

**POLICY NO: 7.5.7****LICENSED PREMISES****OBJECTIVES**

1. Provide a framework and clear direction on the requirements for licensed premises within the City of Vincent.
2. Ensure properties used for licensed premises purposes do not have an undue impact on the residential amenity of the area.
3. To provide a consistent approach to planning for licensed premises.
4. Licensed Premises are to give consideration to the City's Alcohol Management Plan 2010-2015 and the City's Policy No. 3.8.7 – "Alcohol Management".

**INTRODUCTION**

This Policy applies to the following licensed premises and associated liquor licenses:

- Small Bars;
- Hotel;
- Tavern;
- Night Club;
- Restaurant;
- Extended Trading Permits; and
- Any other premises prescribed by the Department of Racing, Gaming and Liquor (DRGL).

The City of Vincent is an active, lively locality that contains a number of traditional style licensed venues as well as a number of modern style venues. The City of Vincent and wider Perth Metropolitan area has seen the emergence of a small bar culture. Small Bars are becoming a popular style of venue for all demographics and becoming an alternative to the traditional tavern style venue. In May 2007, an amendment was made to Section 41 of the Liquor Control Act 1988 to include a Small Bar Licence as a form of Hotel Licence. A Small Bar Licence differs from Hotel and Tavern Licences by the conditions imposed to restrict the scope of the licence.

The City of Vincent contains a number of traditional tavern style licensed premises which are generally concentrated within the City's five Town Centres and along the major roads. Similarly restaurants are generally concentrated in areas with high levels of activity.

The City promotes active land uses and developments that create vibrancy, however in order to ensure that licensed premises are appropriately located and managed, this Policy will provide a clear framework for considering these uses.

## POLICY STATEMENT

### 1. DEFINITIONS

**Extended Trading Permit** is defined as per the *Liquor Licensing Control Act 1988*.

**Hotel** is defined as per the City of Vincent Town Planning Scheme.

**Hotel licence** is defined as per the *Liquor Licensing Control Act 1988*.

**One-off events** are events that are of a temporary nature occurring on one-off occasions e.g. Festivals, New Years Eve, Melbourne Cup and Saint Patrick's Day.

**Liquor without a meal** is a form of an Extended Trading Permit that only applies to restaurants.

**Night Club** is defined as per the *Town Planning Regulations 1967 – Appendix B (Model Scheme Text)*.

**Nightclub licence** is defined as per the *Liquor Licensing Control Act 1988*.

**Restaurant** is defined as an 'Eating House' as per the City of Vincent Town Planning Scheme.

**Restaurant License** is defined as per the *Liquor Licensing Control Act 1988*.

**Small Bar** is defined as per the *Liquor Licensing Control Act 1988*.

**Tavern** is defined as per the City of Vincent Town Planning Scheme.

**Tavern licence** is defined as per the *Liquor Licensing Control Act 1988*.

**Unlisted Use** is defined as per Clause 15 of the City of Vincent Town Planning Scheme No. 1.

### 2. LAND USE

- 2.1 The land uses to which this Policy applies, are listed below, including their classification for each of the zones, as per Town Planning Scheme No. 1. It is noted that liquor without a meal and extended trading permits are not considered a separate land use.

Use Class	Zones				
	Residential Zone	Residential/Commercial Zone	Local Centre	District Centre	Commercial Zone
Small Bars	Unlisted Use	Unlisted Use	Unlisted Use	Unlisted Use	Unlisted Use
Hotel	SA	SA	SA	SA	SA
Tavern	SA	SA	SA	SA	SA
Night Club	Unlisted Use	Unlisted Use	Unlisted Use	Unlisted Use	Unlisted Use
Restaurant (Eating House)	SA	SA	AA	P	P

- 2.2 All the licensed premises managed by this Policy are not prohibited in any zone.
- 2.3 Licensed premises within the City of Vincent are generally concentrated within the Town Centre areas and along major roads. There are very few licensed premises located within residential areas. Areas zoned District Centre and Commercial are considered to be the most compatible for these uses; however consideration may be given in other areas. As a result it is beneficial that all applications for licensed premises include the submission of a Management Plan and Public Interest Assessment, as per clause 3.5 and 3.8 respectively, of this Policy.

