



LIQUOR ACT  
APPLICATIONS,  
DEVELOPMENT  
APPLICATIONS FOR  
LIQUOR PREMISES AND  
ALL DEVELOPMENTS WITH  
SOCIAL IMPACTS

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# LIQUOR ACT APPLICATIONS, DEVELOPMENT APPLICATIONS FOR LIQUOR PREMISES AND ALL DEVELOPMENTS WITH SOCIAL IMPACTS

**DIVISIONS:** GOVERNANCE; COMMUNITY SERVICES; WORKS & SERVICES;  
DEVELOPMENT

**PILLAR:** GOVERNANCE, ECONOMIC AND COMMUNITY DEVELOPMENT

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**FILE / BINDER:**

## **OBJECTIVE:**

The purpose of this policy is

- (i) To provide a clear framework for the assessment of applications made under the Liquor Act 2007, so that Council can be consistent in its approach to such applications.
- (ii) To support the objectives of the Liquor Act 2007.
- (iii) To provide a guideline for the assessment of liquor licensing proposals under the framework of the Act.
- (iv) To provide for community information in respect of liquor licensing proposals.
- (v) To provide a procedure for assessing Development Applications involving liquor premises and social impacts.

## **BACKGROUND:**

On 1 July 2008 the Liquor Act 2007 commenced. This act repealed the 1982 Act and dissolved the Liquor Administration Board and the Liquor Licensing Court. In place of the previous court process the Office of Liquor, Racing and Gaming (OLGR) was commissioned to regulate the liquor industry in NSW.

The new Act also changed the requirements for potential licensees to consult with Council. Applicants are now required to consult with Council prior to lodging an application. Once the application is lodged the Authority is then required to consult with Council further prior to granting or refusing a liquor license.

The service of alcohol in the Camden LGA has the potential to impact both positively and negatively on our community and economy. Council has a responsibility to ensure that we are actively involved in the liquor licensing process.

Pursuant to Section 79C of the Environmental Planning and Assessment Act 1979, Council is responsible for consider the social impacts of all developments when assessing development applications.

## **ELIGIBILITY:**

This policy applies to all applications made under the provisions of the Liquor Act 2007, all development applications for liquor premises and all development

applications for development that is likely to have a social impact, within the Camden LGA.

**GUIDELINES:**

Council will only support an application for a Liquor License if it is satisfied that the proposal is generally consistent with the following guidelines:

1. Development Consent under the Environmental Planning and Assessment Act 1979

- (i) If the premises or site is subject to a development consent the application must demonstrate that the proposed license is consistent with the relevant development consent conditions and that the development consent is valid in so far as authorising the use of the land.
- (ii) If the premises or site is not subject to a valid development consent the applicant must be able to demonstrate that the use of the site lawfully commenced prior to the need to obtain consent or that the proposal does not require development consent under the provisions of the Environmental Planning and Assessment Act 1979.

2. Provision of responsible service practices

- (i) The applicant must be able to demonstrate that liquor served under the proposed license will be served in accordance with the provisions of the act to “prevent intoxication”. Council must be satisfied that adequate numbers of trained personnel will be provided for the duration of the license. Consideration of the management practices to prevent patrons from driving under the influence of alcohol shall also be made.

3. Well being of adjoining or nearby residences

- (i) Council will only provide pre-lodgement consultation for liquor license applications if the applicant has fulfilled all other relevant public consultation requirements under the Act.
- (ii) Council will not support an application for a liquor licence unless it is satisfied that the proposal will not significantly impact of the amenity of nearby residences by means of:
  - noise;
  - waste;
  - anti-social behaviour; and
  - traffic.

4. Well being of any sensitive land use in the vicinity

- (i) A sensitive land use is any activity, regularly carried out on a site, which is likely to be particularly susceptible to amenity impacts from

inappropriate alcohol serving, in particularly noise or anti-social behaviour. This includes, but is not limited to:

- schools, childcare centres and other places principally used by children;
- seniors living residential developments and the like;
- community Centres;
- public Sport Facilities;
- public Places, Parks and Reserves;
- places of Public Worship;
- medical Centres, hospitals and respite care facilities; and
- veterinarian and animal boarding facilities.

- (ii) Council will only support the application if satisfied that the proposal is unlikely to have significant impacts on any sensitive land use in the vicinity of the site.

5. Responsiveness to community concern and history of community incidents

- (i) Where an application concerns the modification of an existing licence Council shall consider if there has been a complaint history against the premises. Where a complaint history is substantiated Council will only support the application if it is satisfied that the operation has been responsive to community concerns in the past.
- (ii) Where an application is for a new Liquor Licence Council shall consider the existing liquor licences in the immediate area, the history of community complaints regarding anti-social behaviour and malicious damage. Where this complaint history is substantiated Council will not support the application for a new liquor licence in the area. This will be done in consultation with Camden Local Area Command and on review of crime statistics for the area.

