

ATTACHMENTS.

Special Council Meeting

14 November 2017

ATTACHMENTS TO AGENDA ITEMS

Ordinary Council - 14 November 2017

Contents

**7.3.1 CONSIDERATION OF A PROPOSED AMENDMENT TO TOWN PLANNING
SCHEME NO. 6 TO MODIFY THE DEFINITION OF VARIOUS LAND USES
RELATING TO LICENCED PREMISES**

Attachment (a): Draft P317 - Licenced Premises

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Policy P317 'Licensed Premises'

Responsible Business Unit/s	Development Services
Responsible Officer	Manager Development Services
Affected Business Unit/s	Development Services

POLICY OBJECTIVES

1. To accommodate appropriately designed licensed premises in the non-residential zones.
2. To ensure that the type and scale of licensed premises is appropriate for the location, taking into account the relevant zone, the desired streetscape character, and the surrounding land uses.
3. To minimise the impact of the licensed premises on the amenity of surrounding residential and non-residential properties.
4. To provide applicants with a comprehensive list of the information required to accompany an application for planning approval (development application) for licenced premises.
5. To provide clear guidance for assessing officers and the determining body to ensure consistent decision making.

POLICY SCOPE

This Policy applies to all development applications and 'Section 40 certificates' issued by the City ~~under the Liquor Control Act 1988, in relation relating~~ to new and existing ~~licensed~~ premises ~~to be licenced under the Liquor Control Act, 1988.~~

STATUTORY POLICY BACKGROUND

This policy is made pursuant to Clause 9.6 of the City of South Perth Town Planning Scheme No. 6 (TPS6).

This policy 'Licensed Premises' outlines the information to be provided by the applicant when ~~making applying lodging~~ an application for planning approval for a 'licensed premises' and the matters to be considered by the decision maker when making a determination. The policy does not influence the decision-making processes of the Department of Racing, Gaming and Liquor (DRGL) or the decision making of the City in relation to Environmental Health and Building Requirements.

Under the provisions of Clause 7.1 of TPS6, a development application is required for new licensed premises and for alterations and additions to existing licensed premises, including but not limited to 'Hotel', Tavern', Café/Restaurant and 'Shop'.

~~A 'liquor store' currently falls within the definition of a 'Shop' under the provisions of TPS6. A 'small bar', is a type of liquor licence introduced in 2007 by the Liquor Control Act 1988 (the Act). This type of liquor licence is available to venues with an operating capacity of less than 120 people. TPS6 does not recognise 'small bar' as a discreet land use. For the purpose of this policy, in recognition of the potential impact of these land uses on the adjoining land uses, Liquor Stores, both Small and Large and Small bars are to be treated as 'DC' (discretionary with consultation) or 'X' (prohibited) uses in the respective zones indicated in the Table 1 below.~~

For all licensed premises, in addition to obtaining development approval under of TPS6, applicants are required to obtain a liquor licence from the DRGL prior to commencing operations. The sale, supply and consumption of alcohol is regulated by the Act. Under the provisions of the Act, Section 39 and 40 certificates are required to be obtained from the City. The Section 40 certificate confirms that the proposed use will comply with all relevant requirements of TPS6. The Section 39 Certificate confirms the premises or proposed premises can comply with all relevant Environmental Health and Building requirements. The *Liquor Control Act 1988 – A Guide For Local Government* provides detailed information regarding the liquor licensing process and local government involvement.

POLICY STATEMENT

Assessment criteria

1. Land use and permissibility

Applications for Licenced Premises a Liquor Store or Small Bar will be assessed having regard to:

- a) the following land use definitions set out in Schedule 1 of TPS6 and land use permissibility set out in Table 1 of TPS6 definitions and land use as per Table 1 below; and
- a)b) Any other relevant considerations set out in this policy. All other applications for licensed premises including Hotel, Tavern Café/Restaurant will be assessed having regard to the relevant definitions and land use permissibility contained in TPS6.

Definitions

'Liquor Store (Large) – means premises the subject of a liquor store licence granted under the Liquor Control Act 1988 with a net lettable licensed area of more than 300sq. metres.'

'Liquor Store (Small) – means premises the subject of a liquor store licence granted under the Liquor Control Act 1988 with a net lettable licensed area of not more than 300 sq. metres.'

'Small Bar – means premises the subject of a small bar licence granted under the Liquor Control Act 1988.'

Table 1 – Land Use Permissibility Table for Liquor Store and Small Bar

ZONES	Residential	District Centre Commercial	Mends Street Centre Commercial	Neighbourhood Centre Commercial	Highway Commercial	Mixed Use Commercial	Local Commercial	Public Assembly	Private Institution	Technology Park
Liquor Store – Small	X	DC	DC	DC	DC	DC	DC	X	X	X
Liquor Store – Large	X	DC	X	X	X	X	X	X	X	X
Small Bar	X	DC	DC	DC	DC	DC	DC	X	DC	DC

DC = Discretionary Use with Consultation — X = Prohibited Use

2. Location and design

Without limiting the matters to which the City may have regard to under TPS6 in considering the development the subject of the application, the City will take into consideration the following matters relevant to location and design: In addition to any relevant requirements in TPS6 the following matters will be taken into consideration:

- a) Whether the development venue contributes positively to the character of the locality in terms of existing and desired streetscape character. The design of the development venue shall contribute to an active street frontage and take into account the relevant provisions of Western Australian Planning Commission Planning Bulletin 79 - Designing Out Crime Planning Guidelines.
- b) Whether the scale and nature of the development venue is appropriate for the locality and, in the case of a tavern or hotel that will display and sell packaged liquor from a net lettable area of more than 300 square metres, whether a Liquor Store (Large) is a prohibited use in the subject zone.
- c) The existing land use mix and the cumulative impact of licensed premises.
- d) The proximity of the development venue to residential land uses and the impact on the amenity of surrounding area.
- e) The location of public transport facilities (including taxi services) and adequacy of on-site parking facilities.