### **3. DEVELOPMENT STANDARDS FOR ALL LICENSED PREMISES**

#### **3.1 Street Frontages**

The primary and secondary street frontages must remain active, whereby allowing some form of interaction between the use and the street. Street activation requirements are as per the City's Policy 3.5.12 relating to Development Guidelines for Commercial and Mixed Use Developments.

#### **3.2 Number of Patrons**

##### **3.2.1 Small Bars**

In accordance with the *Liquor Control Act 1988*, a maximum number of 120 patrons shall occupy a small bar at any one time. The maximum number of patrons is not 'as of right' and is subject to Building requirements in accordance with the *National Construction Code Series* and Health Requirements in accordance with the *Health (Public Buildings) Regulations 1992*.

##### **3.2.2 All other types of Licensed Premises**

- (a) There are no restrictions on the number of patrons for hotels, taverns, restaurants and night clubs. The number of patrons will be determined in accordance with the car parking requirements, the *National Construction Code Series* and the *Health (Public Buildings) Regulations 1992*.
- (b) The number of patrons for all types of licensed premises will be estimated by the plans at the Development Application stage; however final numbers will be given when the building works are complete.

#### **3.3 Hours of Operation**

3.3.1 The Department of Racing, Gaming and Liquor (DRGL) set the permitted trading hours for licensed venues under the *Liquor Control Act 1988*. The City of Vincent may require alternative trading hours that are within the permitted trading hours, and these will be placed as conditions of Planning Approval, and approved by the Council. Trading hours may be restricted in order to protect existing residential amenity particularly in relation to noise.

3.3.2 Outdoor areas may also require more stringent planning approval conditions where it is considered to have a potential detrimental impact on the surrounding residential area, particularly in relation to amplified noise.

3.3.3 The tables below provide a guide for appropriate operating hours for hotels, taverns, small bars, night clubs and restaurants, within the different zones. Trading hours for New Years Eve on a Sunday, New Years Day, Good Friday, Christmas Day and ANZAC day are covered by Part 4 – The conduct of business, of the *Liquor Control Act 1988*.

(a) Hotel, Tavern and Small Bar

(i) Residential and Residential/Commercial Zones

Day(s)	Trading Hours	
	Indoor Areas	Outdoor Areas
Monday – Saturday	7.00am – 10.00pm	7.00am – 10.00pm
Sunday	7.00am* – 10.00pm	7.00am* – 10.00pm

\*the sale, supply and consumption of alcohol is restricted by those times listed in the *Liquor Control Act 1988*.

(ii) Local Centre Zones

Day(s)	Trading Hours	
	Indoor Areas	Outdoor Areas
Monday – Thursday	7.00am – 10.00pm	7.00am – 10.00pm
Friday and Saturday	7.00am – midnight	7.00am – 10.00pm
Sunday	7.00am* – 10.00pm	7.00am* – 10.00pm

\*the sale, supply and consumption of alcohol is restricted by those times listed in the *Liquor Control Act 1988*.

(iii) Commercial and District Centre Zones

Day(s)	Trading Hours	
	Indoor Areas	Outdoor Areas
Monday – Saturday	7.00am – midnight	7.00am – midnight
Sunday	7.00am* – 10.00pm	7.00am* – 10.00pm

\*the sale, supply and consumption of alcohol is restricted by those times listed in the *Liquor Control Act 1988*.

(b) Night Club

(i) Residential and Residential/Commercial Zones

Day(s)	Trading Hours	
	Indoor Areas	Outdoor Areas
Monday – Thursday	6.00pm – Midnight	6.00pm-10.00pm
Friday and Saturday	6.00pm – 1.00am the following day	6.00pm-10.00pm
Sunday	8.00pm – Midnight	8.00pm-10.00pm

## (ii) Local Centre Zones

Day(s)	Trading Hours	
	Indoor Areas	Outdoor Areas
Monday – Thursday	6.00pm – Midnight	6.00pm-10.00pm
Friday and Saturday	6.00pm – 1.00am the following day	6.00pm-10.00pm
Sunday	8.00pm – Midnight	8.00pm-10.00pm

## (iii) Commercial and District Centre Zones

Day(s)	Trading Hours	
	Indoor Areas	Outdoor Areas
Monday – Saturday	6.00pm – 5.00am the following day	6.00pm – 1.00am the following day
Sunday	8.00pm – midnight	8.00pm – midnight

(c) Restaurants

Trading hours for restaurants is unrestricted, except for those times listed under Section 98F of the *Liquor Control Act 1988*.

