

Local Government Town Planning **Guideline for Alcohol Outlets**



Part 1

EXECUTIVE SUMMARY

Acknowledgements:

This Guideline has been developed by the WA Local Government Association (WALGA) and the Mental Health Commission (MHC), previously the Drug and Alcohol Office (DAO) with the assistance of the planning consultancy, Planning Context. It is part of an ongoing collaborative Local Government Alcohol Project (LGAP) since 2005.

Thank you to all Local Government Planners who have attended focus groups or completed surveys which have assisted in the development of this Guideline.

Suggested Citation:

WA Local Government Association, Mental Health Commission and Planning Context 2017:
Local Government Town Planning Guideline for Alcohol Outlets, Perth, Western Australia.

Disclaimer:

This Guideline does not replace legal advice, and Local Governments developing any planning mechanisms, local planning scheme provisions or local planning policies as suggested in this Guideline are encouraged to seek legal advice specific to their local circumstances.

EXECUTIVE SUMMARY



Local Government alcohol management action occurs alongside a comprehensive range of targeted and whole-of-population approaches aimed at preventing and reducing alcohol-related problems in Western Australia.

This is **Part 1** of a four-part *Local Government Town Planning Guideline for Alcohol Outlets*. This part is the **Executive Summary** being an overview of Part 2 and Part 3.

» The other parts of this Guideline are:

- **Part 2 – Guideline** – providing a model for consideration for how Local Governments can make a difference through town planning;
- **Part 3 – Background and Processes** – an introduction and background to the project and covers the processes specifically relating to liquor licensing and planning; and
- **Part 4 – Support Sheets.**

- » This Guideline has been developed in response to requests for alcohol management assistance from Local Government. It is a part of an ongoing collaborative Local Government Alcohol Project (LGAP) since 2005, between the Western Australian Local Government Association (WALGA) and the Mental Health Commission (MHC), previously the Drug and Alcohol Office (DAO) with the assistance of the planning consultancy, Planning Context.
- » The LGAP is intended to assist Western Australian Local Governments by promoting a prevention and risk management approach to existing Local Government activities, responsibilities and approval processes regarding alcohol. Importantly it is acknowledged that all spheres of government have a role in alcohol management.

Introduction

- » In a planning sense, alcohol outlets are often perceived as bringing vibrancy, however, Local Governments are increasingly seeking to reduce alcohol-related harm and problems in their community.
- » Considerations of vibrancy need to be balanced with providing safe and community orientated places where there is a structured approach to alcohol management and mitigating alcohol-related harms.

Objective and Purpose

- » The objective of this *Local Government Town Planning Guideline for Alcohol Outlets* is:

To provide Local Government with advice on the potential use of town planning instruments and processes to help control and manage alcohol-related development through appropriate strategic planning processes and more specific development mechanisms.

- » This Guideline builds on the Local Government Alcohol Management Package (2009) toolkit which promotes a whole of organisation approach to Local Government alcohol issues.

A Resource Informed by Planners

- » Quantitative research involving Local Government Planners throughout Western Australia in 2012 and workshops in 2013 has informed the development of this resource and provides a more formal evidence base from which to complement existing work in this area, and to develop future strategies for Local Governments and Planners in particular.

Alcohol Management: Not just a Local Government Responsibility

- » Reducing alcohol-related harm is a whole of community responsibility including all levels of government, law enforcement agencies, the health and welfare sector, local communities, families and individuals.
- » Local Government alcohol management action occurs alongside a comprehensive range of targeted and whole-of-population approaches aimed at preventing and reducing alcohol-related problems in Western Australia.

Alcohol-related Issues and Local Government

- » Managing and reducing the harms generated by alcohol occurs in the context of a complex society with a range of competing demands.
- » Alcohol is not an ordinary commodity.
- » Demand and supply factors influence drinking choices and related harm and ill-health.
- » Local Government has some sphere of influence over supply factors through existing legislative and policy functions in planning.

Impact on Local Government Operations

- » The problems associated with harmful alcohol use impact both directly and indirectly on Local Government operations in Western Australia. It is this level of government that is closest to its local community and sees

many of the alcohol-related problems that are visible in the community. Some of the negative impacts can include:

- nuisance including noise and anti-social behaviour from intoxicated persons;
 - infrastructure capacity problems including limited availability of transport and car parking for patrons and local residents;
 - violence and perceived threats to safety;
 - crime including vandalism, trespass and property damage;
 - community ill-health; and
 - costs of mitigation, management, reactive and responsive services.
- » A reduction in alcohol-related problems (and thus long-term cost savings for Local Governments) is possible through the application of existing legislative and regulatory tools used by Local Governments in a manner that works to prevent the issues from recurring.

Planning and Alcohol Management

- » There is a growing community demand for Local Government consideration of the impacts of planning decisions and bigger picture vision for future development relating to licensed premises.
- » There is also debate in the Local Government and planning community regarding the role of planning in alcohol management and where the line of responsibility lies regarding the prevention and minimisation of alcohol-related problems.

“The focus of this guideline is not the delegation of ‘responsibility’ but rather identifying proactive opportunity for those Local Governments seeking alcohol management planning options relevant to their community.”



“Planning and urban design is important in creating safe, healthy communities. Through understanding the needs and expectations of their community, Local Government has the ability to be influential in reducing the social, health, environmental and economic impacts of alcohol for the community.”



- » The focus of this Guideline is not the delegation of ‘responsibility’ but rather identifying proactive opportunity for those Local Governments seeking alcohol management planning options relevant to their community.
- » This Guideline acknowledges the constraints of the planning system regarding alcohol management and seeks to support Local Governments within these constraints to be aware of available options to respond to alcohol-related matters, should they wish to.
- » Through its connection with the local population, Local Governments create and action the vision for a community in terms of development, which in turn helps to define a community in many ways. Where a liquor licence is located, its operational harmony with its surroundings and how many there are, all potentially impact on harm and ill-health outcomes for a community.
- » While it is not the sole responsibility of Local Government to reduce alcohol-related problems in their community, there is merit in Local Government considering the aspects of its existing business that can be adapted to contribute to the prevention of alcohol-related issues in the community.

Planners: Part of a Whole-of-Organisation Approach

- » A whole-of-organisation alcohol policy and management plan is one of the best ways for a Local Government to achieve a cost effective and positive approach to creating a safer, healthier community and town planning is an important sub-set of that approach.

The Role of Town Planning

- » Planning and urban design is important in creating safe, healthy communities. Through understanding the needs and expectations of their community, Local Government has the ability to be influential in reducing the social, health, environmental and economic impacts of alcohol for the community.
- » Drinking environments and the availability of alcohol are significant in shaping the way people drink and their associated behaviour. Use of planning policy and legislation to help prevent problems and encourage a more responsible drinking culture can be a cost effective strategy for Local Governments.

Key Alcohol Management Issues Relevant to Town Planning

- » The main alcohol management issues identified for consideration in a planning context are:
 - cumulative impact;
 - trading hours and conditions;
 - existing and potential harm and antisocial behaviour; and
 - physical design.
- » Each Local Government has a different planning scheme and other policies that are specific to their community. While Local Governments can influence whether or not a liquor licence type is permitted at a particular location, it is not always able to do so based on concerns regarding alcohol-related problems unless it has the appropriate scheme and policy provisions in place.
- » The liquor outlet type, placement and the number that sell alcohol within a community are important planning considerations that have the potential to affect not only the general wellbeing and safety of a community, but also the future cost to a Local Government in managing and responding to resulting alcohol issues.

The Life of a Liquor Licence: Planning and Liquor Licence Approval Process

Planning Processes – Phase 1, Development Approval and Certification

- » A liquor licence comes about through two different processes – the Local Government’s planning, building and health process (Phase 1) and the Department of Racing, Gaming and

Liquor’s liquor licensing process (Phase 2). Each is governed by different legislation.

- » Liquor licence applications cannot progress in Phase 2 without Section 39 and 40 certificates issued by Local Government (Phase 1).
- » In addition to Phase 1, Local Governments have further opportunity in Phase 2 to influence a liquor licensing decision through objection, intervention and appeal.

Planning Framework

- » Local Government planning involves a top down approach of applying state and regional planning strategy and policy to local situations. Local Government statutory planning is ultimately a regulatory function of its local strategies and is supported by local policies. Based on this foundation, it is recognised that both regulatory and non-regulatory facets of the local planning system can be used to play an important part in guiding, managing and controlling land use decisions involving alcohol-related development.
- » There is no specific policy or guidance provided by the Western Australian Planning Commission or Department of Planning in relation to alcohol-related development in Western Australia, however, there are a number of state planning documents which have some relationship with this subject and should be considered (for example, some reference in development control policies, planning bulletins and guidelines for designing out crime and anti-social behaviour).

Local Government Development Application and Approval Process

- » Local planning schemes require development of land (including change in use) to first gain the approval of the Local Government (any exemptions to this are written into the scheme). There may be instances where a separate approval is also required under a region scheme. The major steps in the application and approval process start with the lodgement of an application and end with the possible review by the State Administrative Tribunal (SAT).
- » Applications are assessed by planning staff considering the local planning scheme and policies, together with comments received during the consultation and referral process. Decisions are made on planning applications by Council, or an officer of Council under delegated authority, or by a Development Assessment Panel.

Determinations and State Administrative Tribunal

- » Applicants may seek review of a planning decision (there is no third party right of appeal) by the State Administrative Tribunal where:
 - council's discretion was used to make a decision;
 - refusal and approval conditions are not satisfactory to the applicant; or
 - no decision has been made within the statutory period (60 days without an advertising requirement, 90 days with an advertising requirement).

Liquor Licensing Process – Phase 2

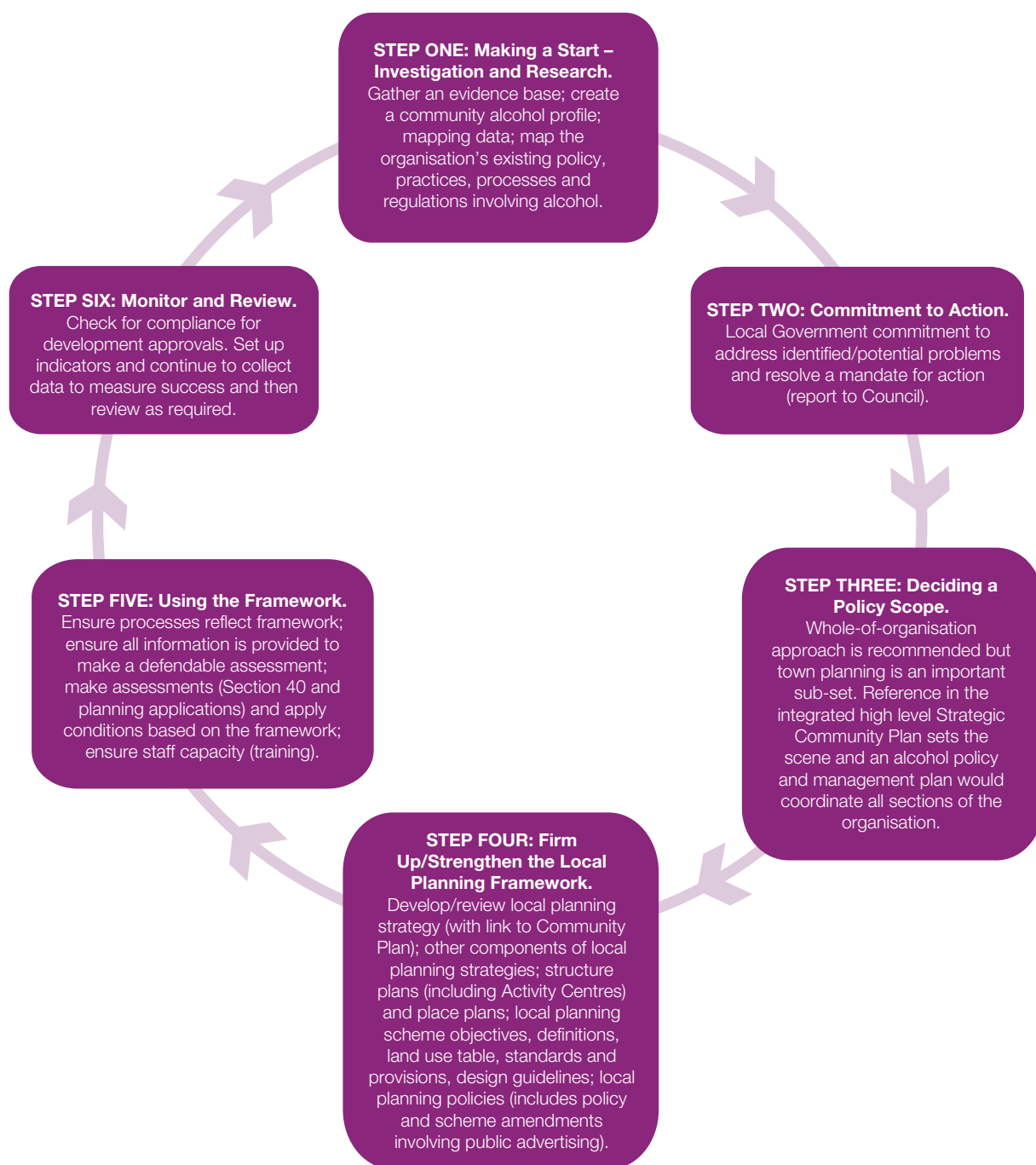
- » The *Liquor Control Act (1988)* regulates the sale, supply and consumption of liquor in Western Australia, the use of premises on which liquor is sold and the services and facilities provided in conjunction with the sale of liquor. It also focuses on minimising harm or ill-health caused to people, or any group of people, due to the use of liquor.
- » There are different categories of liquor licence available in Western Australia. Each vary in permitted trading hours and the manner in which liquor can be sold and supplied. Most operate indefinitely once granted, with the exception of Occasional and some Special Facility licences which are granted for specific periods.

Stakeholders' Roles and Responsibilities

- » There are a number of stakeholders involved in the liquor licensing process in Phase 2, and some roles and responsibilities extend beyond the issue of a licence. Major stakeholders include the Department of Racing, Gaming and Liquor (DRGL); Local Governments; Western Australia Police; Chief Health Officer; Liquor Commission; general public; licensees and staff.

Assisting Alcohol Management Through Local Government Town Planning – Models

FIGURE 1: PROCESS FOR DEVELOPING LOCAL GOVERNMENT PLANNING APPROACH TO ALCOHOL MANAGEMENT



Source: Planning Context, 2013

Areas in Focus in Developing a Local Government Town Planning Approach

FIGURE 2: TOWN PLANNING AND ALCOHOL HARM PREVENTION RISK MANAGEMENT



Source: Planning Context, 2013

“It is suggested that the starting point for the development of a town planning approach would be the framing up of an overall strategy or alcohol management plan.”



Strategic Community Plan

- » *The Local Government (Administration) Regulations 1996* require each Local Government to adopt a Strategic Community Plan and a Corporate Plan. A Strategic Community Plan is an opportunity to make specific statements relating to a Local Government's approach to minimising alcohol-related harm, which can in turn inform the local planning strategy.

Plan for the Future

- » Developing a *Plan for the Future* (under S5.56 (1) of the *Local Government Act 1995*) is an opportunity to make specific statements relating to a Local Government's approach to minimising alcohol-related harm, which can in turn inform the local planning strategy.

Alcohol Management Plan

- » It is suggested that the starting point for the development of a town planning approach would be the framing up of an overall strategy or alcohol management plan. Aspects of the alcohol management plan should be included in the preparation of local planning strategies.

- » Research, data collection and analysis are important steps in developing a community profile. This research process needs to be ongoing in order to build a solid database. This database should cover local evidence on what the impacts of existing licensed premises are having on those 'at risk' persons and on amenities.
- » This database is important in considering a planning approval or a licence that gives rise to a conclusion that a proposal should or should not be approved. Evidence should help consider the risk of harm or ill-health or negatively impact the surrounding amenities.

Local Planning Strategies

- » A local planning strategy should:
 - set out the long-term planning direction for the Local Government;
 - apply state and regional planning policies; and
 - provide the rationale for the zones and other provisions of the scheme.
- » Although local planning strategies are stand-alone documents, their usefulness and strength is increased if they closely link to other strategic and operational policies and documentation of an organisation. In this instance, examples would include an alcohol management plan and the Strategic Community Plan.

“There are certain features of an environment (both physical and social) that can make it more or less likely that problems will occur there.”



- » The strategy sets out the Local Government's objectives for future planning and development and includes a broad framework by which to pursue those objectives. The strategy needs to address the social, environmental, resource management and economic factors that affect, and are in turn affected by, land use and development.
- » Decisions made under a local planning scheme must generally conform with the local planning strategy.
- » Local planning strategies are an important opportunity to include the strategic intention of how a Local Government intends to deal with planning matters involving alcohol management and the outcomes it is aiming to achieve.

Place Planning and Management

- » The *Local Government Alcohol Management Package (2009)* (currently under review, due to be released in 2017) states that:

“There are certain features of an environment (both physical and social) that can make it more or less likely that problems will occur there. Local Governments are in a unique position to influence the nature of

many environments through building and planning approval processes. Through the thoughtful planning, design and maintenance of these different environments, a reduction in alcohol-related problems such as crime and antisocial behaviour can be achieved”.

- » It is now common that Local Governments take a 'place making' approach to key locations, most notably for town centres, to maintain aesthetic appearance and arrange management of community activities.
- » A Place Management approach involves:
 - actively leading, facilitating and coordinating the delivery of actions and strategies;
 - effectively communicating and championing the vision for the centre/place;
 - generating a positive approach to the development of the centre, engendering interest, enthusiasm and excitement in the pursuit of the vision;
 - making efficient use of available resources;

- integrating and prioritising all social, community, economic, marketing, physical and environmental initiatives;
 - engaging all parties in the process and creating partnerships; and
 - recognising and resolving the diverse and often competing views of stakeholders.
- » The notion of night time economy can be challenging for Local Governments in managing a balanced mix of activity that does not principally involve alcohol.

