

**CITY OF SUBIACO**  
**PLANNING POLICY No. 2.12**

**Liquor Licensing Policy**

**ADOPTION DATE:** 25 October 2005

**REVIEW DATE:** 25 November 2014

**AUTHORITY:** TOWN PLANNING SCHEME NO. 4  
LIQUOR CONTROL ACT 1988

**STATUTORY BACKGROUND**

This policy is made pursuant to clause 78 of the *City of Subiaco Town Planning Scheme No. 4* (Scheme).

The *Liquor Control Act 1988* (Act) aims to regulate the sale, supply and consumption of liquor within Western Australia and gives local governments clear rights and responsibilities in relation to liquor licensing within their boundaries.

Under sections 39 and 40 of the Act, certificates are required to be obtained from the city for all new liquor license applications and any alterations to existing licensed premises. A Section 40 Certificate confirms that the proposed use complies with the requirements of the Scheme.

Clause 22 of the Scheme identifies the need for development approval for licensed premises and clause 27A deals with the Determination of Applications involving Liquor Licenses. Specifically this clause outlines the application requirements (1), matters to consider in the determination of an application for development approval involving the issue of a liquor license (2) and conditions that may be imposed by the council (3).

In determining an application, the city must have regard to the matters listed in clause 27 and 27A(2) which include any relevant planning policy.

**PURPOSE**

The purpose of this policy is to promote and manage community and economic development, while at the same time safeguarding the attractiveness, amenity and character of the locality and adjacent localities.

The City of Subiaco has a variety of licensed establishments that contribute to the ambiance and vitality of the city. Most of the licensed premises are located in the Town Centre Precinct where the zoning allows for these venues. The city encourages a variety of entertainment options for the broadest community and supports a diverse range of dining and drinking venues in the Town Centre Precinct ensuring that Subiaco life remains attractive and sustainable.

This policy complements the provisions in the Scheme and in the Act (sale and supply of liquor, hours of operation and number of patrons) and provides guidance around the consideration of new licensed premises and changes to the operation of existing

licensed premises in order to minimise the potential for negative impacts on the amenity of the locality and adjoining localities.

## **POLICY**

### **1.0 Objectives**

This policy provides a framework for the assessment and determination of liquor license applications in addition to the requirements of the Scheme and the Act. The objectives of this policy are to:

- a) offer a balanced and diverse range of facilities and services, and contribute to a sense of ambiance and vitality;
- b) accommodate licensed premises throughout the commercial districts of the city, in particular the Town Centre zone;
- c) ensure that type and scale of the venue are suitable for the location having regard to the zone and precinct requirements, and surrounding land uses; and
- d) minimise the impact of licensed premises on the amenity of the subject and adjoining localities.

### **2.0 Application of the Policy**

This policy applies to all development applications relating to new and existing licensed premises.

### **3.0 Assessment Criteria**

In addition the matters outlined in clause 27A(2), assessment criteria are provided to be taken into consideration in determining an application for all types of licensed premises.

#### **3.1 Location**

In addition to the zoning requirements in the Scheme, the following matters will be taken into consideration:

- a) whether the venue contributes positively to the character of the locality in terms of streetscape and atmosphere;
- b) the scale and nature of the venue is appropriate for the locality having regard to the aims and objectives of the zone and precinct;
- c) the balance of the mix of uses in the locality is maintained or improved;
- d) the proximity of the venue to sensitive land uses, particularly residential;
- e) the impact on the amenity of the surrounding area, in particular sensitive land uses such as residential properties and retail services, is acceptable;
- f) the cumulative impact of licensed premises does not lessen the amenity, quiet or good order of the surrounding area;
- g) public transport facilities (including taxi services) and parking facilities are available in the locality; and
- h) any outdoor licensed areas, where applicable, are proposed in a location that does not impact on surrounding residential areas.

### **3.2 Street Frontage**

The street frontage must remain active and is to provide interest and enjoyment for pedestrians during normal retail hours (8am – 5pm) unless:

- a) the premises does not have direct street frontage to Rokeby Road and Hay Street; and
- b) the street frontage is limited to a maximum width of 3 metres.

### **3.3 Number of Patrons**

To assess the proposed number of patrons at the development application stage, the following matters will be considered:

- a) building regulations and health requirements have been considered;
- b) the scale of the venue proposed is appropriate having regard to the aims and objectives of the relevant zone and precinct, as well as the existing nature of the precinct;
- c) car parking requirements can be met in accordance with clause 70 of the Scheme; and
- d) whether complaints have been received by the city on a regular basis (if an application is submitted for existing licensed premises).

### **3.4 Hours of Operation**

The hours of operation are to be in accordance with the Act, but alternative trading hours that are within the permitted trading hours can be considered. The following matters will be considered when considering opening hours:

- a) the hours proposed are appropriate having regard to the aims and objectives of the relevant zone and precinct, as well as the existing character and nature of the precinct;
- b) the proximity of the venue to sensitive land uses, particularly residential;
- c) the proximity of any outdoor licensed areas to sensitive land uses, particularly residential;
- d) the nature of the venue and its suitability in the subject location, having regard to the existing nature of the locality and the aims and objectives of the subject zone and precinct;
- e) the impact of licensed premises does not lessen the amenity, quiet or good order of the surrounding area, in particular in regards to the residential amenity of the area in relation to noise;
- f) after-hours pedestrian movement to off-site parking and public transport does not affect the amenity of surrounding areas, particularly residential; and
- g) complaints have not been received by the city on a regular basis (if an application is submitted for existing licensed premises).

## **4.0 Development Application Process**

### **4.1 Application Requirements**

An applicant is required to submit the following information when applying for development approval which involves a new liquor license or an alteration of an existing liquor license.

#### **4.1.1 New Liquor License**

Any application for development approval which involves the issue of a new liquor license is to include a Management Plan that addresses the requirements of the Scheme including:

- a) number of patrons;
- b) existing and proposed internal layout of the premises including the locations of all doors and windows;
- c) a site plan showing all areas likely to be used by patrons, including any outdoor dining areas proposed and areas outside of the site (public spaces, footpath, access to car parking, taxi rank and public transport services);
- d) details of the distribution and mix of land uses within 100m of the premises including proximity to other licensed premises and residential properties;
- e) the impact of the proposed premises on the amenity of the surrounding area including the cumulative impact of licensed premises in the locality; and
- f) strategies proposed by the management of the proposed licensed premises to minimise the impact of the proposal on the amenity of the surrounding area.

In case of an application for a Night Club, a copy of a Public Interest Assessment is required to be submitted, which is to be prepared generally as per the requirements of the Department of Racing, Gaming and Liquor.

#### **4.1.2 Alteration of an existing Liquor License**

An application which involves the alteration of an existing liquor license is generally to include a Management Plan, or an appropriate amendment to the existing Management Plan, that addresses the requirements of the Scheme including:

- a) for license alterations that are minor in nature or temporary: details as described in Section 4.1.1 under a), b) and c); and
- b) for venues where there is a cluster of licensed premises and/or for venues that are located adjacent to sensitive land uses: all details as described in Section 4.1.1.

### **4.2 Conditions of Approval**

The city may impose conditions on any planning approval pursuant to clause 27A(3) of the Scheme addressing any aspect of the Management Plan or Public Interest Assessment. Such conditions will be requested by the city to be incorporated into any liquor license issued by the Department of Racing, Gaming and Liquor whereby the use can be monitored under that license approval.