**3.4 Extended Trading Permits**

Extended Trading Permits (ETP), as defined by the *Liquor Control Act 1988*, allows the consideration of the sale and supply of liquor outside the usual time, place or circumstances allowed under the premises permit.

**3.4.1 Liquor Without a Meal ETP**

- (a) Liquor without a meal ETP's only apply for restaurant licenses. The ETP allows patrons of the restaurant to consume alcohol without purchasing a meal.
- (b) Planning Approval is not required for a liquor without a meal ETP on the condition that the restaurant has a current Planning Approval to be used as a restaurant.

**3.4.2 Festivals and One-off Events ETP**

- (a) An ETP for a festival or one-off event may apply to matters such as extended trading times, additional patrons and extended trading boundaries. Planning Approval is not required for a festival or one-off event ETPs; however written approval is required from the City's Chief Executive Officer.
- (b) Applications will be required to be submitted to the City's Health and Compliance Services Section for Extended Trading Permits for festivals and one-off events. These plans must be submitted with a Management Plan, as per clause 3.5 of this Policy and a Public Interest Assessment as per clause 3.8 of this Policy. Further restrictions may be imposed by the City's Health and Compliance Services Section.

### 3.4.3 Ongoing Extension of Hours of Operation ETP

- (a) A premises may request an ongoing extension to the trading hours.
- (b) Planning Approval is required for this ETP to vary the times listed in the original Planning Approval. Applications for ETPs for an ongoing extension to the hours of operation must be submitted with a Management Plan, as per clause 3.5 of this Policy and a Public Interest Assessment as per clause 3.8 of this Policy and community consultation is to be carried out in accordance with the City's Policy No. 4.1.5 – "Community Consultation".

## 3.5 Management Plans

3.5.1 The applicant is required to submit copies of a detailed Management Plan prior to the issue of Planning Approval, for approval by the City's Chief Executive Officer.

3.5.2 Where the City has not requested the submission of the Management Plan prior to the issue of Planning Approval, a condition will be applied requiring the submission of the Management Plan prior to the first occupation of the proposed Licensed Premise.

3.5.3 A detailed Management Plan addresses the following matters:

- Floor plans of the premises;
- Noise control and management;
- The number of patrons;
- Hours of operation;
- Patron and anti-social behaviour;
- Traffic;
- Car parking;
- Rubbish collection and disposal and litter associated with the development; and
- Any other appropriate matters, as required by the City's Chief Executive Officer.

## 3.6 Car Parking

Car parking is to be in accordance with the City's Policy 3.7.1 – "Parking and Access".

## 3.7 Signage

All signage is to comply with the City's Policy 3.5.2 – "Signs and Advertising".

### 3.8 Public Interest Assessment

3.8.1 In accordance with Section 38 of the *Liquor Control Act 1988*, applicants are required to submit a Public Interest Assessment with their application for a liquor license. To allow the Local Government and the community to gain an understanding of the impact of the licensed premises, the applicant is required to submit a copy of their Public Interest Assessment with their Development Application. In addition to the matters considered under the Public Interest Assessment, the applicant is required to consider the following matter:

- Distribution and mix of land uses, including residential, shops, eating houses, community facilities, public open spaces and other licensed premises, within 400 metres of the premises.

### 3.9 Acoustic Reports

An Acoustic Report is required in accordance with Policy number 7.5.21. of the Planning and Building Policies, for Small Bars, Hotels, Taverns and Night Clubs which abut residential zones. This Report may be required prior to the issue of a Planning Approval, where the development proposal is considered to have significant impact on the surrounding residential area.

## 4. Community Consultation

All consultation for licensed premises shall be carried out in accordance with the City's Policy No. 4.1.5 – "Community Consultation".

<b>Date Initially Adopted:</b>	11 March 2014
<b>Date Amended:</b>	
<b>Date of Next Review:</b>	March 2017

---

**APPENDIX – PROCEDURE FOR LODGING AN APPLICATION FOR A LICENSED PREMISES**