Structure Plans, Planning Policies and Design Guidelines

- » Having a good physical design of an activity centre or any other public space is not in itself enough to ensure that anti-social behaviour and crime do not occur. Good design must be supported by programs and activities that keep a centre or place alive and active.
- » The Western Australian Planning Commission's *Designing Out Crime Planning Guidelines (2006)*, *Local Government Alcohol Management Package (2009)* and publications provided by the Victorian Department of Planning and Community Development provide guidance in regard to designing safer environments and place making techniques.
- » Support can be provided through a range of town planning considerations to address a number of matters, including: security; surveillance; landscape; sightlines and way finding; urban structure; building design; and road safety.

Statutory Planning and Policy Development

- » To be effective in ensuring desired outcomes, regulatory approvals systems need to provide a clear, coordinated and defined interrelationship between policies, structures and processes that is intuitive to apply and readily legible to users. A lack of well understood and documented internal processes and procedures compounds problems of a system that is not intuitive or readily legible to users.
- » There are a number of existing planning tools that can be applied in a Local Government planning situation to assist in the control of liquor outlet development.

Scheme Aims and Objectives

- » The aims of a scheme differ between Local Governments and the Model provisions for local planning schemes¹ allows for individual Local Governments to include aims and objectives specific to their unique situations.
- » The statement of aims should be drawn from the local planning strategy (which may include the vision from the alcohol management plan) to set the context and provide a broad indication of what the scheme is trying to achieve and the general directions for land use and development in the area.
- » More specific and detailed objectives can be identified and these may relate to particular policies or precincts, reserves, zones or special control areas and should be incorporated in the relevant part of the scheme text. The objectives will explain in a more precise way how the aims are to be achieved.

Adopt Policies

- » A planning policy can provide a degree of flexibility in assessment and determination of development applications. It provides guidance for what is generally accepted or not accepted, however, it allows for exceptions. The process to develop or amend a local planning policy is also quicker and easier than amending a local planning scheme provision.
- » Local Planning Policies are a way for Local Governments to incorporate provisions relating to the treatment of licensed premises.

Cumulative Impact Assessment

- » Cumulative impact can be both positive and negative and is one of many planning matters to be considered when assessing an alcohol-related planning application.
- » Factors affecting negative cumulative impact include location, mix and number of venues present, the manner in which they are managed and the capacity of the local area to accommodate those venues.
- » The Victorian Department of Planning and Community Development developed Practice Note 61 (March 2011) Licensed premises: Assessing cumulative impact. This serves as a useful model for Local Government Planners when assessing alcohol-related development applications that will be licensed and open late and are in an area where there is a cluster of licensed premises.
- » There is some debate that restrictive land use policy to restrain the number and type of licensed venues is anti-competitive in nature. However, the key factor is ensuring that any regulatory or policy response is related to the harm minimisation aspect rather than market need elements.

Define 'Liquor Store' as different from 'Shop' or 'Retail'

- » Differentiating between shops/retail and various types of liquor stores allows a Local Government to have greater control and flexibility when considering these uses in particular locations and circumstances.

¹ Schedule 1 – Model provisions for local planning schemes, Planning and Development (Local Planning Schemes) Regulations 2015

“A local planning scheme can include a set of standards and development requirements designed for the individual Local Government and these could include specific requirements for alcohol-related development.”



Define Different Liquor Stores by Size

- » Controls could include the use of definitions and use of the zoning table in the local planning scheme (statutory) and through local planning policy (non-statutory).
- » The growing trend to develop ‘big-box’ liquor stores has introduced planning and harm considerations for which many Local Governments may not be adequately prepared to address.
- » Scheme definitions can differentiate between small liquor outlets and larger liquor outlet uses by restricting floorspace similar to the way ‘shop’ and ‘showroom/warehouse’ uses are considered.

Development Requirements

- » A local planning scheme can include a set of standards and development requirements designed for the individual Local Government and these could include specific requirements for alcohol-related development.

New Definitions – Model provisions for local planning schemes

- » *Schedule 1 – Model provisions for local planning schemes of the Planning and Development (Local Planning Schemes*

*Regulations 2015*¹ now provides definitions for small bar, liquor store – small (restricted to 300m² floorspace) and liquor store – large (greater than 300m² floorspace). In addition, the definition for shop now excludes liquor stores (small and large).

Change ‘P’ Uses

- » For greater management and control for a certain use involving a liquor licence in a particular zone, it is essential to ensure that the local planning scheme text reflects this in the zoning table by attributing it with a ‘D’, ‘A’ or ‘X’ use listing, rather than ‘P’.

Development Control

Application Procedures – Access to Relevant Information

- » More specific application requirements involving liquor-related development could be written into a local planning scheme text or stated in a policy to ensure that all the necessary information is available to those making assessments and decisions regarding applications.

¹ *Schedule 1 – Model provisions for local planning schemes, Planning and Development (Local Planning Schemes) Regulations 2015*

“It is important that Local Governments have a clear framework to support the recommendation of conditions that reflect the overarching policy of the organisation.”



Matters to be Considered

- » Specific matters for consideration when dealing with alcohol-related development can be specified in a local planning scheme text (in addition to matters listed in *the Deemed provisions for local planning schemes*²) or local planning policy.
- » Consideration of ‘amenity’ can often present a challenge for Planners when assessing alcohol-related development proposals.
- » Economic and moral considerations are not generally acceptable planning considerations.

Check Compliance

- » Compliance is checked at application stage and also needs to be followed up at the operational stage.

Section 40 Certificates

- » Section 40 certification is a requirement under liquor control legislation and does not constitute development approval under planning legislation. Therefore, planning approval is still required for development (including use) of land or premises in addition to the issue of a liquor licence, prior to operations commencing.
- » The ability to recommend conditions for a liquor licence approval is greatly empowering to Local Government and should be used to its full potential. However, whilst Local

Government can strongly influence a liquor licence application by recommending conditions via a Section 40 certificate, it must be acknowledged that Local Government has no decision-making powers in this process.

- » Conditions may reflect what is already covered in a development approval thus providing further control, or may include conditions additional to such an approval.
- » Conditions may also apply to a premise or use that has not yet received development approval. Conditions may be recommended at the initial assessment for a Section 40 certificate and further conditions or changes to previous conditions may be recommended based on submissions received during the advertising process for the liquor licence.
- » It is important that Local Governments have a clear framework to support the recommendation of conditions that reflect the overarching policy of the organisation.

Public Interest Assessments

- » Public Interest Assessments (required by the DRGL in any liquor licensing application) will assist Local Government Planners to assess applications for a section 40 certificate and planning applications.

² Schedule 2 – Deemed provisions for local planning schemes of the Planning and Development (Local Planning Schemes) Regulations 2015.

Use of Conditions, Management Plans and Scope of Approvals

- » Local Governments may apply conditions to Section 40 certificates and conditions of development approval to address liquor licence issues.
- » Local Governments may apply scope and time limitations to development application approvals.
- » Any conditions imposed need to be supported by the Local Government planning framework, including statutory controls and policy statements.

Quick Guide

- » To assist each individual Local Government build a framework to suit their own local situation, a 'quick guide' has been developed and is shown as **Support Sheet 1 – Quick Guide to Alcohol-related Development Management** in **Part 4** of this Guideline. This quick guide gives a brief indication of the type of tools available to be employed to manage different aspects of alcohol-related development and can be used in conjunction with the process model.

Concluding Comments

- » For those Local Governments seeking assistance to work towards the management of alcohol-related harm, there are a number of existing town planning tools available that may be employed more effectively through appropriate strategic planning processes and more specific development control mechanisms.
- » This Guideline identifies these and presents models for consideration to assist in the strengthening or 'firming up' of existing Local Government town planning frameworks to ensure that alcohol-related development is part of the policy agenda.

Part 2

GUIDELINE

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This Guideline does not replace legal advice, and Local Governments developing any planning mechanisms, local planning scheme provisions or local planning policies as suggested in this Guideline are encouraged to seek legal advice specific to their local circumstances.

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GUIDELINE: ABOUT THIS SECTION

“This is Part 2 of a four-part *Local Government Town Planning Guideline for Alcohol Outlets*.”



This is **Part 2** of a four-part *Local Government Town Planning Guideline for Alcohol Outlets*. This part is the Guideline being the main document of this series.

This part presents models for incorporating alcohol management into the Local Government planning framework.

The other parts to this Guideline are:

- **Part 1 – Executive Summary** - overview of Part 2 and Part 3;
- **Part 3 – Background and Processes** - an introduction and background to the project and covers the processes specifically relating to liquor licensing and planning; and
- **Part 4 – Support Sheets.**

WHOSE RESPONSIBILITY?

This Guideline acknowledges the constraints of the planning system regarding alcohol management and seeks to support Local Governments within these constraints to be aware of available options to respond to alcohol-related matters, should they wish to.

There is a growing community demand for Local Government consideration of the impacts of planning decisions and bigger picture vision for future development relating to licensed premises.

There is also debate in the Local Government and planning community regarding the role of planning in alcohol management and where the line of responsibility lies regarding the prevention and minimisation of alcohol-related problems.

The focus of this Guideline is not the delegation of 'responsibility' but rather identifying proactive opportunities for Local Governments seeking alcohol management planning options relevant to their community.

Through its connection with the local population, Local Governments create and action the vision for a community in terms of development which helps to define a community in many ways. Where a liquor licence is located, operational harmony with the surroundings and how many there are, all potentially impact on harm and ill-health outcomes for a community.

Town planning can prevent, manage and reduce potential alcohol-related harm to a certain extent. Within the existing legislative framework, town planning has the ability to regulate and influence certain aspects, while other aspects of liquor control are beyond the scope of town planning and the role and jurisdiction of Local Government.

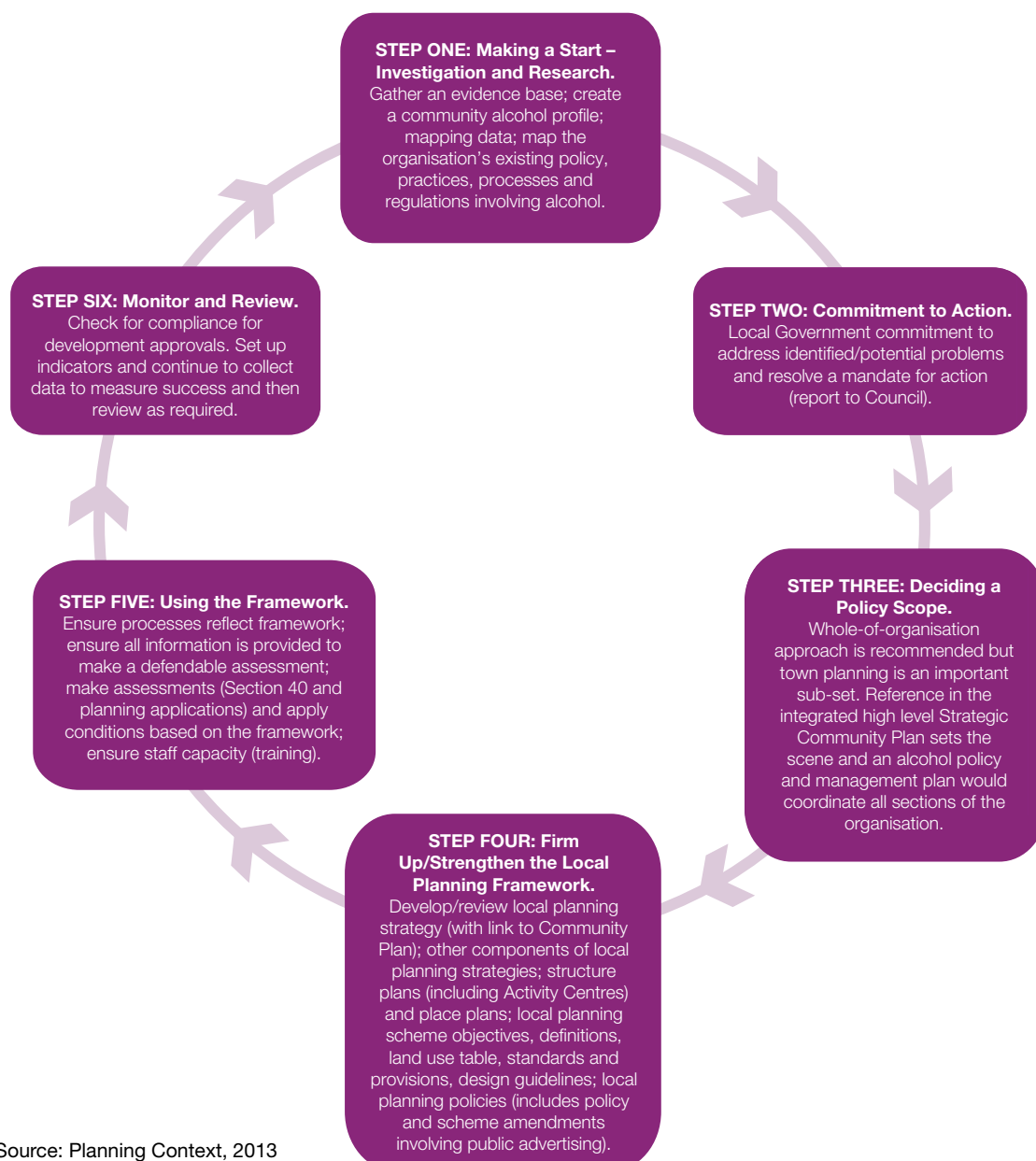


ASSISTING ALCOHOL MANAGEMENT THROUGH LOCAL GOVERNMENT TOWN PLANNING – MODELS

A Process Model for Developing a Town Planning Approach

This section offers a process model for Local Governments that want to develop their own planning approach to managing liquor licence outlets to best suit their individual situation. An overview of the model is shown in **Figure 1 - Process for Developing Local Government Planning Approach to Alcohol Management**, followed by a summary of each step.

FIGURE 1 - PROCESS FOR DEVELOPING LOCAL GOVERNMENT PLANNING APPROACH TO ALCOHOL MANAGEMENT



Source: Planning Context, 2013

“Whether the approach is for a whole-of-organisation alcohol policy and management plan, or individual discrete policies for different sections of the Local Government, town planning measures are an important sub-set of any policy action.”



Support sheets have been developed (including a number of adapted extracts from the *Local Government Alcohol Management Package (LGAMP)* (Government of Western Australia, Drug and Alcohol Office, 2009) and are linked to this Guideline to assist with some of the following steps.

STEP ONE: Making a Start - Investigation and Research

- » **The first step is to understand the local situation regarding alcohol-related issues in the community and factors that contribute to them.**
- » **This step provides a snapshot of the current situation and gives an insight into the procedural and regulatory gaps in managing the identified existing and potential alcohol-related problems and issues.**

Investigation and research is required to identify existing and potential problems and issues. Gathering an evidence base will assist in defending control measures and will also be useful for monitoring and measuring changes over time.

Ideas for collating this information include: the creation of a community alcohol profile; mapping location of licensed premises; mapping the Local Government's business that relates to alcohol; and, identifying the existing legislation and policy (not just planning) that guides the Local Government's alcohol management.

Support Sheets for Gathering Baseline Data

Refer to the following Support sheets linked to this Guideline:

- **Support Sheet 2 – Developing a Community Alcohol Profile.**
- **Support Sheet 3 – Issues Summary Template.**
- **Support Sheet 4 – Mapping Local Business and Existing Management Measures.**
- **Support Sheet 5 – Policy Planning Summary Template.**

STEP TWO: Commitment to Action

- » **This step involves presenting to Council for recognition and decision.**

The current and potential issues identified will need to be presented to Council for recognition and a decision to take action. This will require a report to Council.

STEP THREE: Deciding a Policy Scope

- » **This step involves deciding whether or not to take a whole-of-organisation approach to alcohol management policy or discrete policies relating to sections within the Local Government.**

A whole-of-organisation policy approach to alcohol with linked separate supporting policies and management plans for different sections of the Local Government is recommended. It is important that policies and plans are strategically linked.

Whether the approach is decided for a whole-of-organisation alcohol policy and management plan, or individual discrete policies for different sections of the Local Government, town planning measures are an important sub-set of any policy action.

Support Sheets for Alcohol Management Plan/Policy

Refer to the following Support Sheet linked to this Guideline:

- **Support Sheet 6 – Example Alcohol Policy and Position Statements.**

Examples of whole-of-organisation approach

City of Mandurah

The City of Mandurah (2013) adopted an “Approved Operating Practice for Alcohol Management” to provide a cross organisational approach to alcohol availability.

City of Armadale

The City of Armadale (2013) adopted an “Alcohol Risk Minimisation management Practice” to assist officers across the City when dealing with public health, safety and amenity resulting from the sale, supply and consumption of alcohol.

City of Vincent

The City of Vincent (2010) adopted the “Alcohol Management Plan 2010-2015” to formally recognise and outline the roles and responsibilities of the Town’s three directorates and respective service areas, in relation to the management of alcohol. The Plan aims to integrate the efforts of each of the Town’s Directorates to support the overarching Council Policy 3.8.7 – Alcohol Management, and details the specific and incidental policies, procedures and guidelines that exist within the organisation to mitigate the adverse impacts of alcohol use. It also provides a foundation to facilitate the ongoing development and improvement of alcohol management processes throughout the organisation.

City of Joondalup

The City of Joondalup (2011) “Alcohol Management Plan 2011–2014” applies a whole-of-organisation approach. It was developed to be read in conjunction with the Council Alcohol Policy, and sets out a series of strategies intended to address priority needs. The Plan focuses on four outcomes: Liquor licence applications (supports responsible allocation of liquor licences); City-owned and -managed property (minimise the harmful effects for those accessing City-owned and -managed land and facilities); Responding to the community (reduction of the negative impacts of alcohol on the community); and, Urban design and town planning (use designing out crime principles in order to minimise the risks associated with the use of alcohol).