6. The suitability of the premises to accommodate the proposal

- (i) Council will only support the proposal if satisfied that the facilities available on the site are adequate. This shall include the provision of:
- sanitary facilities;
  - security;
  - lighting;
  - accessible paths for people with a disability;
  - noise Attenuation; and
  - any other facility deemed necessary by Council.

7. The suitability of the site to accommodate the proposal

- (i) Prior to supporting a licence application Council must be satisfied that the site is suitable for the use having regard to:
- site access for vehicles and pedestrians;
  - the likely impact of the proposal on the road network;

- car parking;
- accessibility for people with a disability; and
- any onsite effluent management system.

#### **PROCEDURE FOR LIQUOR LICENSE APPLICATIONS:**

(i) Once received by Council, all liquor license applications will initially be forwarded to Development Branch's Assessment Team leader. The Assessment Team Leader will then allocate the application to an assessment officer for review.

(ii) The assessment officer is responsible for checking whether or not the premises has development consent for its current use.

If no development consent exists the assessment officer will advise the liquor application applicant that development consent must be obtained for the use of the premises. This advice will also be forwarded to the Office of Liquor, Racing and Gaming through Council's community safety officer (see point (iv) below).

If development consent does exist the assessment officer is responsible for ensuring that the license application is consistent with the development consent and conditions listed therein.

(iii) The assessment officer will forward any comments relating to the proposed licence's consistency with the premises' development consent to Council's community safety officer.

(iv) The community safety officer, in conjunction with the Community Planning and Development Team, will assess the license application and determine whether or not an objection will be made to the Office of Liquor, Racing and Gaming regarding it. Any response to the Office of Liquor, Racing and Gaming must also include any comments made by the Development Branch assessment officer as noted in point (iii) of this procedure.

(v) Due to the time limitations of the Liquor Administration process, these matters will not be reported to a Council meeting. When an assessment concludes that an objection is to be made a copy of the draft submission shall be sent to Councillors along with the details of the licence application.

Where a Councillor wishes to make comment on the draft objection, it shall be made to the author of the objection within five (5) business days. The Manager – Community Services and the Manager – Environmentally Sustainable Design shall decide whether to modify the objection based on the comments. In exceptional circumstances this timeframe may be reduced to facilitate an objection being made.

(vi) The Manager Community Services (or delegate) shall report the following to the Community Safety Forum:

- A list of Liquor Licence Application Notifications received in the previous quarter;
- A copy of any objection letters sent to the Authority;
- Any correspondence received from the Authority; and
- Any Councillor comment received in that period.

**PROCEDURE FOR DEVELOPMENT APPLICATIONS PROPOSING LIQUOR PREMISES AND/OR ANY DEVELOPMENT WHICH IS LIKELY TO HAVE SOCIAL IMPACTS:**

- (i) Social impact can be generally defined as “the likely impacts a development (project, policy, plan) will have on the day-to-day life (environment) of persons and communities.”
- (ii) Development Branch may receive development applications for premises that supply liquor, eg. bottle shops, pubs, hotels etc. Many types of development (including liquor premises) will also potentially have both positive and negative social impacts upon the surrounding area.
- (iii) Upon receipt of such applications the responsible assessment officer will refer the application to Council’s community safety officer for comment.
- (iv) The community safety officer, in consultation with the Community Planning and Development Team, will advise the assessment officer whether or not it is considered that the proposed use will result in any social impacts.
- (v) The assessment officer will consider these comments and, in conjunction with Assessment Branch’s team leader, decide whether or not the request a Social Impact Assessment (SIA) of the development from the applicant.
- (vi) If a SIA is deemed necessary, the applicant will be advised that to submit it to Council for assessment. Once received the assessment officer will refer the SIA to the community safety officer for review and consider any comments received as a result of this.
- (vii) As an alternative to submitting an SIA (in cases where liquor premises are proposed), the applicant may elect to apply for a liquor licence to the Office of Liquor, Racing and Gaming and prepare and submit a more comprehensive Community Impact Statement (CIS) for Council review. In these circumstances Council will assess the CIS as a development application consideration.
- (viii) Once received the assessment officer will refer the CIS to the community safety officer for review and consider any comments received as a result of this.
- viii) The final decision made on all development applications for liquor premises and developments which are likely to have social impacts rests with Development Branch. However Development Branch will

advise Community Planning and Development and Environmentally Sustainable Design Branches of the determination of the Development Application prior to notification being sent to the applicant.

## **RELATED PROCEDURES**

- (i) Responding to Applicants Under the Liquor Act

## **RELEVANT LEGISLATION**

- The Liquor Act 2007
- The Environmental Planning and Assessment Act 1979

## **RESOURCES**

- The NSW Government Gazette, *The Liquor Act, 2007*
- NSW Office of Liquor, *Gaming and Racing, Liquor Law Reform Fact Sheet, 2008*
- Wollondilly Shire Council, *Applications Under the Liquor Act Policy*

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**NEXT REVIEW DATE:**

**PREVIOUS POLICY**

**ADOPTED:**

**MINUTE:**