on a petition, will be advised individually of the details of the objections conference. The principal contact for a petition will be responsible for advising all signatories of the conference.

Copies of any objections or submissions will be forwarded to the applicant.

**Executive Director**  
**Office of Liquor, Gaming and Racing**