STEP FOUR: Firm Up/Strengthen the Local Planning Framework

- » **This step is the main focus of the Guideline and creates the framework for assessment and management of alcohol-related outlets and related issues.**
- » **Suggestions and more detailed guidance for adapting the Local Government planning framework for improved management of alcohol-related development are provided in the following sections of this Guideline, together with reference to Support Sheets.**

In this step, there is a need to develop or review the local planning strategy to make sure that identified and future potential alcohol issues are addressed in some way. It is important to also ensure that the local planning strategy links to the Local Government's *Strategic Community Plan* (S5.56 (1) of the Local Government Act 1995), comprising of strategic community planning and corporate business planning components. This sets the scene for translating the higher level strategy objectives of the Strategic Community Plan into a suite of statutory and non-statutory planning tools, controls and processes to create a framework for assessment and management of alcohol outlets and related issues.

In addition to the local planning strategy, this may include development and/or review of:

- » other components of local strategies;
- » structure plans (including Activity Centres) and place plans;
- » local planning scheme aims and objectives, definitions, land use table, standards and provisions;
- » design guidelines; and
- » local planning policies.

These may be employed to manage such factors as cumulative impact of liquor outlets; types and size of outlets; trading hours; amenity impacts (for example noise, litter and graffiti); health and safety.

In developing and reviewing these planning elements, interaction with the community and other stakeholders is encouraged (and indeed required for things like scheme amendments and local planning policy changes).

Some general assistance

The following Western Australian Planning Commission (WAPC) publications provide general assistance in the development of local planning strategies, structure plans and schemes:

Local Planning Manual (2010)

http://www.planning.wa.gov.au/dop_pub_pdf/Local_Planning_Manual.pdf

Structure Plan Preparation Guidelines (2012)

http://www.planning.wa.gov.au/dop_pub_pdf/StructurePlan_Guidelines.pdf

Structure Plan Framework August 2015

http://www.planning.wa.gov.au/dop_pub_pdf/StructurePlanFramework.pdf

Framework for Local Development Plans August 2015

http://www.planning.wa.gov.au/dop_pub_pdf/Local_Development_Plan_Framework.pdf

The New South Wales Planners' Guide – Managing alcohol impacts using development control plans (2010) is also a useful guide to help build a Local Government planning management framework. Although development control plans are not applicable to the Western Australian planning system, the principles and suggestions could be applied to local planning schemes and policies. This resource particularly emphasises the importance of integrating policies; assessing liquor licence and development applications; and building an evidence case to guide decisions.

Source: Boyd, M. Ziller, A. and Hunter, D. 2010

“It is important to ensure that the Local Government's processes reflect requirements in the planning framework and that there is sufficient staff capacity (training may be required) to make assessments accordingly.”



STEP FIVE: Using the Framework

» **This step involves application of the planning framework to manage alcohol-related development.**

It is important to ensure that the Local Government's processes reflect the requirements in the planning framework and that there is sufficient staff capacity (training may be required) to make assessments accordingly. Review the Local Government's planning application process, Section 40 certification process and ability to make delegated decisions.

Ensure that applications for Section 40 certificates and planning approval provide all information necessary to make a defensible assessment. Applications are assessed for compliance and conditions may be applied based on elements of the framework. Checklist guides and standard conditions may be useful.

Further support sheets are referenced in the following section of this Guideline to assist with this.

STEP SIX: Monitor and Review

» **This step notes the benefits of monitoring and reviewing particular elements that support the Local Government planning framework to ensure it is effective.**

Development approval compliance and Section 40 certificate conditions need to be regularly monitored and checked.

In addition, data collection needs to be ongoing to measure the success (or otherwise) of the Local Government's planning system and its framework components and to identify new changes and potential issues that may emerge over time. Set up indicators to assist with this.

As a result of analysis, review of tools and processes may be necessary.

Support Sheets for Data Collection and Evaluation

Refer to the following Support Sheets linked to this Guideline:

- **Support Sheet 7 – Data Collection.**

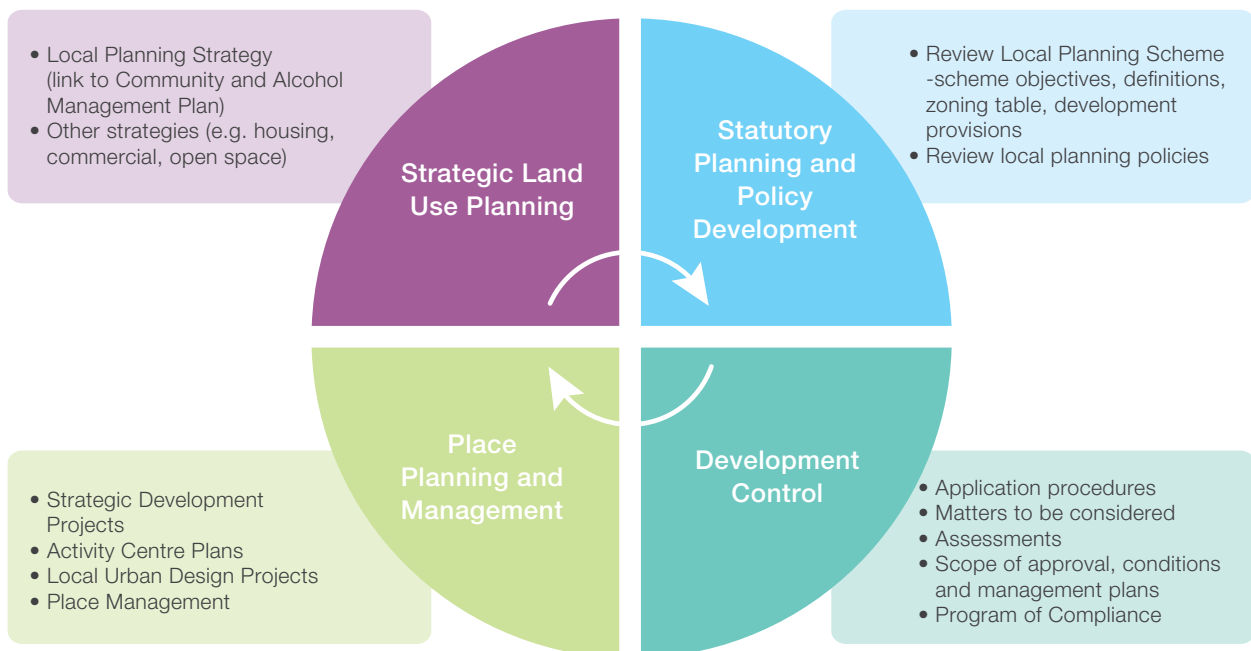
A MODEL LOCAL GOVERNMENT PLANNING FRAMEWORK FOR ALCOHOL MANAGEMENT

This chapter relates to **Step 4 – Firm up the Local Planning Framework of the Process Model for Developing a Town Planning Approach**, outlined in the previous section.

The contribution that town planning initiatives can make to a Local Government’s prevention and risk management approach regarding alcohol is represented in **Figure 2 - Town Planning and Alcohol Harm Prevention Risk Management**. This figure is centred on four major components of town planning which provide focus areas for action regarding alcohol management. The focus areas are:

- » Strategic land use planning.
- » Statutory planning and policy development.
- » Development control.
- » Place planning and management.

FIGURE 2 - TOWN PLANNING AND ALCOHOL HARM PREVENTION RISK MANAGEMENT



Source: Planning Context, 2013

It is argued that **each** of these components needs to be addressed if town planning measures are to make an effective contribution to alcohol management. Town planning is likely to be part of a broader whole of Local Government approach involving the different parts of the organisation and it is suggested that town planning initiatives form part of a Local Government’s Alcohol Management Plan.

STRATEGIC LAND USE PLANNING

- » **Local Government higher level Strategic Community Plans identify the vision and objectives for the future of the community which could include reference to alcohol-related management issues and development.**
- » **These can then filter through to other operational strategies and plans of the organisation and their implementation, including those relating to town planning.**

The importance of the strategic planning process to inform the development and interpretation of regulatory planning policies cannot be understated. In the absence of adequate levels of strategic planning, regulatory policies are developed without an understanding of the 'bigger picture' and the desired strategic direction of the organisation. Regulatory policy development then tends to be ad hoc and reactionary, rather than proactive and targeted at relevant issues. Strategic land use planning is only one subset of a whole range of strategic planning that a Local Government is involved with.

Strategic Community Plan

- » **Developing a Strategic Community Plan is an opportunity to make specific statements relating to a Local Government's approach to preventing and minimising alcohol-related problems, which can in turn inform the local planning strategy.**

All Local Governments are currently required to produce a Strategic Community Plan under S5.56 (1) of the *Local Government Act (1995)*. There are three major parties to the development of an integrated strategic plan:

1. The community – participates in a community planning process to determine major visions or intended big picture directions and also participates in regular reviews of those directions.
2. The Council – approves the strategic community plan resulting from the community planning process, the four-year reviews updating that plan, and the annual budget.
3. The Local Government administration – supports delivery of the strategic community plan.

Each party has different roles and responsibilities for integrated planning and reporting, with the *Local Government (Administration) Regulations 1996* requiring each Local Government to adopt a Strategic Community Plan and a Corporate Plan.

- **Support Sheet 8 – Initiating the Strategic Community Plan** shows the Department of Local Government's Guidelines summary of the process for getting started on a Strategic Community Plan.

The *Strategic Community Plan* prioritises community aspirations, giving consideration to:

- » Social objectives.
- » Economic objectives.
- » Environmental objectives.
- » Factors such as changing demographics and land use.

The following questions may assist when considering how alcohol may impact on the social and economic objectives:

- Will an increase in liquor licences impact on the wellbeing of the general community and/or particular groups in the community? If so, how?
- Will the location of particular liquor licences negatively impact on the community (e.g proximity to schools, residents, existing services for those at risk etc)?
- Based on the characteristics of the community, will some liquor licence types have a greater impact than others (e.g late night trading, packaged liquor, large venues)?
- Is there a limit to the number of liquor licences wanted in the community, regardless of their type?
- Is there a limit to the number of specific types of licences wanted in our community?

Integrated Planning and Reporting Framework and Guidelines

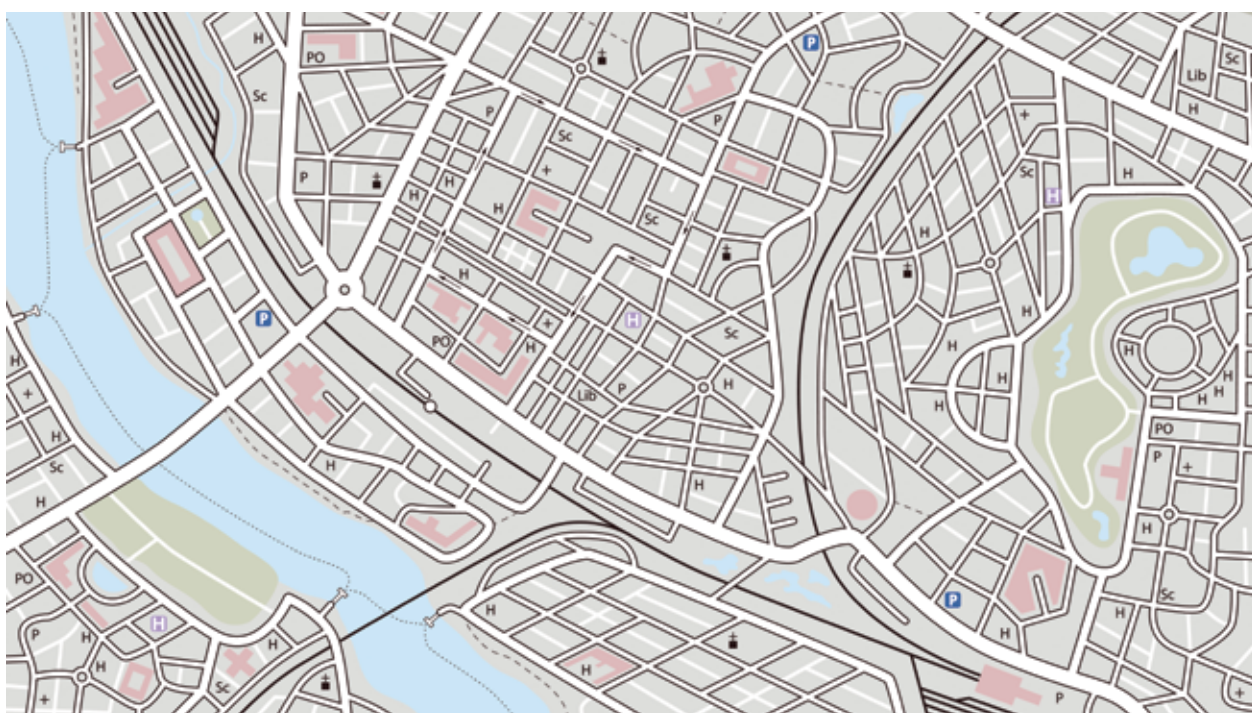
The Department of Local Government has published a guide to assist Local Governments in meeting the *Strategic Community Plan* requirement. *The Integrated Planning and Reporting Framework and Guidelines (2010)* outline processes and activities to achieve an integrated strategic plan to meet the requirements of the *Local Government Act (1995)*.

The Guidelines address two key Local Government planning processes:

- » **Strategic community planning – Resulting in a 10+ year strategic community plan informed by community aspirations; and**
- » **Corporate business planning – Resulting in an ongoing and integrated corporate business plan that activates strategic\community plan priorities.**

A PDF of these guidelines can be accessed on the Department of Local Government website at: <http://integratedplanning.dlg.wa.gov.au/AboutIntegratedPlanning.aspx>

The *Strategic Community Plan* is not part of town planning regulation per se; however, it has a strong relationship with town planning (as well as other functions of the Local Government).



Example of Strategic Community Plan Reference to Alcohol-related Management

The City of Subiaco's "Think 2030 Strategic Community Plan" includes some examples of how alcohol management related aspirations can be recognised at that higher level. The City of Subiaco does this in at least the following two focus areas with stated objectives, strategies and outcomes:

"Our sense of community"

- Objective *A diverse, inclusive community where all members enjoy a sense of belonging and feeling safe.*
- Strategy *Create and maintain a safe environment for the community.*
- Outcome *A feeling of safety at all times throughout the city. A sense of being looked out for by the community."*

"A unique destination"

- Objective *A wide range of variety of accessible entertainment and hospitality options.*
- Strategy *Encourage a variety of entertainment options for the broadest community.*
- Outcome *The opportunity to attend local events, festivals and other forms of entertainment at a variety of venues. A thriving nightlife that is not just based on bar culture.*

This example shows that reference to alcohol management aspirations in the *Strategic Community Plan* can be made as a direct statement relating to alcohol-related activity and development, or in a more indirect manner such as preventing the negative outcomes that can be associated with alcohol-related development, such as feeling unsafe and promoting activity that is not just based on alcohol focussed venues (bar culture). It is a matter for each Local Government to decide the extent to which alcohol-related management is to be addressed. For some, this example may go too far, for others it may not go far enough.

Informing Strategic Plans

In order to deliver the *Strategic Community Plan*, and consistent with the *Integrated Planning and Reporting Framework*, Local Governments must develop a four year *Corporate Business Plan*. The *Corporate Business Plan* includes a set of priorities and actions which directly relate to the strategies and objectives in the *Strategic Community Plan* – the overarching planning document for the Local Government. A series of informing plans developed alongside the *Corporate Business Plan* will enable activation of the *Strategic Community Plan*. Examples of such informing plans include local planning strategies and alcohol management plans.

Alcohol Management Plan

- » A whole-of-organisation approach to alcohol management is recommended and this can be achieved through development of an alcohol management plan.
- » An overall alcohol management plan for a Local Government acknowledges that alcohol management is a consideration in its business and gives the opportunity to work this consideration into its daily operational and strategic functions.
- » This plan ideally would link separate supporting policies and management plans for different sections of the Local Government, including town planning.
- » Aspects of the alcohol management plan could be included in the preparation of local planning strategies and subsequent policies and development control measures.

It is important that the process of preparing an alcohol management plan is integrated into Local Government strategic planning discussed above, known as preparing a *Strategic Community Plan*.

Developing a community alcohol profile can be helpful to guide the formation of an alcohol management plan. Research data collection and analysis are important steps in developing a community profile. This research process needs to be ongoing in order to build a solid database.

This database should cover local evidence on what the impacts of existing licensed premises are having on the community in general, 'at risk' persons and on amenities and other issues important in the strategic priorities of the Local Government, such as safety and wellbeing.

This database can be important in assessing a planning approval or a licence that gives rise to a conclusion and consideration of whether a proposal should or should not be approved. Evidence should help consider the risk of harm or ill-health or negatively impact the surrounding amenities.

Alcohol Management Plan examples

There are several examples of how an alcohol management plan can act as an umbrella document for Local Governments that acknowledges alcohol management to improve amenity, safety, health and wellbeing is part of its business.

Some Local Governments choose to have an alcohol management plan that covers the entirety of the organisation (whole of organisation approach) while others choose for the plan to only relate to some areas.

City of Vincent has an Alcohol Management Policy (2010) and a supporting Alcohol Management Plan 2010-2015 at http://www.vincent.wa.gov.au/Your_Council/Council_Matters/Policies (Policy No. 3.8.7)

The City of Vincent's Alcohol Management Plan states that,

'The purpose of this Plan is to formally recognise and outline the roles and responsibilities of the Town's three Directorates and respective Service Areas, in relation to the management of alcohol. The Plan aims to integrate the efforts of each of the Town's Directorates to support the overarching Council Policy 3.8.11 – Alcohol Management, and details the specific and incidental policies, procedures and guidelines that exist within the organisation to mitigate the adverse impacts of alcohol use. It also provides a foundation to facilitate the ongoing development and improvement of alcohol management processes throughout the organisation.'

The City of Mandurah produced an overarching alcohol policy framework stating the following:

Alcohol Policy Framework

'As stated in the Corporate Charter and Strategic Plan, the City of Mandurah is committed to the provision of a safe and secure environment and the contribution to the protection of public health in our community, acknowledging that the health of our community is paramount. As such the City supports responsible consumption of alcohol leading to a reduction in the harmful effects of alcohol felt throughout the community. This is achieved via three processes:

1. Administration of Legislation.
2. Responding to community and agency concerns.
3. Internalising guidelines set down for the community.'

