Planning and Sustainability
Local Planning Policy 2.8
LICENSED PREMISES

1.0 CITATION

This Policy has been prepared under the provisions of Part 2, Division 2 of the deemed provisions for local planning schemes, contained in Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*. This Policy may be cited as Local Planning Policy 2.8: Licensed Premises.

2.0 INTRODUCTION

This Policy has been prepared to:

1. Clarify the City's roles and responsibilities when dealing with development applications for licensed premises;
2. Provide additional guidance for the assessment of development applications for licensed premises; and
3. Provide clarity on the differences between the development application and liquor licensing processes.

3.0 OBJECTIVE

The objective of this Policy is to minimise the impact of licensed premises on the amenity of surrounding areas through the planning process.

4.0 APPLICATION OF THIS POLICY

This Policy should be read in conjunction with the relevant provisions of the City of Wanneroo District Planning Scheme No. 2 (DPS 2), other relevant City policies and the *Liquor Control Act 1988*.

This Policy provides guidance for the City in its assessment of development applications for licensed premises as defined in this Policy. The Policy can also inform the City's recommendations when the City is only a referral body for a development application for licensed premises.

Development approval issued by the relevant planning authority is a prerequisite for obtaining a liquor licence. Liquor licenses are issued by the relevant State Government department under the *Liquor Control Act 1988*.

Planning considerations for the assessment of development applications are provided for in the deemed provisions – and those most relevant to licensed premises are reflected in **Table 1** of this Policy. The most relevant considerations include land use compatibility, amenity impacts and operational characteristics.

Certain matters fall outside the scope of the planning framework and potentially could be addressed through the liquor licensing process. These include:

- The number and density of licensed premises in a locality;
- The potential for alcohol-related harm; and
- Perceived anti-social behaviour.

5.0 POLICY PROVISIONS

5.1 Planning Considerations – Assessment of Licenses Premises

Table 1 sets out the planning considerations that are most relevant to the assessment of development applications for licensed premises. **Table 1** also identifies those matters that fall outside the scope of valid planning considerations.

TABLE 1
MOST RELEVANT CONSIDERATIONS – DEVELOPMENT APPLICATIONS FOR LICENSED PREMISES

MOST RELEVANT CONSIDERATIONS*	DEVELOPMENT APPLICATIONS APPROVAL BY CITY OF WANNEROO OR OTHER PLANNING AUTHORITY
Size of premises	✓
Location (proximity to conflicting uses)	✓
Number and density of licensed premises – Economic Competition	x
Number and density of licensed premises – Amenity	✓
Anti-social behaviour – Relating to perceived anti-social behaviour	x
Liquor harm – Relating to the social issues of increased liquor consumption and availability	x
Signage	✓
Building design	✓
Car parking	✓
Noise	✓
Traffic	✓
Hours of trade	✓
Number of patrons	✓

* Table 1 does not provide an exhaustive list of considerations for a development application for licensed premises – but rather, lists those that may be the most relevant for a development application for a licensed premises. Refer to Clause 67(2) of the deemed provisions for the full list of relevant planning considerations.

5.2. Development Application Submission Requirements

5.2.1 Development application submission requirements are set out in the deemed provisions. However, any development application for a new licensed premises is to also include a Management Plan that (as a minimum) provides the following information:

a) Maximum number of patrons.

b) Proposed operating hours.

c) Site plan(s) showing all areas likely to be used by patrons, including any proposed outdoor dining areas and areas external to the site (public spaces, footpath, car parking, taxi rank, ride share and public transport services etc).

d) The location of existing or proposed 'conflicting uses' within 200 metres of proposed licenced premises.

e) An Operational Management Plan that details measures that minimise the impact of the proposal on the amenity of the surrounding area. Depending on the type of licenced premise proposed, matters to be addressed may include noise management, rubbish disposal and collection, deliveries, security, complaint management, and patron control.

5.2.2 For applications which involve the alteration of existing licensed premises, the City may accept a Management Plan (or an amendment to an existing Management Plan where appropriate) that does not provide all the information listed in Section 5.2.1 above.

5.2.3 The City may require other plans and information to support a development application for a licensed premises; including, but not limited to, Traffic Impact Assessments and/or Noise Impact Assessments prepared by appropriately qualified professionals.

5.3. Consultation Requirements – Development Applications for Licensed Premises

5.3.1 Applicants are encouraged to meet with City officers prior to lodgement of any development application for a licenced premise.

5.3.2 If the City were to advertise a development application for a licensed premises pursuant to Clause 64 of the deemed provisions – it will do so by way of the following methods:

a) Giving notice to all landowners and/or occupiers of land within a minimum of 200 metres of the lot subject to the proposal;

b) Requiring an applicant to erect a sign (or signs) displaying notice of the application in a manner and form acceptable to the City. Signs should be erected in a conspicuous position on the lot subject to the application, and be present for the entire duration of the advertising period;

c) Displaying the application (including all accompanying documentation) on the City's website for public viewing; and

d) Publishing a notice of the application in a local newspaper.

5.3.3 If advertising a development application for a licensed premises, the City will make available a copy of the Management Plan referred to in Section 5.2.1 above.

5.4 Additional Assessment Considerations – Development Applications for Licensed Premises

5.4.1 The City will not support a proposal for a licensed premise located within a 200 metre radius of an existing or proposed 'conflicting use' where the frontage, primary access point and/or signage for the proposed licenced premises forms a predominant view as seen from the 'conflicting use'.

5.4.2 In assessing the proposed number of patrons, the City's considerations will include the following:

a) The maximum patrons that may be permitted under the *Health (Public Building) Regulations 1992*; and

b) Car parking requirements as set out elsewhere in the planning framework.

5.5 Councils Role in the Liquor Licensing Process

5.5.1 As a planning authority, the City has a role pursuant to Section 40 of the *Liquor Control Act 1988* to issue certificates (on request of a licensee) stating that the proposed use of the licensed premises:

a) will comply with the requirements of the written laws relating to planning specified; or

b) would comply with the requirements specified if consent were to be given by a specified authority, if it is known whether that authority will give the consent, and what specified conditions or specifications should be, or are likely to be, imposed; or

c) will not comply with the requirements specified for the reasons specified.

A Section 40 Certificate issued by the City could detail conditions of development approval that may be relevant to consider in the context of a liquor license (e.g. operating hours, number of patrons, other operational management requirements). The City could request the liquor licensing authority to impose conditions on the liquor license in the same manner.

DEFINITIONS

For the purposes of this Policy, the terms listed below have the following meanings. For other definitions, those prescribed in DPS 2 definitions or common meanings apply.

Amenity: means all those factors which combine to form the character of an area and includes the present and likely future amenity. Considerations that may negatively affect amenity include (but not limited to) the appearance and location of buildings, environment, noise, odour and traffic.

Conflicting uses: means for the purpose of this Policy, activities that meet the DPS 2 land uses definitions for 'child care premises', 'civic use', 'community purpose', 'educational establishment' and 'place of worship'.

Deemed provisions: means the deemed provisions for local planning schemes, included in Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

DPS 2: Means the City of Wanneroo District Planning Scheme No. 2.

Licensed premises: means for the purposes of this policy, activities that meet the DPS 2 land use definitions for 'brewery', 'hotel', 'liquor store – small', 'liquor store – large', 'nightclub', 'small bar', 'tavern' and 'winery'.

Locality: means the area within a three-kilometre radius of a proposed licensed premise.

Predominant view: means the most visible element to the public realm, having regard to the size, scale and compatibility of neighbouring buildings.

WAPC: means the Western Australian Planning Commission.

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