

### Keywords: *Liquor Licence*

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<b>Responsible Officer(s):</b>	<i>MERS, PO, DO-P</i>
<b>Council File Reference:</b>	<i>Council Policies (P)</i>
<b>Applicable Legislation:</b>	<i>Liquor Licensing Act 1997 Planning, Development and Infrastructure Act 2016 Local Government Act 1999</i>
<b>Relevant Policies:</b>	<i>Outdoor Dining Policy</i>
<b>Related Procedures:</b>	<i>This Policy is not subject to Public Consultation</i>
<b>Delegations:</b>	<i>Berri Barmera Council Delegations Register</i>

### 1. Purpose

The Berri Barmera Council recognises that licenced venues associated with business and recreation activities can contribute to a vibrant and attractive locality. It is also acknowledged that the location of these venues can detract from more sensitive land uses when established.

### 2. Definitions

Council	Berri Barmera Council
By-Law	As per the meaning in the Local Government Act 199 Chapter 12
OLGC	Office of the Liquor and Gambling Commissioner

### 3. Principles

The purpose of this policy is to facilitate Council exercising its powers under the *Liquor Licensing Act 1997* ("the Act") to encourage responsible sale, service and consumption of alcohol. The policy also aims to minimise the possible impacts of these activities in areas adjacent residential or other sensitive land uses. This includes minimising the effect of noise, disturbance or inconvenience to persons who reside, work or worship in the vicinity of licenced premises or to minimise the impacts to activities related to child safety or welfare.

The policy shall relate to all applications made to install or vary a Liquor Licence made under the Act and shall assist Council in making recommendations to the Office of the Liquor and Gambling Commissioner ("the OLGC")

#### **4. Policy Statement**

##### The Act and Council's Role

The OLGC and the Licensing Court of South Australia ("the Court") are responsible for the administration of the Act. The Act also prescribes the responsibilities of Council in regards to Liquor Licensing matters. Section 57(2) of the Act states:

An application for a licence for premises or proposed premises must not be granted unless the licensing authority is satisfied—

- a) that any approvals, consents or exemptions that are required under the law relating to planning to permit the use of the premises or proposed premises for the sale of liquor have been obtained; and
- b) that any approvals, consents or exemptions that are required by law for the carrying out of building work before the licence takes effect have been obtained; and
- c) that any other relevant approvals, consents and exemptions required for carrying on the proposed business from the premises have been obtained.

Council may choose to exercise its rights under this Section of the Act where it feels that the application may result in unreasonable impacts to those who reside, work or worship in an area, or where an application may prejudice the safety or welfare of a child.

Council also has the ability to lodge a complaint under Section 106 of the Act where it feels an activity on, or the noise emanating from, licenced premises, or the behaviour of persons making their way to or from licenced premises, is unduly offensive, annoying, disturbing or inconvenient to a person who resides, works or worships in the vicinity of the licenced premises.

##### Licence Applications

Council will have regard to this policy in assessing applications lodged with the OLGC for certain licence types. These include:

- Limited Licence;
- Club Licence and Limited Club Licence;
- Entertainment Venue Licence;
- Restaurant Licence;
- Residential Licence;
- Hotel Licence;
- Retail Liquor Merchant's Licence;
- Wholesale Liquor Merchant's Licence;
- Direct Sales Licence;
- Producer's Licence; and
- Special Circumstances Licence.

Where an application requires development approval, the Planning and Design Code will be used as the basis of assessment with regard given to the relevant aspects of this policy. All other licence applications will be assessed using this policy. An application for an Outdoor Dining Permit or the hire or use of a Council facility or land where a liquor licence is required, will also be assessed against this policy. Liquor Licence applications should not be supported until all other permits or approvals are in place.

## Policy Guidelines for Applications

### Areas

A noise sensitive area is identified as an area that is zoned under Planning and Design Code for use as residential or accommodation purposes.

A noise tolerant area is one that is zoned for commercial or industrial use under the Planning and Design Code.

### Public Consultation

Public consultation for a land use may or may not be undertaken during the Development Assessment process under the *Planning, Development and Infrastructure Act 2016*. Due to the potential for detrimental impacts, the following licence applications, including both variations to or new licences, shall require public consultation when the premises is located within 100 metres of a noise sensitive area:

- Club Licence;
- Limited Club Licence;
- Entertainment Venue licence; and
- Hotel Licence.

Public consultation where required shall incorporate written notification to all properties within 100 metres of the subject premises informing them of the nature of the Liquor Licence Application. Respondents shall be given a minimum of 3 weeks in which to provide Council with their written comments in relation to the proposal.

### Items for Consideration with an Application

Each application shall be assessed with the following criteria to be taken into consideration:

- The nature of the locality, particularly in relation to the proximity to sensitive land uses;
- The likelihood of impacts created due to the nature of the licence sought;
- Proposed hours of operation;
- Consistency with existing approvals under the *Planning, Development and Infrastructure Act 2016* and *Local Government Act 1999*;
- Number of previous complaints lodged against the premises;
- Availability of car parking;
- Built form elements including noise attenuation, landscaping buffers and fencing;
- Security utilised both internal and external of the premises;
- Existing operations within the locality and the potential of further impacts from new licences;
- Whether entertainment, use of amplified music or provision of televisions will be included in the licenced areas; and
- Method of waste collection and disposal.

## 5. Confidentiality

*Any information provided will be treated as strictly confidential. Information provided to the Council's Chief Executive Officer (CEO) will be securely retained within Council's records.*

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