For further details refer to the City of Mandurah Policy POL – PBH 04 Alcohol Management.

It is useful to note that the above examples make clear links to relevant legislation and strategic documents, providing an element of robustness to the alcohol policy being part of an integrated framework that applies across the Local Government.

Local Planning Strategies

- » **Although local planning strategies are stand-alone documents, their usefulness and strength is increased if they closely link to other strategic and operational policies and documentation of an organisation.**
- » **In this instance, examples would include links to the Strategic Community Plan, an Alcohol Management Plan, local planning policy and scheme provisions.**
- » **Local planning strategies could make statements about how different types of alcohol-related development and activity are viewed and about locational preferences for different types of related uses, within the context of relevant planning considerations including social and physical amenity.**

Local planning strategies are an important opportunity to include the strategic intention of how a Local Government intends to deal specifically with planning matters involving alcohol management and the outcomes it is aiming to achieve.

The *Planning and Development (Local Planning Schemes) Regulations 2015* require a Local Government to prepare a planning report in the form of a local planning strategy, to accompany any local planning scheme that includes the zoning or classification of land. *The Regulations* state that a strategy should:

- » asset out the long-term planning directions for the Local Government;
- » apply State and regional planning policies; and
- » provide the rationale for the zones or classification of land under the Scheme..

State and Regional Planning influence

The local planning strategy is to be approved by the Western Australian Planning Commission (WAPC) and provides the strategic framework for the local planning scheme. It includes an analysis of the local area in the context of the State Planning Strategy and relevant state planning policies (which might include regional or sub-regional structure plans).

For general assistance with developing local planning strategies, refer to the WAPC's Local Planning Manual (2010) which can be viewed via the following link:

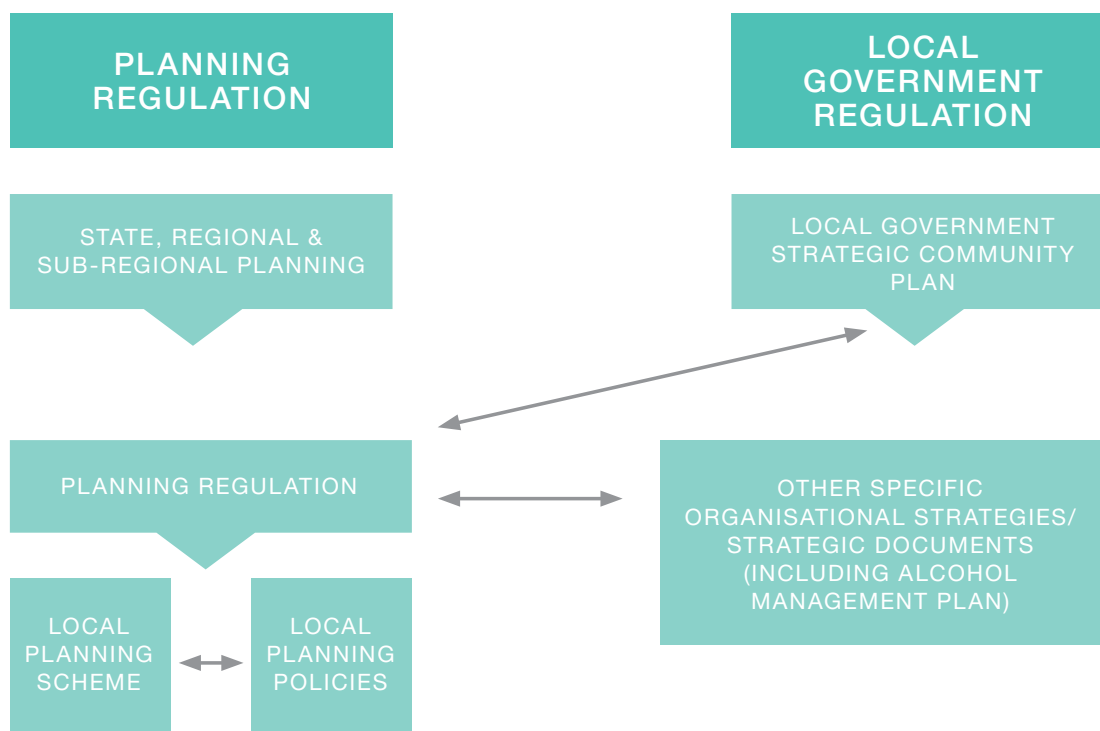
http://www.planning.wa.gov.au/dop_pub_pdf/Local_Planning_Manual.pdf

In addition to the State and regional planning hierarchy, the planning strategy gains strength from key linkages to the Local Government's Strategic Community Plan and other strategies that may evolve from that.

A local planning strategy sets out the Local Government's objectives for future planning and development and includes a broad framework by which to pursue those objectives. The strategy needs to address the social, environmental, resource management and economic factors that affect, and are in turn affected by, land use and development and should be closely related to scheme and policy provisions to ensure the objectives of the strategy are met.

Figure 3 shows the relationship between local planning strategies and higher level strategic planning and how the local planning strategy informs local implementation through local planning schemes and policies.

FIGURE 3 – LINKS TO THE LOCAL PLANNING STRATEGY



Source: Planning Context, 2013

Local Planning Strategy Examples

City of Swan has included an individual health goal for the community within the local planning strategy, for *'All people to have an optimal level of health that enables them to live productive and fulfilling lives'*. One of the strategic objectives listed could be a link to alcohol consumption and harm minimisation, as it states, *"All people avoid or minimise the risks from activities and lifestyle that adversely affect their health."*

In setting the vision for the activity centre within the local planning strategy, it could provide the links to the local planning policies that will provide this detailed guidance. This would assist to provide those connections to the planning tools that will assist in the decision making for alcohol outlets.

Other Local Governments

Other Local Governments have included visions for their City Centre or Activity Centre areas specifically to *'encourage diverse activity and land uses in Centres as they redevelop in order to retain a competitive edge and to become lively, attractive places'* (City of Joondalup) or to create a centre that is *'the focus for the community for shopping, other commercial services, community services, town administration, policing, entertainment and cultural pursuits and local employment'* (City of Kwinana).

Such approaches are common, however, they may limit a Local Government's ability to consider alcohol-related problems during the planning process (such as in response to community concern).



PLACE PLANNING AND MANAGEMENT

- » **A place management approach is recommended to deal with the wide range of issues, challenges and opportunities that an activity centre or place offer every day.**
- » **This approach enables issues to be pursued in an integrated, coordinated way to achieve the economic, social and environmental potential of an activity centre.¹**
- » **Alcohol can impact on the synergy of the place management approach.**
- » **When venues that focus on the sale and supply of alcohol form a key aspect of an activation strategy, there are potential amenity, harm and safety issues that arise and warrant consideration within the place management approach.**
- » **Major cities across the world are reconsidering the balance of alcohol outlets versus other activities as a result of increasing amenity, health, harm and safety problems.**

It is now common that Local Governments take a 'place making' approach to key locations, most notably for town centres, to maintain aesthetic appearance and arrange management of community activities. Place management programs integrate and coordinate a range of economic, social, environmental and physical initiatives to help achieve the vision of an activity centre.²

The application of place management principles in relation to alcohol management presents a number of challenges for Local Government that can be minimised by considering and responding to common alcohol-related issues facing activity centres.

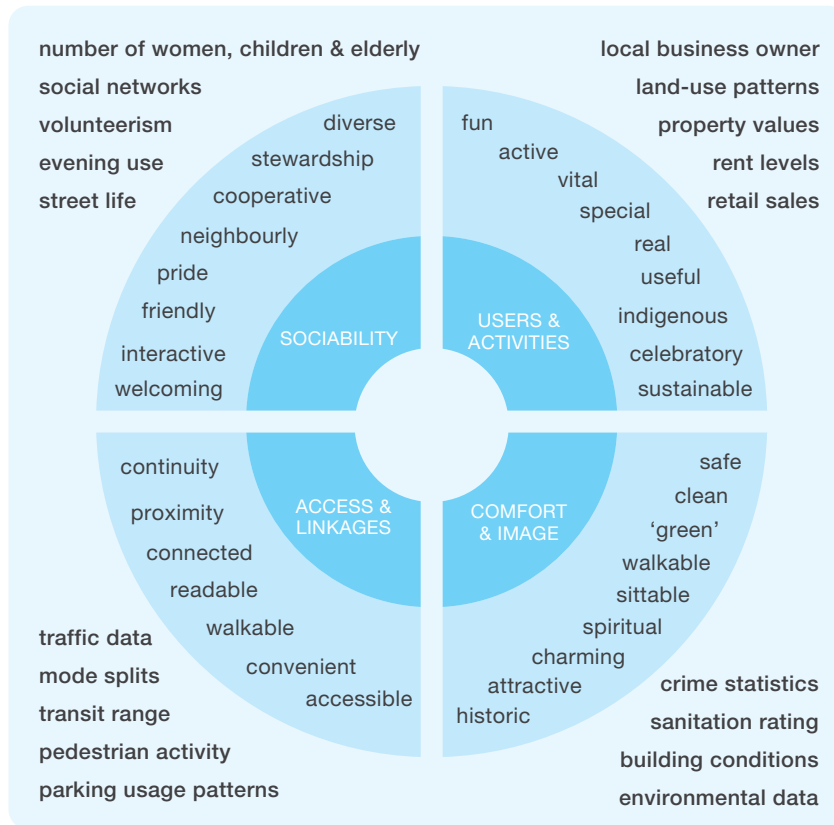


¹<http://www.dpcd.vic.gov.au/planning/plansandpolicies/activitiesareas/placemanagement>

²Victorian Department of Planning and Community Development, (2008) Place management information booklet.
http://www.dpcd.vic.gov.au/___data/assets/pdf_file/0011/43202/PlaceManagementBrochure.pdf

A project for public places in the United States notes that the most successful places adopt a more integrated approach, using the four components of 'place making' as shown in the following **Figure 4 - Four Elements in Successful Place Making**.

FIGURE 4 - FOUR ELEMENTS IN SUCCESSFUL PLACE MAKING



Source: Project for Public Spaces – Placemaking for Communities organisation <http://www.pps.org/reference/grplacefeat/>

“Numbers, types and placement of alcohol outlets can impact on levels of alcohol-related problems in an area and perceptions of amenity and personal security.”



Four common place making components are shown below together with examples of related alcohol management considerations:

PLACE MAKING COMPONENTS	ALCOHOL MANAGEMENT ASPECTS
<p>USES AND ACTIVITIES</p> <p>Partly the result of planning and development, but equally the result of social and business activity.</p>	<ul style="list-style-type: none"> • Placement, types and numbers of liquor licences can increase or lower the risk of harm and problems. • These features impact on who is attracted to an area, the kind of behaviour that occurs and the nature of interactions between people drawn to the area. • Alcohol-related problems in an area can affect business investment, tourism.
<p>COMFORT AND IMAGE</p> <p>Physical and aesthetic attributes of a place, and perceptions of amenity and personal security.</p>	<ul style="list-style-type: none"> • Numbers, types and placement of alcohol outlets can impact on levels of alcohol-related problems in an area and perceptions of amenity and personal security. A majority of Crime Prevention Plans developed by Local Governments throughout Western Australia identify alcohol as a key factor in these issues at the local level. • The design of a venue can influence patron expectations, which, in turn, can contribute to the type of behaviour and likelihood of alcohol-related violence and other harm occurring (Arnold and Laidler, 1994).
<p>ACCESS AND LINKAGES</p> <p>Ability to move safely and conveniently within a place (including legibility of necessary signs) without undue intrusion by motor vehicle traffic. Applies especially to pedestrians. Internal access must be integrated with access from the surrounding area.</p>	<ul style="list-style-type: none"> • Where, how and when alcohol is made available in an area can impact on demand for public transport and also safety regarding movement and interaction of alcohol-affected pedestrians. • Areas perceived as being a safety risk will cause people to avoid it at certain times of the day.
<p>SOCIABILITY</p> <p>Intangible aspects of a place resulting from people and activities, and which encourages more people and activities.</p>	<ul style="list-style-type: none"> • Sociability factors which encourage more people and activities can be negatively impacted upon if the volume or type of alcohol outlets in an area contribute to problematic behaviours, activities and related problems.

A Place Management approach involves:

- » Actively leading, facilitating and coordinating the delivery of actions and strategies.
- » Effectively communicating and championing the vision for the centre/place.
- » Generating a positive approach to the development of the centre, engendering interest, enthusiasm and excitement in the pursuit of the vision.
- » Making efficient use of available resources.
- » Integrating and prioritising all social, community, economic, marketing, physical and environmental initiatives.
- » Engaging all parties in the process and creating partnerships.
- » Recognising and resolving the diverse and often competing views of stakeholders.

Further Assistance on Place Making

The **Victorian Department of Planning and Community Development** has published advice on Place Management which can be found at the following link:

<http://www.dpcd.vic.gov.au/planning/plansandpolicies/activitiesareas/placemanagement>

It is important that Local Governments are not only prepared for, but also take the lead in, increased interest in development of night time economies. It may be that a Local Government does not wish to encourage this at all and a policy statement to this effect would be appropriate. On the other hand, where a night time economy is encouraged, it is beneficial to make definitive statements about the diversity of land uses being sought with particular reference to uses involving alcohol. Consideration of the experience of other jurisdictions that have developed night time economies with a focus on alcohol is recommended. As a result of harm, disorder and related costs, many are moving away from such an alcohol focus and looking toward a more balanced night time economy that involves other activity.

Sydney – rethinking alcohol in the night time economy

Supported by local surveys and international research, the City of Sydney is currently exploring how to ‘rethink alcohol in the night time economy’ and create a vibrancy that does not predominantly focus on alcohol, but rather involves retail and other space activation activity.

To create the space to implement this vision and to reduce existing levels of alcohol-related harm, the City of Sydney application liquor licence freeze was enabled by the Liquor Amendment (Temporary Licence Freeze) Bill 2009. The Bill also restricts the variation or revocation of certain liquor licence conditions and restricts the ability to change the boundaries of licensed premises where it would increase the number of people attending the freeze area for the primary purpose of consuming liquor (City of Sydney, 2014).

Visit <https://www.liquorandgaming.justice.nsw.gov.au/Pages/liquor/law-and-policy/licence-freezes.aspx>

As all activity centres are different, place management programs need to be tailored to reflect the specific scale, status, role and resources of the centre.

Activity Centre Plans, Local Development Plans and Other

Structure Plans

- » **As with most commercial enterprises, activity centres and corridors are the most obvious locational preferences for developments involving a liquor licence.**
- » **In addition to other considerations, it is recommended that structure plans consider the impact of alcohol availability not only in terms of the numbers of people it may attract to an area, but also the impacts it may have on overall vision statements for health, harm and safety that are commonly expressed in Local Government strategic plans and local planning strategies.**

Structure plans (including Activity Centre Plans and Local Development Plans) are miscellaneous tools that Councils can develop to apply to specific areas of a locality. These tools set out specific rules governing where new land uses and developments can occur and specify the standards for building and operating new structures.

They are similar to planning schemes in that they also include a map and a written document Council can use these different level of detail structure plans as tools to proactively guide development in definite areas around the locality.

Research shows that there are certain features of an environment (both physical and social) that can make it more or less likely that problems will occur there. Local Governments are able to influence the nature of many environments through building and planning approval processes.

Through the thoughtful planning, design and maintenance of these different environments, a reduction in alcohol-related problems such as crime and antisocial behaviour can be achieved.

“Research shows that there are certain features of an environment (both physical and social) that can make it more or less likely that problems will occur there.”



In planning terms, the preparation of the **Activity Centre Structure Plan** is a key way of progressing at least the key elements of place making. The WAPC *State Planning Policy 4.2* states that activity centre structure plans need to be prepared for strategic metropolitan, secondary, district and specialised centres. A Structure Plan should:

- » Define the boundaries of the Centre and its area of influence.
- » Graphically illustrate and spatially articulate the vision for the Centre.
- » Identify key sites and illustrate opportunities and parameters.
- » Show an outline of the overall development intentions and the co-ordination, integration and mix of uses of the Centre.
- » Review appropriate zonings, uses and activities that will take place in the Centre and its zone of influence.
- » Provide requirements relating to the height, bulk, orientation and massing of buildings ensuring that future development accommodates for and responds to the needs of a growing population and employment opportunities.
- » Provide important movement and connections (both pedestrian and vehicular).

Structure plan preparation

The preparation of a *Structure Plan* would provide an overall vision and statutory framework for the future development of the centre. The *Structure Plan* would need to be a three-dimensional plan, which presents proposals and aspirations for the urban design, built form potential and design of the public domain. Good urban design is part of this process it aims to unite the needs of nature, the built environment and the community. It recognises the concerns of people and the environment, and the possibilities of planning and architecture to deliver innovative, attractive, functional and sustainable places. (Source: Planning Institute of Australia website)

<http://www.planning.org.au/documents/item/36>

Schedule 2 – Deemed provisions for local planning schemes of the *Planning and Development (Local Planning Schemes) Regulations 2015* set down requirements for the preparation of Structure Plans, Activity Centre Plans and Local Development Plans.

The WAPC's *Structure Plan Preparation Guidelines (2012)* which can be viewed via the following link, provides some guidance for the preparation of structure plans.

http://www.planning.wa.gov.au/dop_pub_pdf/StructurePlan_Guidelines.pdf

Following the gazettal of the 2015 planning regulations, however, the WAPC released *Structure Plan Framework August 2015* and *Framework for Local Development Plans August 2015* to guide the manner and form of preparation of these respective plans. The intention was to trial and then review these documents following a six month period. Details can be found at the following links:

http://www.planning.wa.gov.au/dop_pub_pdf/StructurePlanFramework.pdf

http://www.planning.wa.gov.au/dop_pub_pdf/Local_Development_Plan_Framework.pdf

Design Guidelines

- » **Design guidelines are tools that councils can develop as policy and/or in combination with structure plans and detailed area plans.**
- » **They usually apply to specific areas of a locality and deal with urban design issues. These tools set out specific rules governing the built form within the locality or land included in a structure plan or a detailed area plan.**
- » **A reduction in alcohol-related problems such as injury, crime and antisocial behaviour can be supported through design guidelines.**

This section primarily focuses on external design but it is also important to know that internal design of a licensed venue can influence drinking and related behaviour.