3. Development Application Process

An applicant seeking approval for development within the scope of this Policy is required to submit the following information.

3.1 New Licensed Premises

A Management Plan that addresses and includes information relating to the following;

- a. Maximum number of patrons
- b. Proposed hours of operation;
- c. A full set of drawings including site plan, existing and proposed floor plans and elevations;
- d. An Impact Assessment Report (IAR) under Clause 7.6 of TPS6, including an assessment of the proposal on the amenity impact on the surrounding area within 500m of the premises. This IAR is to include:-
 - (i) A Cumulative Impact Assessment (CIA) prepared by an appropriately qualified person which at a minimum contains the following:-
 - A. A map depicting all licensed premises the distribution and mix of land uses (including mixed & residential premises, schools and day care centres) and available car parking within a 500m radius;
 - B. Describe the operations of the other licensed premises in terms of license type, number of patrons, hours of operation, entertainment options;
 - C. An Operational Management Plan, detailing measures to minimise the impact of the licensed premises on the adjoining properties. Matters to be addressed, include noise management, rubbish disposal and collection, deliveries, security, complaint management and reporting procedures and patron control;
 - D. Measures to be undertaken to ensure there is not a negative cumulative impact on the amenity of the area For guidance in the preparation of a cumulative impact assessment applicants are encouraged to refer to the Western Australian 'Local Government Association *Local Government Town Planning Guidelines for Alcohol Outlets*';
 - E. A Traffic and Parking Impact Assessment, prepared by an appropriately qualified person including predicted future cumulative traffic impacts. This is required for all premises proposing on-premises consumption of alcohol and for large liquor stores. Parking requirements are to be assessed at the ratios set out under Clause 4 of this policy and are to include all uses, whether existing or proposed on a site.
 - F. A Noise Impact Assessment prepared by an appropriately qualified person. This is required for any premises operating outside the hours of 9am–6pm or which include live music. Noise assessments shall take into consideration adjacent land uses as well as the cumulative impact of other licensed premises within 500m of the subject site.
- e. A Public Interest Assessment prepared as per the requirements of the Department of Racing Gaming and Liquor; and
- f. Any other plan or information the City may reasonably require to enable the application to be determined.

3.2 Alteration of existing Licensed Premises

- a) Where an application involves changes to existing licensed premises, the details required in Clause 3.1 a., b. c and d. shall be provided; and
- b) For all major additions and alterations **as determined by the City**, including an ongoing extension to trading hours, to licensed premises located adjacent to mixed or residential development all information required in Clause 3.1 shall be provided.

3.3 Festivals and temporary events

- a) Development approval under TPS6 is not required for a festival or 'one-off' event such as extended trading times, additional patrons and extended boundaries of the licensed area.

However, before proceeding with such events, the owner of the premises must obtain written approval from the City's Chief Executive Officer and ensure all relevant approvals are obtained from the City's Building, Environmental Health and Infrastructure Services departments.

4. Car and Bicycle Parking Requirements

Car and bicycle parking for Liquor Store - 'Large', Liquor Store - 'Small' and Small Bar shall be provided as per the Table 2.

Table 2 – Parking Requirements

Uses	Minimum Required Parking Bays	
	Cars	Bicycles
Liquor Store - 'Large'	1 per 20m ² gross floor area	1 per 200m ² gross floor area for staff and / or visitors
Liquor Store - 'Small'	1 per 20m ² gross floor area	1 per 200m ² gross floor area for staff and / or visitors
Small Bar	1 per 3m ² of public floor space used as bars, lounges, dining and function areas, beer gardens and areas used predominantly for games.	1 per 25m ² of bar floor area. 1 per 100m ² of lounges, dining and function areas, beer gardens and areas used predominantly for games.

Car parking for all other licensed premises including Hotel, Tavern and Café/Restaurant shall be provided as per Table 6 of TPS6. Clauses 6.3, 6.3A and 6.4 of TPS6 and policy P315 Car Parking Reductions for Non-Residential Development continue to apply although payment of cash in lieu of 'deficit bays' under Clause 6.3A would not generally be supported for large format liquor stores or to cater for the provision of alternative parking in or directly adjoining residential areas.

5. Conditions of development approval / recommended conditions on Section 40 Certificate

Pursuant to clause 7.5 of TPS6, the City may impose conditions of development approval addressing any aspect of the Management Plan. The City may also request such conditions be incorporated into any liquor licence issued by the Department of Racing Gaming and Liquor by way of the Section 40 Certificate.

LEGISLATION/ LOCAL LAW REQUIREMENTS

City of South Perth Town Planning Scheme No. 6
 Liquor Control Act 1988

OTHER RELEVANT POLICIES/ KEY DOCUMENTS

City of South Perth Planning Policies
 Local Government Town Planning Guideline for Alcohol Outlets (Western Australian Local Government Association)
 The Liquor Control Act 1988 – A Guide For Local Government (Department of Racing, Gaming and Liquor)
 Pamphlets and Self Assessment Checklists for Licensees (Department of Racing, Gaming and Liquor)