Research suggests there are very strong links between certain aspects of the physical and social environment and how patrons conduct themselves in licensed premises (Graham & Homel, 1997).

The WAPC's *Designing Out Crime Planning Guidelines* (Government of Western Australia, Department of Planning 2006) recognise that strategies for crime prevention must contribute to vitality, accessibility and diversity which requires Local Governments and agencies involved to empower local communities with knowledge about their environment and engender a sense of ownership and stewardship. Active community participation can expand neighbourhood capacity, strengthen community culture and extend the opportunity for positive social activities. The local influences on public space use need to be taken into account in the design of buildings and site planning.

A reduction in alcohol-related problems such as crime and antisocial behaviour can be supported through a range of town planning considerations, including a number of those outlined in the *Designing Out Crime Planning Guidelines*, and listed under the following headings:

- » Security.
- » Surveillance.
- » Landscape.
- » Sightlines and way finding.
- » Urban structure.
- » Building design.
- » Road safety.



Designing Out Crime Guidelines

The Designing Out Crime Guidelines state that an appropriate land use mix can facilitate a mix of activities occurring in the environment at different times during the day and the night. **Factors to consider in these situations include:**

- » Compatibility of uses.
- » Range of uses.
- » Separation issues resulting in isolation.
- » Scale of uses.
- » Balance of mix.
- » Interface/edge treatments between adjacent major land uses.

In addition to land use mix, the Guidelines provide a generic list of **a number of other planning and design considerations** to apply to all development types and includes the following elements:

- » Natural surveillance.
- » Activity generators.
- » Lighting.
- » Management and Maintenance.
- » Signage.
- » Urban structure.
- » Building design, including boundary definition.
- » Landscape.
- » Sightlines and way finding.
- » Spaces safe from entrapment.

The Designing Out Crime Guidelines do not provide finite detail on all aspects of building design and security measures, however, they do provide an insight into a sound design approach, basic criteria to assess design and identify other literature and web sources that give relevant detail. **Factors to consider include:**

- » Safe entrances.
- » Natural ladders.
- » Rear and side access points.
- » Opportunities for natural surveillance of public realm.*

Full details can be viewed at the following link:

http://www.planning.wa.gov.au/dop_pub_pdf/DOCguidelines.pdf

*Passive surveillance and licensed premises

Passive Surveillance and Licensed Premises

While Designing Out Crime Guidelines promote the benefits of an increase in people activity in an area to reduce crime (via increased visibility or 'passive surveillance'), when alcohol is a factor in the activation, it is likely to result in increased harm and problems, rather than a decrease.

The potential benefits of the passive surveillance opportunity of a new liquor outlet are undermined by the fact that:

- » those offering the passive surveillance opportunity are likely to have been drinking;
- » alcohol can impact on cognitive function and rational decision making; and
- » alcohol consumption increases the risks of problems and harm occurring.

For example, according to Graham and West (as cited in Heather et al 2001), although the relationship between alcohol consumption and crime is complex, meta-analyses of experimental studies of the effects of alcohol on aggression have concluded that alcohol consumption results in a measurable increase in aggressive behaviour. Graham and West (as cited in Heather et al 2001) state:

'Alcohol consumption is known to impair cognitive functioning in a number of ways that may be relevant to aggressive and criminal behaviour, including making a person less self-reflective, less able to process multiple cues, more likely to focus on salient cues, more single-minded, less able to evaluate contingencies and less able to problem-solve effectively (Graham et al, 1997).'

'In sum, a large theoretical literature supported by some important empirical research suggests that the effects of alcohol on cognitive functioning may increase the likelihood of alcohol-related violence.'



STATUTORY PLANNING AND POLICY DEVELOPMENT

- » **There are a number of existing planning tools that can be applied in a Local Government planning situation to assist in the control of liquor outlet development.**
- » **These include scheme objectives; adoption of policies; defining ‘Liquor Store’ as different from ‘Shop’ or ‘Retail’; changing ‘P’ uses; control of size; and incorporating general development provisions.**
- » **To be effective in ensuring desired outcomes, regulatory approvals systems need to provide a clear, coordinated and defined interrelationship between policies, structures and processes that is intuitive to apply and readily legible to users.**
- » **A lack of well understood and documented internal processes and procedures compounds problems of a system that is not intuitive or readily legible to users.**

Consideration may also be given to the planning processes of Local Governments being framed around the following:

- » How alcohol availability might impact on the local community when planning to prevent alcohol problems in the short and long term.
- » Local planning policies provide a clear scope to consider a range of alcohol-related risk management, harm minimisation and prevention issues to guide the planning process and support decisions to be upheld if challenged.
- » Local planning policies could include consideration of community amenity as criteria for developments.
- » A Local planning scheme can help a community control some aspects of licensed premises through the zoning table and setting of development standards.
- » A local planning scheme and supporting local planning policy could seek to control the location and type of liquor outlets in a community together with any design and development standards.
- » Use of planning conditions to control hours of operation.

Cumulative Impact Assessment

- » **Cumulative impact is one of many planning matters to be considered when developing a planning framework.**
- » **Factors affecting potential cumulative impact include location, mix and number of venues present, the manner in which they are managed, the capacity of the local area to accommodate those venues and existing levels of alcohol-related harm, ill-health, problems and disturbance/amenity issues.**

Cumulative impact is one of many planning matters to be considered when developing planning tools to manage alcohol-related development and activities.

Cumulative impact does not simply involve assessment of numbers of liquor licensed premises nor does it only relate to night time economy. A number of factors can affect potential cumulative impact.

Assessing these factors in relation to existing licensed premises in a given area may assist with determining a strategic vision and how to best achieve this through various town planning measures. It is acknowledged that Local Government powers in this regard are somewhat limited at present. However, being cognisant of the effects of cumulative impact and being prepared to manage and mitigate these impacts is of community benefit.

Example of Cumulative Impact Assessment

Some jurisdictions have acknowledged the issue of cumulative impact and have developed guidelines for assessing cumulative impact. For example, the Victorian Department of Planning and Community Development developed Practice Note 61 (March 2011) Licensed premises: Assessing cumulative impact. The practice note outlines possible considerations for Local Government Planners when assessing alcohol-related development applications that will be licensed and open late and are in an area where there is a cluster of licensed premises. A copy of this document can be viewed via the following link:

http://www.dpcd.vic.gov.au/_data/assets/pdf_file/0003/140448/PN61-Licensed-premises_Assessing-cumulative-impact.pdf

- **Support Sheet 11 - Cumulative Impact Assessment Model** was prepared for WA circumstances and incorporated aspects of the above practice.

***It is important to note that any cumulative impact assessment guide that weighs positive and negative impacts should ensure that negative impacts include matters such as existing levels of harm and ill-health. Without this, the assessment will be skewed.**



It is suggested that the area to be included in a cumulative impact assessment should at least involve land within a 500 metre radius of the proposed venue. A cluster of licensed premises is generally defined as three or more premises (including the proposal) within a radius of 100 metres from the subject land, or fifteen or more premises (including the proposal) within a radius of 500 metres. By virtue of their collective appeal, Livingston et al (2007) explain that:

“... premises that are bunched together may apply as a multiplicative pressure on violence and disorder as they draw large numbers of potential perpetrators and victims into close contact with one another... at a certain point, a growing bunch of outlets, particularly on-premise outlets such as hotels and bars, becomes fixed in people’s mental maps as an entertainment district... attracting crowds above and beyond what would be attracted by the same number on their own.”

Cumulative impact support tools

- **Support Sheet 9 – Cumulative Impact** summarises the evidence base around outlet density and lessons from other jurisdictions.
- **Support Sheet 10 – Mapping Cumulative Impact** gives an example of cumulative impact mapping showing where various types of liquor licensed premises are located within 100m or 500m of each other.
- **Support Sheet 11 – Cumulative Impact Assessment Model** provides a cumulative impact assessment model and has been prepared for WA circumstances.

Cumulative impact assessment of liquor licensed premises needs to consider a range of matters in context, including existing local planning policy and scheme requirements, surrounding land use mix and amenity, existing level of harm, disorder and ill-health, the mix of licensed premises types, transport and dispersal, as well as impact mitigation.

These are all positive and useful steps to understand some of cumulative impacts of licensed premises, however, cumulative impact assessment is a process of great complexity.

Research is underway which may assist in answering questions such as: At what point is one more liquor outlet too many? Are some liquor licensed premises types more desirable than others? How can the future possible effects of a proposal be effectively measured? However, in the meantime, the evidence is clear that there are links with outlet density and harm, so a precautionary approach is warranted as it is difficult to undo once in place.

“Research is underway which may assist in answering questions such as: At what point is one more liquor outlet too many? Are some liquor licensed premises types more desirable than others?”



Over the years, there has been debate that the restrictions being imposed on alcohol outlets are anti-competitive and not in compliance with the National Competition Policy. The debate primarily centres on the National Competition Policy compliance requirements which have resulted in the liberalisation or deregulation of the liquor licensing in certain jurisdictions, versus the many strategies and policies aimed at preventing or reducing alcohol-related harm.

The international evidence suggests that alcohol is not just another product, with its consumption harmful to consumers and the wider community; therefore, regulatory intervention is necessary and justified with regard to competition policy. It is further argued that regulating for the purpose of community safety and health is one of the four reasons for regulating the liquor licence market place. (Marsden Jacob Associates 2005)

In these discussions, the key factor is ensuring that any regulatory or policy response should be related to the harm minimisation aspect rather than on an appraisal of the extent to which a market need for a given commodity is being met (Donnelly et al 2006). Therefore, as long as the harm minimisation evidence has been obtained and the regulatory/policy response has clear and valid arguments, justification is provided to impose the restrictions or regulations on the locations, density and operation of alcohol outlets through the town planning framework.

Scheme Aims and Objectives

- » **Scheme aims and objectives can be an important element of an alcohol management policy and planning framework for a Local Government. Plans and policies that have clear alignment with scheme objectives provide a more robust guide for decision making.**
- » **The aims of a scheme differ between Local Governments and the Model provisions for local planning schemes¹ allows for individual Local Governments to include aims specific to their unique situations.**
- » **The statement of aims should be drawn from the local planning strategy (which includes the vision from the alcohol management plan) to set the context and provide a broad indication of what the scheme is trying to achieve and the general directions for land use and development in the area.**
- » **More specific and detailed objectives can be identified and these may relate to particular policies or precincts, reserves, zones or special control areas and should be incorporated in the relevant part of the scheme text. The objectives will explain in a more precise way how the aims are to be achieved**

In relation to assisting with guidance on alcohol-related development and control, some scheme aims and objectives could include reference to such matters as compatibility and sensitivity of land use mix, safety and health, and promoting a balanced mix of diverse land uses. There may be instances where more specific objectives are appropriate, depending on the individual Local Government's strategic outlook and current situation. Common wording for the purpose of all local planning schemes is provided by the *Planning and Development (Local Planning Schemes) Regulations 2015*. These regulations also include *model objectives for reserves and zones (Schedule 1 – Model provisions for local planning schemes)*¹.

Some of the zones and associated model objectives that may relate to alcohol uses include Commercial, Mixed Use, Service Commercial, Centre, Tourism and Private Clubs and Institutions.

¹ Schedule 1 – Model provisions for local planning schemes, *Planning and Development (Local Planning Schemes) Regulations 2015*

Clause 8 of the *Model provisions for local planning schemes* states that the purpose of local planning schemes is to:

- a) set out the local government's planning aims and intentions for the Scheme area; and
- b) set aside land as local reserves for public purposes; and
- c) zone land within the Scheme area for the purposes defined in this Scheme; and
- d) control and guide development including processes for the preparation of structure plans, activity centre plans and local development plans; and
- e) set out procedures for the assessment and determination of development applications; and
- f) set out procedures for contributions to be made for the costs of providing infrastructure in connection with development through development contribution plans; and
- g) make provision for the administration and enforcement of this Scheme; and
- h) address other matters referred to in Schedule 7 of the Planning and Development Act 2015.

This links the local strategy and the aims of the scheme to how the scheme will zone and reserve land, and control and guide development.

Scheme Aims Example

Some of the specific aims of the City of Melville Local Planning Scheme No. 6 (2016) in relation to the various aspects of the City and its development include:

- » *To have a strong, vibrant, diversified and sustainable local and regional economy with a range of business and employment opportunities;*
- » *To develop diverse and attractive local centres providing a community focus for neighbourhood areas.*
- » *To ensure citizens can lead a safe, healthy active life with opportunities to participate in social and cultural activities;*
- » *To ensure development promotes a sense of community and encourages participation in community life;*
- » *To ensure all development complements and contributes to the communities desired identity and character for Melville.*

Scheme Objective Example

An example of a set of Scheme Objectives of the type intended to allow for consideration relating to the control of alcohol outlets can be found in the City of Subiaco Town Planning Scheme No 4 (2001) – Town Centre Zone, as follows:

In considering an application for development approval in the Town Centre Zone the Council, shall have regard to the following objectives:

- » *to encourage the development of high quality buildings of special character commensurate with their location within the Town Centre of Subiaco;*
- » *to encourage vibrant and diverse uses, including residential, which promote the area as the Town Centre of Subiaco;*
- » *the protection of the amenity of areas adjacent to the Town Centre Zone; ...*
- » *to discourage the undue aggregation of entertainment facilities characterised by after-hours operation and by low levels of activity during normal shopping hours.*

Adopt Planning Policies

- » **A planning policy can provide a degree of flexibility in assessment and determination of development applications. It provides guidance for what is generally accepted or not accepted, however, it allows for exceptions. The process to develop or amend a local planning policy is also quicker and easier than amending a local planning scheme provision.**
- » **Consider visionary goals regarding alcohol management at this stage.**

Local Planning Policies are a way for Local Governments to incorporate provisions relating to the treatment of licensed premises.

A Local Planning Policy is not part of the Scheme and does not bind the Local Government in respect of any application for planning approval but the Local Government is to have due regard to the provisions of the Policy and the objectives which the Policy is designed to achieve before making its determination.

Clause 3 of the *Model provisions for local planning schemes* states that:

- » A local planning policy must be based on sound town planning principles and may address either strategic or operational considerations in relation to the matters to which the policy applies.
- » In making a determination under the Scheme the Local Government must have regard to each relevant local planning policy to the extent that the policy is consistent with the Scheme.

It should be accepted that the existence of a policy cannot replace the discretion of the decision maker and should not be inflexibly applied. Each case needs to be assessed on its individual merits. The relevant consideration, however, will be why the policy should not be applied and why the planning principles expressed in the policy are not relevant.

Many Local Governments do not have up-to-date policies relating to licensed premises and in determining a development application, the assessment is largely based upon the use class table, car parking calculation, general scheme provisions and objectives and the outcome of community consultation.

Policies can be developed as a statement of a Local Government's general outlook for liquor related uses or specifically relate to development requirements. Policies are particularly useful when discretion is involved to guide decision making. The following could be considered in an alcohol planning policy in the context of the alcohol management vision:

- » Noise.
- » Car parking.
- » Hours of trade.
- » Internal layout and design of venue.
- » Amenity.
- » Cumulative impact.
- » Rationale for definitions.
- » What strategy does this policy relate to?

Local Planning Policy Example

The City of Rockingham (2009) has a planning policy which includes the following objectives:

- a) Provide a framework for the assessment and determination of liquor licence applications, including the issuing Section 39 and 40 certificates under the *Liquor Control Act (1988)*;
- b) Assist the Council in its consideration of applications for Planning Approval which involve a liquor licence;
- c) Identify appropriate locations for different types of licensed premises;
- d) Protect the safety and amenity of existing and future residents and business proprietors against anti-social behaviour; and
- e) Minimise personal harm or ill health caused to people, or any group, due to excessive consumption of liquor.

Define 'Liquor Store' as different from 'Shop' or 'Retail'

- » **Differentiating between shops/retail and various types of liquor stores allows a Local Government to have greater control and flexibility when considering these uses in particular locations and circumstances.**

Whilst in principle a liquor store operates as a shop and maintains a retail function, the local planning scheme and policy provisions may not be as prohibitive as considered necessary for this type of land use. In addition, liquor stores themselves vary in scale and function from a small corner store type facility, to a drive through service, to a bulk display complex facility.

What is right for a shop in a given situation may also be right for a small liquor store, yet not at all conducive to a large bulk liquor store complex. Definitions offer the opportunity to separate the way these land uses are considered.

Define different Liquor Stores by size

- » The growing trend to develop 'big-box' liquor stores has introduced planning and crime/health/broader harm considerations for which many Local Governments may not be adequately prepared to address.
- » Controls include the use of definitions and use of the zoning table in the local planning scheme (statutory) and through local planning policy (non-statutory).
- » Scheme definitions can differentiate between small liquor stores and larger liquor outlet uses by restricting floor space similar to the way 'shop' and 'showroom/warehouse' uses are considered.

There appears to be a growing trend towards developing outlets with large display floor spaces offering alcohol for purchase often at discounted levels in individual measures or by bulk. This seems to be especially popular with the larger retail conglomerates.

Larger stores can often generate more traffic and the need for increased parking. Often design issues are more prevalent due to the nature of the building (lack of windows, size and bulk) and they may take up space that other uses more conducive to retail activity should occupy (depending on the location).

There are also some concerns about the impact of the growth in 'big-box' stores because of low priced alcohol. There are harm, crime, health and community concern arguments that suggest large warehouse packaged liquor outlets should have a separate licence category and their spread considered carefully given their capacity to support large volumes of liquor entering the community. See **Support Sheet 12 – Physical Design (Off-Premise Liquor Outlets)** for more information regarding how packaged liquor can contribute to harm and ill-health.

A planning management solution includes the restriction of floor space for liquor outlet uses through scheme definitions. Various liquor store outlets can be differentiated by using size (in this case floor space) as a factor, in much the same way as shop and showroom/warehouse uses are considered.

New Definitions – Model provisions for local planning schemes

The previous *Model Scheme Text*² did not include definitions for liquor stores. Local Governments need to take care given that a liquor store may be considered a ‘shop’ or ‘retail’ use under the provisions of their local planning scheme, if based on the previous Model Scheme Text definitions. Likewise, the extent of control of the type and size of liquor stores may be limited. Local Governments may individually initiate an amendment to their local planning scheme to include the new definitions and, indeed, a number of Local Governments have already done so.

The new *Model provisions for local planning schemes* provide a list of general and land use definitions for use by Local Governments within their local planning scheme texts and provide guidance on these issues by:

- » *Defining liquor stores and differentiating them into two separate land use categories (liquor store – large and liquor store – small) according to floorspace size; and*
- » *Providing a definition for shop that specifically excludes liquor store – large and liquor store – small.*

In 2007, changes to the *Liquor Control Act (1988)* introduced a licence for ‘small bars’ for which no standard land use definition existed in the previous *Model Scheme Text* and subsequently in any local planning schemes at that time. In response to this, the Department of Planning issued *Planning Bulletin 85 Small Bar Licensed Premises*, setting out interim measures for Local Government to consider applications for the use of premises as a small bar. A definition for small bars is now included in the Model provisions for local planning schemes.

Other land use definitions within the *Model provisions for local planning schemes* relating to licensed premises include brewery, hotel, tavern, motel, night club, restaurant/café, and winery.

New Land Use Definitions – Model provisions for local planning schemes

Liquor store – large means premises the subject of a liquor store licence granted under the *Liquor Control Act 1988* with a net lettable area of more than 300 m².

Liquor store – small means premises the subject of a liquor store licence granted under the *Liquor Control Act 1988* with a net lettable area of not more than 300 m².

Shop means premises other than a bulky goods showroom, a liquor store – large or a liquor store – small used to sell goods by retail, to hire goods, or to provide services of a personal nature, including hairdressing or beauty therapy services.

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

² *Planning Regulations (1967) – Appendix B Model Scheme Text (superseded)*

Change 'P' Uses

- » **For greater management and control for a certain use involving a liquor licence in a particular zone, it is essential to ensure that the local planning scheme text reflects this in the zoning table by attributing it with a 'D', 'A' or 'X' use listing, rather than 'P'.**

Extract from the Local Planning Scheme Regulations 2015

The zoning table is a powerful tool used to exercise the control of land use allocation. Clause 18 of the Model provisions for local planning schemes provides standard wording explaining how a zoning table works:

- 18 (1) The permissibility of uses of land in the various zones in the Scheme area is determined by cross-reference between the list of use classes on the left hand side of the zoning table and the list of zones at the top of the zoning table.
- 18 (2) The symbols used in the zoning table have the following meanings —
- 'P'** means that the use is permitted if it complies with any relevant development standards and requirements of this Scheme;
 - 'I'** means that the use is permitted if it is consequent on, or naturally attaching, appertaining or relating to the predominant use of the land and it complies with any relevant development standards and requirements of this Scheme;
 - 'D'** means that the use is not permitted unless the local government has exercised its discretion by granting development approval;
 - 'A'** means that the use is not permitted unless the local government has exercised its discretion by granting development approval after giving notice in accordance with clause 64 of the deemed provisions;
 - 'X'** means that the use is not permitted by this Scheme.

It is the responsibility of each Local Government to populate the zoning table framework according to the zones and land uses it has incorporated as part of its scheme. With the exception of cumulative impact that can come from overall numbers of licensed outlets including within and between licence types, it is useful to know that depending on a lot of factors, some licensed types have greater potential than others to contribute to harm (even when accounting for management and adherence to responsible service).

It is important that after defining various liquor outlet uses, that they are then allocated to the correct zones, and the right level of discretion is applied. Where a use is not specifically listed in the zoning table, there is greater discretion to consider the use in any zone and decisions are more open to being challenged if refused.

In order to maintain greater locational management and control for alcohol-related developments, it is vital to list such uses within the zoning table, as well as provide clear definitions. Once uses are specified, they can then be allocated to the appropriate zones and prohibited from others in accordance with the Council's and community's objectives as guided by local research, strategies and policy statements.

By listing alcohol-related uses as 'P' within a particular zone, the Local Government has no discretion to refuse a development application based on the use provided that the use complies with the relevant standards of the local planning scheme.

Listing a use as 'D' or 'A' gives a Local Government greater discretion to consider it in a particular zone and, in the case of 'A', requires a proposal to undergo the scrutiny of public advertising.

Using a 'D' or 'A' classification enables Council to develop policy to assist and guide decision making. It is indicating that the use may be appropriate in some situations in a particular zone, but may not be appropriate in other situations in the same zone. It is suggesting that different circumstances may prevail for each application and certain considerations must be given.

Ultimately, a decision will be made based on the individual merits of the proposal. A 'D' or 'A' listing allows Council the opportunity to refuse a proposal, which is not the case with a 'P' use.

The use of 'P', 'D', 'A' and 'X' classifications for uses in the zoning table will vary between different types of licensed premises and also between different Local Governments. If greater management and control is desired for a certain use involving a liquor licence in a particular zone, then it is essential to ensure that the local planning scheme text reflects this in the zoning table by attributing it with a 'D', 'A' or 'X' use listing, rather than 'P'.

Victoria Park Example – Definitions and Use of Zoning Table

Due to increasing community concerns over the location of alcohol outlets within their municipality, the Town of Victoria Park initiated an amendment to its Town Planning Scheme No. 1 to:

- » Insert a new use class and definition of **'Liquor Store – Small'** referring to a net leasable area of no more than 300m².
- » Amend the zoning table so that a Liquor Store – Small is an 'X' use in the Residential, Industrial(1), Industrial(2) and Special Use zones; a 'P' use in the Residential/Commercial, Local Centre and District Centre zones; and an 'AA' use in the Office/Residential and Commercial zones.
- » Insert a new use class and definition of **'Liquor Store – Large'** referring to a net leasable area of greater than 300m².
- » Amend the zoning table so that a Liquor Store – Large is an 'X' use in the Residential, Residential/Commercial, Office/Residential and Local Centre zones; and an 'AA' use in the District Centre, Commercial and Industrial (1) zones.
- » Modify the definition of **'Shop'** to exclude liquor stores.

This scheme amendment was approved by the Minister for Planning and gazetted in November 2014.

“There are also some concerns about the impact of the growth in 'big-box' stores because of low priced alcohol and there are harm, crime, health and community concern arguments that suggest large warehouse packaged liquor outlets should have a separate licence category and their spread considered carefully given their capacity to support large volumes of liquor entering the community.”



Control of Size

- » **The growing trend to develop ‘big-box’ liquor stores has introduced planning and crime/health/broader harm considerations for which many Local Governments may not be adequately prepared to address.**
- » **A planning management solution could include the restriction of floor space for liquor outlet uses, similar to the way ‘shop’ and ‘showroom/warehouse’ uses are considered.**
- » **Controls could include the use of definitions and use of the zoning table in the local planning scheme (statutory) or through local planning policy (non-statutory).**

There appears to be a growing trend towards developing outlets with large display floor spaces offering alcohol for purchase often at discounted levels in individual measures or by bulk. This seems to be especially popular with the larger retail conglomerates.

Larger stores can often generate more traffic and the need for increased parking. Often design issues are more prevalent due to the nature of the building (lack of windows, size and bulk) and they may take up space that other uses more conducive to retail activity should occupy (depending on the location).

There are also some concerns about the impact of the growth in ‘big-box’ stores because of low priced alcohol. There are harm, crime, health and community concern arguments that suggest large warehouse packaged liquor outlets should have a separate licence category and their spread considered carefully given their capacity to support large volumes of liquor entering the community.

Where those concerns exist, a planning management solution could include the restriction of floor space for liquor outlet uses. A Local Government could consider the differentiation of various liquor store outlets using size as a factor, in much the same way as shop and showroom/warehouse uses are considered.

This could be controlled through the use of definitions and use of the zoning table in the local planning scheme (statutory) subject to Ministerial approval, or through local planning policy (non-statutory).

With regard to scheme definitions, there may be scope to go beyond a generic ‘one size fits all’ definition for liquor store outlets.

Suggestions for new definitions to address scale of liquor stores

For example, liquor stores could be considered under two separate definitions according to scale as follows:

“Liquor store - small” means premises with a net lettable area not exceeding 300m² which are subject to, or will require, a liquor store licence under the *Liquor Control Act (1988)* (WA); and

“Liquor store - large” means premises with a net lettable area exceeding 300m² which are subject to, or will require, a liquor store licence under the *Liquor Control Act (1988)* (WA).

These examples suggest a net lettable area of 300m² being the deciding factor on whether a liquor store may be considered ‘small’ or ‘large’. This was based on comments from a sample group of Local Government Planners and loosely relates to the size of ‘convenience store’ in the Model Scheme Text. This size is arbitrary and may require further investigation and variation between Local Governments.

When a deciding figure is reached and a Local Government wants to ensure that it is not varied, an amendment to the relevant local planning scheme to that effect would also be required.

Suggestion for scheme provision to prevent variation of liquor store definition size

For example, the following words could be included at the end of the provisions in the form of clause 5.5.1 of the Model Scheme Text:

“The elements of definitions contained in Schedule 1 are not standards or requirements which are capable of variation under this clause.”

Another consideration to be aware of when limiting the size of liquor stores, for example, by net lettable area, is that ‘net lettable area’ is a term defined in the local planning scheme.

Town of Victoria Park Example

The Town of Victoria Park resolved to initiate an amendment to its local planning scheme to include definitions for ‘small’ and ‘large’ liquor stores, exclude liquor stores from the ‘shop’ definition and include the new use classes in the zoning table. It will be beneficial to monitor the success of this amendment as a test case as it progresses through the amendment process. The finalisation or otherwise of this amendment is ultimately subject to a decision made by the Minister for Planning.

Due to increasing community concerns over the location of school outlets within their municipality, the Town has initiated an amendment to its Town Planning Scheme No. 1 to:

- » Insert a new use class and definition of **‘Liquor Store – Small’** referring to a net leasable area of no more than 300m².
- » Amend the zoning table so that a Liquor Store – Small is an ‘X’ use in the Residential, Industrial(1), Industrial(2) and Special Use zones; a ‘P’ use in the Residential/ Commercial, Local Centre and District Centre zones; and an ‘AA’ use in the Office/ Residential and Commercial zones.
- » Insert a new use class and definition of **‘Liquor Store – Large’** referring to a net leasable area of greater than 300m².
- » Amend the zoning table so that a Liquor Store – Large is an ‘X’ use in the Residential, Residential/Commercial, Office/Residential and Local Centre zones; and an ‘AA’ use in the District Centre, Commercial and Industrial (1) zones.
- » Modify the definition of **‘Shop’** to exclude liquor stores.

NB: at time of printing of this document, the amendment was waiting consideration of final approval by the Minister for Planning



Development Requirements

- » **A local planning scheme can include a set of standards and development requirements designed for the individual Local Government and these could include specific requirements for alcohol-related development.**
- » **It is another tool that can be used in correlation with CPTED principles which can have an impact on alcohol-related harm.**

Streetscape and design issues can be addressed through design guidelines and/or general development requirements in the local planning scheme (provisions). Car parking could also be addressed through general scheme provisions.

Part 4 of the *Model provisions for local planning schemes* sets out the general requirements which apply to land use and development within a scheme area and the specific requirements which apply to particular uses and form of development such as site requirements, access, parking, building design, setbacks and landscaping. For example, *'no alcohol signage within x metres of a school'*. A local planning scheme can include a set of standards and development requirements designed for the individual Local Government.

As mentioned in an earlier section of this Guideline, policy may also include design and other requirements, offering a more flexible approach.

Application Procedures – Access to Relevant Information

- » **More specific application requirements for liquor-related development could be written into a local planning scheme text or stated in a policy to ensure that all the necessary information is available to those making assessments and decisions regarding applications.**
- » **Detail of the operational plans once development is complete can provide an important indication for possible community concern or potential for harm.**

Cl 63 of the *Deemed provisions for local planning schemes*³ lists what information is required to accompany a planning application, including the following:

- (c) a report on any specialist studies in respect of the development that the local government requires the applicant to undertake such as site surveys or traffic, heritage, environmental, engineering or urban design studies; and
- (d) any other plan or information that the local government reasonably requires.

This gives an opportunity to request more information in relation to alcohol-related land uses if required. More specific application requirements could be stated in a local planning scheme. Alternatively, such requirements could also be written into a local planning policy relating to applications involving a liquor licence.

Example of requiring specific information

For example, clause 4.22 of the *City of Rockingham Town Planning Scheme No.2* relates to licensed premises applications and requires applications for premises to be licensed under the *Liquor Control Act (1988)* to be accompanied by:

- » A full set of the liquor licensing application papers.
- » A full set of the floor, site and elevation plans of the premises.
- » Full details as to what conditions are sought to be imposed on the licence.
- » Details on how the proposed business to be licensed is to be managed.
- » Any other plan or information that the Council may reasonably require to enable the application to be determined.
- » The payment of an Administration Fee.

³ Schedule 2 - Deemed provisions for local planning schemes of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

Matters to be Considered

- » **Specific matters for consideration when dealing with alcohol-related development can be specified in a local planning scheme text or local planning policy.**

Cl 67 of the *Deemed provisions for local planning schemes* lists a number of matters that a Local Government is to have due regard to in considering an application for planning approval. These are listed in **Support Sheet 13 – Matters to be Considered by Local Government**.

This wording within a scheme text links the aims and objectives of the scheme and any local policies to the assessment process and also includes consideration of such matters as the following, which may have some bearing on alcohol-related developments:

- ✓ the compatibility of a use or development with its setting;
- ✓ any social impacts that have an effect on the amenity of the locality;
- ✓ the preservation of the amenity of the locality;
- ✓ likely effect of the height, bulk, scale, orientation and appearance of the proposal;
- ✓ the suitability of the land for the development taking into account the possible risk to human health or safety;
- ✓ whether the proposed means of access to and egress from the site are adequate and whether adequate provision has been made for the loading, unloading, manoeuvring and parking of vehicles;
- ✓ the amount of traffic likely to be generated by the proposal, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety;
- ✓ whether public transport services are necessary and, if so, whether they are available and adequate for the proposal;
- ✓ the potential loss of any community service or benefit resulting from the planning approval;
- ✓ any relevant submissions received on the application; and
- ✓ any other planning consideration the Local Government considers relevant

Examples of matters to be considered

City of Rockingham

Clause 4.22 of the City of Rockingham (updated 2016) Town Planning Scheme No. 2 goes a step further in linking liquor licensing applications to these considerations. It states that:

“4.22.2 In determining any application for a Licensed Premises, Council shall take into account the General and Specific Objectives of the Scheme, clause 6.6 of the Scheme and have regard to any relevant Policy of the Council.”

City of Subiaco

Another approach is the one taken at the City of Subiaco (2014) where in addition to any scheme requirement the planning policy no. 2.12 states that, *“any application for development approval which involves the issue of a new licence is to include a Management Plan that addresses the requirements of the scheme.”*

The Management Plan is to include details of the following:

- » Public Interests Assessment (as required by the Department of Racing, Gaming and Liquor in any Liquor Licensing Application).
- » Trading hours.
- » Patron numbers.
- » Patron control (including staff training).
- » Queue management.
- » Sale of alcohol.
- » Type of entertainment.
- » Impact on nearby residents and other members of the community (such as noise and other impacts caused by patrons accessing and exiting the premises).
- » Noise management.
- » Public safety.
- » Security.
- » Car parking.
- » Complaint and reporting procedures.
- » Access to taxi rank, complimentary taxi calling service and public transport services.

While it is helpful to identify relevant planning considerations, it is equally important to understand what cannot be considered as relevant.

Amenity is a relevant consideration in the assessment of a liquor related development application, however, it can be difficult to know how to apply. 'Amenity' is defined in the *Deemed provisions for local planning schemes* as:

"...all those factors which combine to form the character of an area and include the present and likely future amenity."

Measuring and Assessing Amenity

In the decision of St Patrick's Community Support Centre and City of Fremantle (2007) WASAT 318, the Tribunal considered how amenity was to be measured. According to the Tribunal, the first step is to undertake an objective inquiry as to the existing character of the area. The next step is to consider how the proposal might affect that amenity having regard to its impacts (for example car parking, traffic noise and the like).

In the decision of Tempora Pty. Ltd. versus Shire of Kalamunda (1994) 10SR (WA) 296, the tribunal commented on the way amenity should be assessed as follows:

"...the determination of amenity must begin with evidence of the objective character of the neighbourhood and then only assess the views of the residents as factors that confirm or deny the objective assessment."

Matters deemed **not** to be relevant planning considerations include economic competition and moral considerations.

Economic Competition and Moral Considerations

The threat of competition only becomes a relevant planning consideration if there is a prospect that there will be a reduction in the facilities available to the community or will impact on amenity.

Stephen J at [687] noted that:

“...the mere threat of competition to existing businesses, if not accompanied by a prospect of a resultant overall adverse effect upon the extent and adequacy of facilities available to a local community if the development be proceeded with, will not be a relevant town planning consideration.”

Moral considerations are irrelevant unless they manifest in a physical impact on amenity. As stated in *Snashall versus Sydney City Council* (1981) 46 LGRA 88 at [96]:

“A planning authority is not the custodian of morals. However, that does not mean that, under the guise of tolerance, it should turn its back on considerations of urban amenity and aesthetics.”

In several decisions of other states, where brothels are legalised by Parliament, planning authorities have stressed that morality of such a use is not a planning consideration. However, applications for brothels have been reasonably refused on proper planning grounds. For example in *Norton versus City of St Kilda* (1985) 19 APA 229 at [231] it was observed:

“...the basic thing that emerges clearly from the criteria relating to brothels is an underlying philosophy that they should not be located where people live, or where they might have an influence on children.”

Check Compliance

- » **Compliance is checked at application stage and also needs to be followed up at the operational stage.**

There are two distinct phases of checking for compliance for a development application involving liquor licensing. The first is in assessing an application for approval and the second is continuing to check that a proposal complies with local planning scheme requirements and conditions of approval, once operation has commenced.

Further to the assessments undertaken as part of cumulative impact assessment, a proposal must be assessed in relation to all local planning scheme requirements and policy to ensure that it will comply, or is capable of complying.

Once an application is approved and the proposal is operating, it is essential that conditions of approval together with general local planning scheme and policy compliance is kept in check. This is a powerful control measure for Local Government for a breach in development approval is an offence under a local planning scheme and the *Planning and Development Act (2005)* for which hefty penalties may eventuate.

In addition, non-compliance with planning regulation has implications on a liquor licence approval.

“Conditions may also apply to a premise or use that has not yet received development approval.”



Section 40 Certificates

- » **The ability to recommend conditions for a liquor licence approval is empowering to Local Government to a certain degree and should be used to its full potential.**
- » **If applied by Liquor Licensing, Section 40 conditions recommended by Local Government may reflect what is already covered in a development approval thus providing further control, or may include conditions additional to a planning approval.**
- » **Conditions may also apply to a premise or use that has not yet received development approval. Conditions may be recommended at the initial assessment for a Section 40 certificate. Further conditions, or changes to previous conditions, may also be recommended based on submissions received during the advertising process for the liquor licence.**
- » **It is important that Local Governments have a clear framework to support the recommendation of conditions that reflect the overarching policy of the organisation.**

The importance of Section 40 certificates is discussed in **Part 3 – Background and Processes** and should not be underestimated. A Section 40 certificate assessment provided by Local Government with conditions can support venues to be lower-risk for problems and harm. **See Support Sheet 14 - *Liquor Control Act (1988) Section 39 and 40 Certification.***

In addition, there are a number of planning implications that are worthy to note:

- 1. There is some discretion involved in the requirement for Section 40 certification as part of a liquor licence application. Section 40 (1) states that a certificate is required “... unless the licensing authority otherwise determines”.**

Assessment and issue of a Section 40 certificate is a strong opportunity to influence a liquor licence application and should be used to its full potential. However, it is vitally important to ensure that the Local Government’s planning system also has the ability to address alcohol related issues through its planning processes and controls.

- 2. Section 40 (2)(a) refers to compliance “... with the requirements of the written laws relating to planning specified...”.**

For considerations that are of high importance to a Local Government and require more robust control, such matters need to be embedded in a statutory setting to be fully recognised. In these situations, local planning schemes need to reflect such measures to provide written law.

3. Certification may be sought for premises that have not yet been constructed or possibly even granted planning approval.

In this instance, Section 40 (2)(b) asks for confirmation that the proposed use of the premises “... would comply with the requirements specified (i.e. planning) 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...”

Where a liquor licence application is made for a premise and use that has already been granted planning consent, the issue of a Section 40 certificate is somewhat easier, as conditions of approval have already been set. It is difficult, however, for Planners to assess a liquor licensing proposal without knowing the full details of a development and conducting a planning assessment of this. This highlights the importance of Local Governments to have clear and definite policy, processes and requirements in place as a basis for advice of what would be considered compliant and the nature of conditions that would likely be imposed on future development applications.

4. A Section 40 certificate may also specify that the proposed use of premises will not comply with planning requirements and further explanation may be given.

It is important that such advice is supported by the Local Government’s planning controls. It is also an opportunity to advise on what aspects of the proposal are not compliant and if/how it could be altered in order to comply. This information would also assist the applicant when making future applications.

Section 40 (4) of the *Liquor Control Act 1988* gives Local Governments two opportunities to put forward conditions that may be imposed on a licence by the Licensing Authority. The first is as part of the Section 40 certification and the second is opportunity during the advertising period - “(4) The licensing authority may, where it is satisfied that it is desirable to do so, impose a condition on a licence relating to the submission, or further submission, to the licensing authority of a certificate referred to in subsection (1)”.

Liquor Licence Assessment

- **Support Sheet 15 – Liquor Licence Assessment Checklist** is a useful support tool when considering applications for Section 39 and 40 Certificates.

Public Interest Assessments

Public Interest Assessments (required by the Department of Racing, Gaming and Liquor in most liquor licensing applications) could assist Local Government Planners to assess applications for a Section 40 certificate and planning applications. It may be beneficial to seek submission of a Public Interest Assessment or development approval at the time of a Section 40 request.

Support Sheet for Public Interest Assessment

- **Support Sheet 16 – Public Interest Assessment** gives a general indication of the content of a Public Interest Assessment.
- **Support Sheet 17 – Public Interest Assessment Questions** is a useful support tool when considering the content of Public Interest Assessments produced by liquor licence applicants.

<http://www.rgl.wa.gov.au/ResourceFiles/Policies/PublicInterestAssessment.pdf>

“There are two avenues of applying conditions to uses involving liquor licensing. One is through the liquor licensing process as part of a Section 40 certification and the other is through the development approval process. It is not uncommon for both sets of conditions to be the same.”



Use of Conditions, Management Plans and Scope of Approvals

- » **Local Governments may apply conditions to Section 40 certificates and conditions of development approval to address liquor licence issues.**
- » **Local Governments may apply scope and time limitations to development application approvals.**
- » **Any conditions imposed need to be supported by the Local Government planning framework, including statutory controls and policy statements.**

There are two avenues of applying conditions to uses involving liquor licensing. One is through the liquor licensing process as part of a Section 40 certification and the other is through the development approval process. It is not uncommon for both sets of conditions to be the same.

CI 68 (2) of the *Deemed provisions for local planning schemes* allows for a Local Government to approve a planning application with conditions or refuse to grant approval to an application.

CI 72 – Temporary development approval enables a Local Government to grant approval to a planning application for a limited time period if desired. This could be a useful tool to trial and monitor impacts of a proposal before agreeing to it being more permanent. Alternatively, there may be occasions where the land can be used temporarily for a purpose, but in the longer term is earmarked for something else.

CI 73 – Scope of development approval gives a Local Government the opportunity to limit the scope of an approval allowing it to approve a proposal in its entirety, or exclude a certain aspect of the proposal, or approve only a certain aspect of the proposal.

These limitations on time and scope may be applied as conditions of planning approval.

Section 40 Conditions

Conditions that could be employed in the assessment of Section 40 certificates are also useful for planning approval conditions. Suggested conditions relate to such areas as:

- » restriction of trading hours;
 - » internal design requirements to support prevention of alcohol problems, drunkenness and disorderly behaviour;
 - » capacity limits;
 - » noise/entertainment restrictions;
 - » provision of security patrols and crowd controllers;
 - » lighting requirements;
 - » litter management requirements; and
 - » alternative transport provisions.
- **Support Sheet 18 – Section 40 Certificate Conditions.**

Other conditions of relevance may include external design matters to mitigate possible problems of security and amenity.

The submission and approval of a house management plan explaining how an applicant intends to address these issues is most useful. This could be requested when an application is submitted and could be linked to any forthcoming planning approval.

As identified above, the *City of Subiaco Liquor Licensing Policy No. 2.12 (2014)* requires applicants to submit a management plan for a use proposing a liquor licence or change in licence.

It is important to ensure that any conditions imposed on Section 40 certificates and planning approvals are supported by the Local Government planning framework, including statutory controls and policy statements and that these are developed on evidence-based data and information.

Quick Guide

To assist each individual Local Government build a framework to suit their own local situation a 'quick guide' has been developed and is shown as **Support Sheet 1 – Quick Guide to Alcohol-related Development Management**. This guide gives a quick indication of the type of tools available to be employed to manage different aspects of alcohol-related development and can be used in conjunction with the process model.

Concluding Comments

For those Local Governments seeking assistance to work towards the management of alcohol-related harm, there are a number of existing town planning tools available that may be employed more effectively through appropriate strategic planning processes and more specific development control mechanisms.

This Guideline identifies these and presents models for consideration to assist in the strengthening or 'firming up' of existing Local Government town planning frameworks to ensure that alcohol-related development is part of the policy agenda.

Acronyms

CPTED	Crime Prevention Through Environmental Design
LGAMP	Local Government Alcohol Management Package
SAT	State Administrative Tribunal
WAPC	Western Australian Planning Commission

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Part 3

BACKGROUND AND PROCESSES

Disclaimer:

This Guideline does not replace legal advice, and Local Governments developing any planning mechanisms, local planning scheme provisions or local planning policies as suggested in this Guideline are encouraged to seek legal advice specific to their local circumstances.

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BACKGROUND AND PROCESSES: ABOUT THIS SECTION

“This is Part 3 of a four-part *Local Government Town Planning Guideline for Alcohol Outlets*.”



This is **Part 3** of a four-part *Local Government Town Planning Guideline for Alcohol Outlets*. This part deals with **background** to:

- » the development of the resource;
- » the rationale for planning involvement in alcohol management as part of a whole-of-organisation response;
- » the broader context of alcohol management in Western Australia; and
- » key alcohol management issues relevant to town planning.

This section also covers **processes** specifically relating to liquor licensing and planning.

The other parts to this Guideline are:

- **Part 1 – Executive Summary** - overview of Part 2 and Part 3;
- **Part 2 – Guideline** - the main document of this series, providing a model or consideration for how Local Governments can make a difference through town planning; and
- **Part 4 – Support Sheets.**

ABOUT THE LOCAL GOVERNMENT TOWN PLANNING GUIDELINE FOR ALCOHOL OUTLETS

- » **The *Local Government Town Planning Guideline for Alcohol Outlets* responds to calls for help from Local Governments about effective alcohol management, with a focus on support for Planners.**
- » **The Guideline has been written by Planners, with the content informed by focus groups, surveys and workshops with Planners from around the State.**
- » **The Guideline is a strategy of the collaborative Local Government Alcohol Project between the Western Australian Local Government Association and the Mental Health Commission.**

This Guideline is the result of an ongoing collaborative Local Government Alcohol Project (LGAP) since 2005, between the Western Australian Local Government Association (WALGA) and the Mental Health Commission (MHC), previously the Drug and Alcohol Office (DAO). The content of the resource has been developed based on focus groups, surveys and workshops with Planners and was written with the assistance of planning consultancy, Planning Context.

The Guideline responds to increasing calls for assistance from Local Governments wanting to address alcohol-related problems in their local communities within the constraints of existing Local Government business and operations.

The project is based on best practice and assists Western Australian Local Governments by promoting a prevention and risk management approach to existing Local Government activities, responsibilities and process regarding alcohol.

Objective and Purpose

- » **In a planning sense, on-premise alcohol outlets are often perceived as bringing vibrancy, however, Local Governments are increasingly seeking to reduce alcohol-related harm and problems in their community.**
- » **Considerations of vibrancy need to be balanced with providing safe and community orientated places where there is a structured approach to alcohol management and mitigating alcohol-related harms.**

The objective of this *Local Government Town Planning Guideline for Alcohol Outlets* is:

To provide Local Government with advice on the potential use of town planning instruments and processes to help control and manage alcohol-related development through appropriate strategic planning processes and more specific development mechanisms.

This Guideline is the result of an ongoing collaborative Local Government Alcohol Project (LGAP) since 2005, between the Western Australian Local Government Association (WALGA) and the Mental Health Commission (MHC), previously the Drug and Alcohol Office (DAO). The content of the resource has been developed based on focus groups, surveys and workshops with Planners and was written with the assistance of planning consultancy, Planning Context.

This Guideline:

- » Assists Local Governments that want to reduce alcohol-related harm and other problems in their community.
- » Supports the case for Local Government town planning involvement in minimising health, safety and amenity risks for alcohol-related activity.
- » Outlines the liquor licensing process and various stakeholder roles and responsibilities.
- » Describes the importance of the planning process distinct from the liquor licensing process.
- » Identifies the possible range of planning instruments and tools available when assessing land use and activities involving the sale and consumption of alcohol.
- » Provides, where appropriate, examples of best practice.
- » Presents materials and suggests planning processes as a base to develop tailor-made policy and provisions to suit individual Local Government situations.

It is acknowledged that different types of alcohol issues are faced by individual Local Governments and that 'one size does not fit all'.

This Guideline builds on the work of the *Local Government Alcohol Management Package (2009)* (LGAMP) toolkit which promotes a whole of organisation approach to Local Government alcohol issues.



A RESOURCE INFORMED BY PLANNERS

- » **Qualitative and quantitative research with Western Australian Local Government Planners and other officers has informed the development of this resource.**
- » **Most Planners believed that Local Government has at least some responsibility for management of alcohol-related harm, although 50% of Planners felt that this role was limited.**
- » **A majority of Planners believed that Planners potentially (55%) or definitely (29%) have a role to play in managing alcohol-related harm and that this could be achieved by avoiding land use conflicts, minimising amenity impacts, physical design aspects of premises and by setting specific operating conditions.**

Following on from qualitative research conducted with Local Government Planners in 2011, quantitative research with Local Government Planners throughout Western Australia was undertaken in 2012. The research has informed the development of this resource and provides a more formal evidence base from which to complement existing work in this area, and to develop future strategies for working with Local Governments and Planners in particular.

Summary of Survey Results

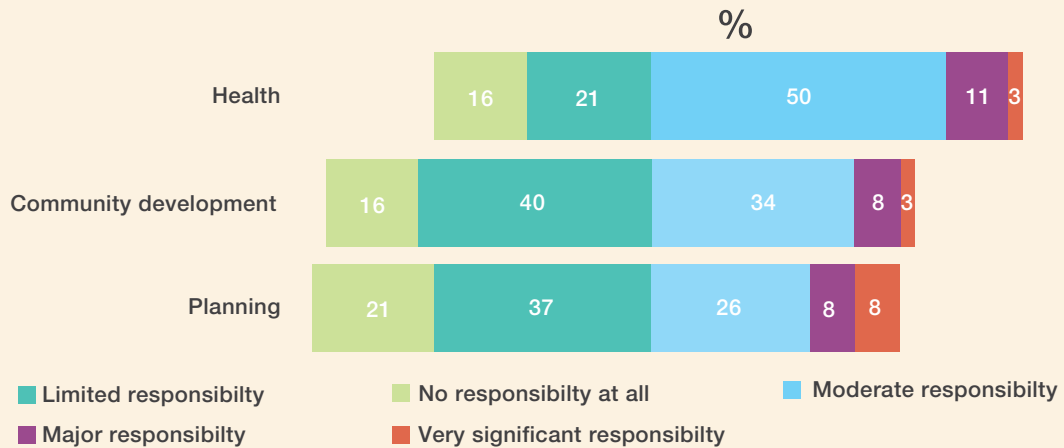
Responsibility for Alcohol Management

- » Most Planners believed that Local Government has at least some responsibility for management of alcohol-related harm, although 50% of Planners felt that this role was limited.
- » Those who felt that Planners had only a limited responsibility or no responsibility at all (50% limited responsibility, 5% no responsibility at all) had the view that Local Government has no such role as it is beyond scope of town planning regulation, that it is the State Government's responsibility through the liquor licensing authority, and community education is required.

Perceived responsibility of Local Government in managing alcohol-related harm



Perceived responsibility of different departments within Local Government in managing alcohol-related harm



Planners' Role

- » A majority of Planners believed that Planners potentially (55%) or definitely (29%) have a role to play in managing alcohol-related harm and that this could be achieved by avoiding land uses conflicts, minimising amenity impacts, physical design aspects of premises and by setting specific operating conditions.

Perceived role of Planners in relation to alcohol management



Trading Hours and Patron Numbers

- » Planners perceived that limiting trading hours and maximum patron numbers had the greatest impact on potential for alcohol-related problems, yet they felt that Planners were somewhat limited in their ability to have an impact in controlling these aspects.
- » Physical design and location of a venue, whilst perceived as having a somewhat lower impact on potential for alcohol-related problems, were seen as the areas in which Planners felt they were able to have a greater impact.

Awareness of Tools for Managing Alcohol-related Harm

- » Whilst most Planners were aware of at least some tools available for managing alcohol-related harm, a significant proportion (37%) were not.

Barriers

- » The overwhelming barriers to playing a greater role in the management of alcohol-related harm identified by Planners included a perceived general lack of objective statutory policy framework and legislative backing, and the lack of provisions in the local planning scheme, making it difficult to prove a link between planning decisions and potential for alcohol-related harm in a State Administrative Tribunal (SAT) situation.
- » As such, 71% of Planners agreed that if local planning scheme provisions and policy were not in place, there is a high likelihood of failure if appealed to the SAT.

Desire for Tools and Guidance

- » More than half of the Planners surveyed (56%) would like some tools and guidance to assist them in carrying out their town planning responsibilities in respect to alcohol management.
- » The vast majority of Planners (84%) agreed that clarification of organisational roles would help and three quarters of the Planners (74%) thought that a strategic vision for government allowing for consideration of the impact of alcohol on the community and a specific toolkit, guidance or model policy would be of assistance.
- » Approximately four in ten (42%) of the Planners surveyed agreed to some extent that there is a lack of evidence and information available to allow them to take alcohol-related issues into account in planning decisions.

Source: TNS Australia, 2012.

ALCOHOL MANAGEMENT: NOT JUST A LOCAL GOVERNMENT RESPONSIBILITY

- » **Reducing alcohol-related harm is a whole of community responsibility including all levels of Government, law enforcement agencies, the health and welfare sector, local communities, families and individuals.**
- » **Local Government alcohol management action occurs alongside a comprehensive range of targeted and whole-of-population approaches aimed at preventing and reducing alcohol-related problems in Western Australia.**

The Preventative Health Taskforce (Commonwealth of Australia 2009) states that Australia has had an impressive track record in taking action to prevent and reduce alcohol-related harm. The Taskforce, however, argues for a more determined and progressive set of actions in order to reshape our drinking culture. This is seen to be a whole-of-community responsibility including all levels of Government, law enforcement agencies, the health and welfare sector, local communities, families and individuals.

Figure 1 - Examples of Alcohol Management Responsibilities in Various Levels of Government, shows examples of the areas of general responsibility for Alcohol Management for the three levels of Government. The figure shows examples only and responsibilities vary due to capacity, resourcing etc.

FIGURE 1 – EXAMPLES OF ALCOHOL MANAGEMENT RESPONSIBILITIES IN VARIOUS LEVELS OF GOVERNMENT

	NATIONAL	STATE	LOCAL
Supply management roles	<ul style="list-style-type: none"> ■ Taxation ■ Competition policy ■ Advertising controls ■ Pricing 	<ul style="list-style-type: none"> ■ Liquor Licensing structures and processes including trading hours, licensing requirements and fees ■ Banning of specific alcohol products ■ Planning codes and legislation 	<ul style="list-style-type: none"> ■ Approvals, planning of outlet density and hours of operation ■ Community amenity ■ Ensuring community safety, health and wellbeing through facilitating access to services
Demand management roles	<ul style="list-style-type: none"> ■ Minimum drinking age ■ Some cultural leadership on low risk alcohol consumption 	<ul style="list-style-type: none"> ■ Population based education 	<ul style="list-style-type: none"> ■ Community lease management and participation with sporting clubs ■ Work with local agencies to address drinking cultures
Responding to social and individual harms from alcohol	<ul style="list-style-type: none"> ■ Providing resources to individuals, communities, states and agencies aimed at education and capacity to respond effectively ■ Health and Housing agreements ■ Some cultural leadership on acceptance of alcohol 	<ul style="list-style-type: none"> ■ Police responses to alcohol-related assaults and crime ■ Health responses to acute and chronic alcohol-related harm ■ Some leadership on addressing drinking cultures, attitudes and values 	<ul style="list-style-type: none"> ■ Offering alternatives to alcohol events ■ Facilitating local community responses to health needs ■ Enforcement of local laws

Source: Adapted from National Local Government Drug and Alcohol Advisory Committee, 2008.

Local Government Alcohol Management Context in WA

“We’re being asked to consider something that is so heavily part of our culture and glorified in a lot of instances.” TNS Australia, 2011

It may sometimes seem as though the actions of your Local Government are happening in isolation or that they are a ‘drop in the ocean’ in terms of impact. In times of limited resources, this can raise questions about the value of implementing alcohol management strategies.

Even in isolation, effective whole-of-organisation approaches to alcohol management which include planning can save your Local Government money and improve the health and wellbeing of the community.

However, in Western Australia, Local Government alcohol management action occurs alongside a range of targeted and whole-of-population approaches aimed at preventing and delaying the uptake of alcohol by young people, and preventing and reducing problems for those who choose to drink (Government of Western Australia, Drug and Alcohol Office 2010).

In addressing harmful alcohol use and associated problems, key strategy areas in Western Australia include:

- » focusing on prevention;
- » intervening before problems become entrenched;
- » effective law enforcement approaches;
- » effective treatment and support services; and
- » strategic coordination and capacity building.

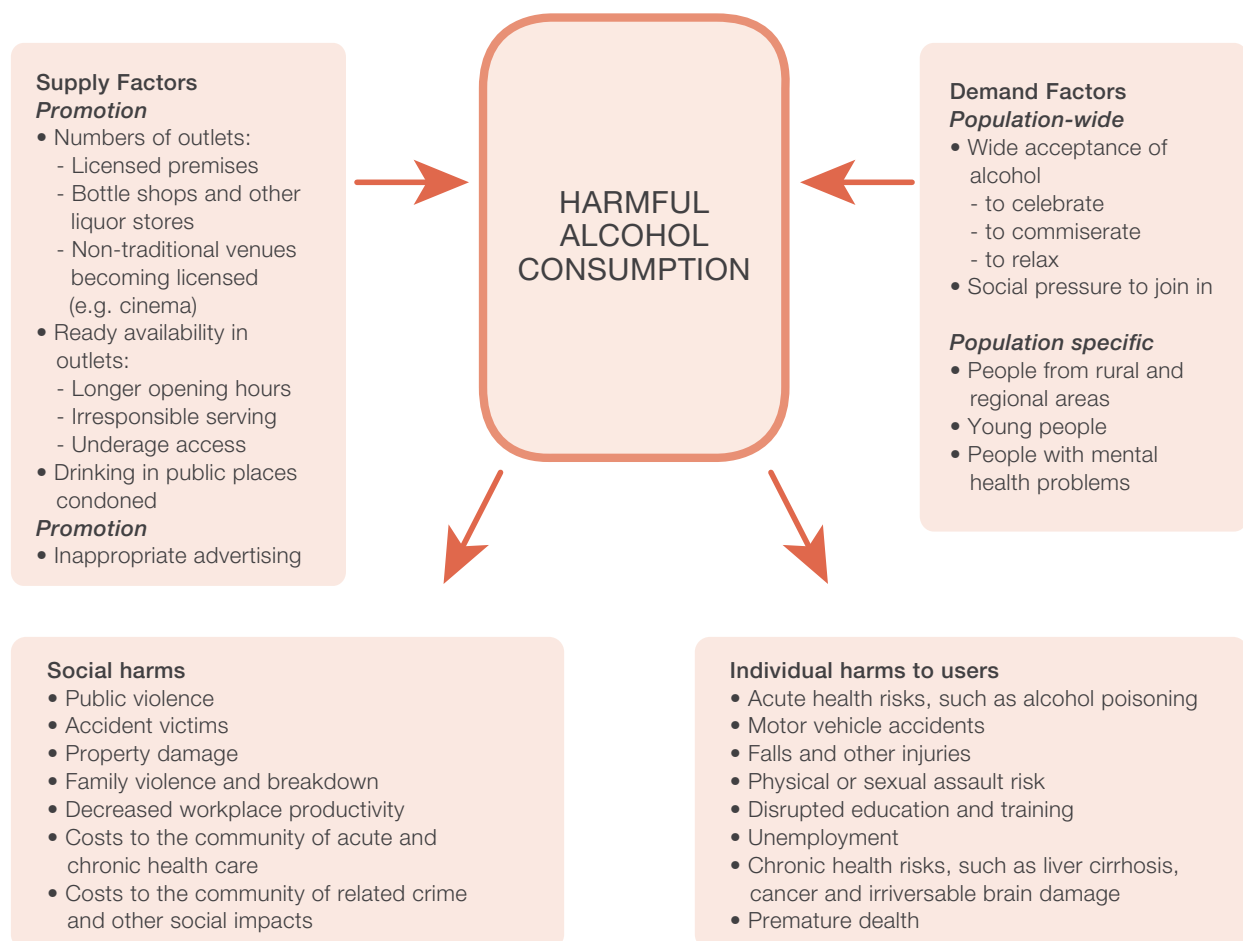
The Western Australian approach aligns closely with the National Drug Strategy but with additional emphasis in a number of areas.

ALCOHOL-RELATED ISSUES AND LOCAL GOVERNMENT

- » **Managing and reducing the harms generated by alcohol occurs in the context of a complex society with a range of competing demands.**
- » **Alcohol is not an ordinary commodity.**
- » **Demand and supply factors influence drinking choices and related harm and ill-health.**
- » **Local Government has some sphere of influence over supply factors through existing legislative and policy functions in planning.**

Alcohol plays a role in our cultural makeup as a part of socialising and celebration. Its use is acceptable in many cultural settings. But alcohol is not an ordinary commodity to be treated like any other non-harmful product. Evidence of its harmful use and the subsequent impacts on health and increased levels of anti-social behaviour and crime are well documented. **Figure 2** illustrates the potential harms of alcohol consumption to individuals and to communities and the demand and supply factors that influence alcohol consumption.

FIGURE 2 – MAJOR CONTRIBUTORS TO HARM FROM ALCOHOL CONSUMPTION



Source: Dibley, 2007.

Local Government has a sphere of influence over supply factors through existing legislative and policy functions in planning. Considering how alcohol is made available in the community as well as creating environments that make it easier for individuals to make low-risk choices are within the scope of a Local Government whole-of-organisation approach to alcohol management.

The European drinking culture?

When licensed premises are used as a way to achieve vibrancy in planning, the idea of creating a 'more sophisticated' drinking culture by striving for a European-like model is often perceived as a benefit.

There is a popular view that despite how available alcohol is in Europe, the way Europeans drink causes less harm than the way people drink in Australia. However, harm data shows that the opposite is the case.

FACT

More people drink alcohol daily in Europe than Australia.

A number of European countries have much higher rates of alcohol-related harm than in Australia.

EVIDENCE EXAMPLE

- In France and Italy, over 20% of the population consume alcohol daily (Anderson and Baumberg 2006), compared to 8.1% of Australians (Australian Institute of Health and Welfare 2008).
- The rate of alcohol-related falls, injuries, road traffic crashes, liver cirrhosis, mouth and oropharynx cancers are up to 3.5 times higher in France than in Australia.
- The rate of alcohol-related falls, alcohol use disorders and liver cirrhosis are more than 3 times higher in Italy than Australia (World Health Organisation 2004).

Impact on Local Government Operations

- » **A reduction in alcohol-related problems and long-term cost savings for Local Governments is possible by applying existing legislative and regulatory tools used by Local Governments in a way that works to prevent the issues from recurring.**

The problems associated with harmful alcohol use impact both directly and indirectly on Local Government operations in Western Australia. It is this level of government that is closest to its local community and sees many of the alcohol-related problems that are visible in the community.

Some of the negative impacts that can cost Local Governments include:

- » Nuisance including noise and anti-social behaviour from intoxicated persons.
- » Infrastructure capacity problems including limited availability of transport and car parking for patrons and local residents.
- » Violence and perceived threats to safety.
- » Crime including vandalism, trespass and property damage.
- » Community ill-health.
- » Costs of mitigation, management, reactive and responsive services.

Costs

Alcohol-associated anti-social behaviours such as graffiti, vandalism and criminal damage cost Local Governments across Australia millions of dollars every year in clean-up and repair costs relating to the maintenance of public space and property (Heine 2001).

“The focus of this Guideline is not the delegation of ‘responsibility’ but rather identifying proactive opportunity for those Local Governments seeking alcohol management planning options relevant to their community.”



Planning and Alcohol Management

- » **Where a liquor licence is located, its operational harmony with its surroundings and how many there are, can impact on harm and ill-health outcomes for a community.**
- » **The focus of this Guideline is not the delegation of ‘responsibility’ but rather identifying proactive opportunity for those Local Governments seeking alcohol management planning options relevant to their community.**
- » **This Guideline acknowledges the constraints of the planning system regarding alcohol management.**

There is a growing community demand for Local Government consideration of the impacts of planning decisions and bigger picture vision for future development relating to licensed premises.

There is also debate in the Local Government and planning community regarding the role of planning in alcohol management and where the line of responsibility lies regarding the prevention and minimisation of alcohol-related problems.

The focus of this Guideline is not the delegation of ‘responsibility’ but rather identifying proactive opportunity for those Local Governments seeking alcohol management planning options relevant to their community.

This Guideline acknowledges the constraints of the planning system regarding alcohol management and seeks to support Local Governments within these constraints to be aware of available options to respond to alcohol-related matters, should they wish to.

Through its connection with the local population, Local Governments create and action the vision for a community in terms of development which in turn helps to define a community in many ways. Where a liquor licence is located, its operational harmony with its surroundings and how many there are, all potentially impact on harm and ill-health outcomes for a community.

While it is not the sole responsibility of Local Government to reduce alcohol-related problems in their community, there is merit in Local Government considering the aspects of its existing business that can be adapted to contribute to the prevention of alcohol-related issues in the community.

Planners: Part of a Whole-of-Organisation Approach

- » **Alcohol-related issues are managed and responded to by multiple sections within Local Governments.**
- » **Town planning is an important sub-set of a whole-of-organisation approach to alcohol management.**

It is common for more than one section of a Local Government authority to have certain roles relating to alcohol-related issues. For example positions/sections often required to respond to manage local alcohol issues include environmental health officers, planning departments, rangers and/or park officers, community development and/or services, executive officers and youth officers.

A whole-of-organisation approach to alcohol management is one of the best ways for a Local Government to achieve a cost effective and positive means of creating a safer, healthier community. Town planning is an important sub-set of that approach.

The Role of Town Planning

- » **Planning and urban design is important in creating safe, healthy communities.**
- » **Where a liquor outlet is located and its permitted function can impact on alcohol-related problems in the community.**
- » **Drinking environments and the availability of alcohol are significant in shaping the way people drink and their associated behaviour.**
- » **Use of planning policy and legislation to help prevent problems and encourage a more responsible drinking culture can be a cost effective strategy for Local Governments.**
- » **The planning processes of Local Governments can be fundamental to achieving a whole-of-organisation vision for a prosperous, safe and healthy community.**

Through understanding the needs and expectations of their community, Local Government has the ability to be influential in reducing the social, health, environmental and economic impacts of alcohol for the community.

Local Governments are able to control some aspects of alcohol availability in their community through the planning approval process. Without planning approval, a liquor licence cannot exist.

In this regard, Town Planning can manage and mitigate potential alcohol-related harm to a certain extent. Within the existing legislative framework, town planning has the ability to regulate and influence certain aspects, while other aspects of liquor control are beyond the scope of town planning and the role and jurisdiction of Local Government.

Policy with a clear scope to consider a range of alcohol-related risk management, harm minimisation and prevention issues will guide planning processes and support decisions to be upheld if challenged. While there are limitations, planning policy and related existing legislation is very often underutilised as a means of preventing alcohol-related harms.

The strength of policies and legislative instruments to control availability of alcohol in both retail and entertainment contexts varies significantly between Local Governments. The better examples of policies and controls have often been developed in situations where a Local Government has considered the problem in a more holistic way and in the earlier stages of a scheme development process rather than being reactive to individual situations.

Often the central issues of concern that emerge from community consultation relate to amenity (social, economic and physical environment), security and safety. In the absence of a robust Local Government policy position specifying council's and the community's expectations for licensed premises, the position of Local Government in an appeal situation can be weak and ineffectual.



KEY ALCOHOL MANAGEMENT ISSUES RELEVANT TO TOWN PLANNING

The main alcohol management issues for consideration in a planning context are:

- » **cumulative impact;**
- » **trading hours and other operational characteristics;**
- » **existing and potential harm and antisocial behaviour; and**
- » **physical design.**

Although it is legally available, alcohol is no ordinary commodity. The liquor outlet type, placement and the number that sell alcohol within a community are important planning considerations that have the potential to affect not only the general wellbeing and safety of a community, but also the future cost to a Local Government in managing and responding to resulting alcohol issues.

What Contributes to the Impact of an Alcohol-Related Land Use?

The extent of the impact of an alcohol-related land use depends on a number of factors, including:

- » the number, size and type of land uses or activities present;
- » the way existing land uses are managed, and the capacity of the local area to accommodate them;
- » characteristics of the outlet in question (e.g. patron capacity, proposed way it will operate);
- » the social characteristics of the community the venue is located within (e.g. low or high socio-demographic profile, presence of at-risk groups such as young people); and
- » existing levels of problems in an area.

To support your consideration of these issues in the planning framework, see the following support sheets for more information:

- **Support Sheet 9 - Cumulative Impact.**
- **Support Sheet 19 - Trading Hours.**
- **Support Sheet 20 - Existing and Potential Harm and Other Problems.**
- **Support Sheet 21 - Physical Design.**

THE LIFE OF A LIQUOR LICENCE: PLANNING AND LIQUOR LICENCE APPROVAL PROCESSES

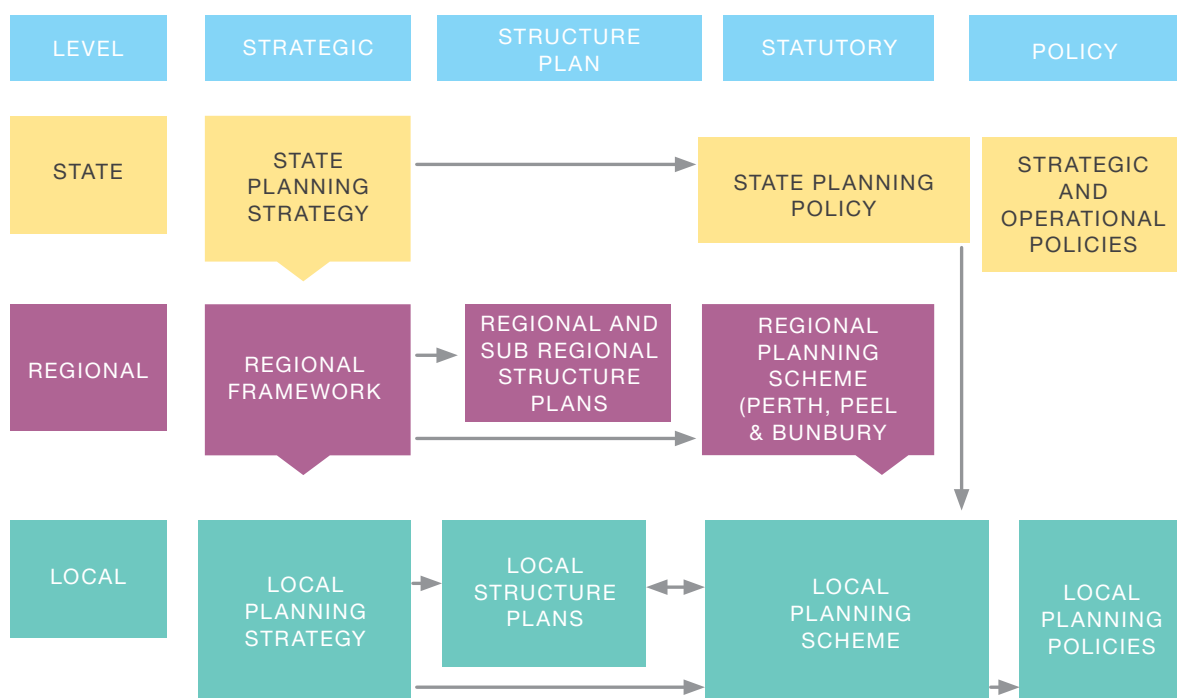
Planning Processes – Phase 1, Development Approval and Certification

- » **A liquor licence comes about through two different processes – the Local Government planning, building and health processes (Phase 1) and the Department of Racing, Gaming and Liquor’s liquor licensing process (Phase 2). Each is governed by different legislation.**
- » **Liquor licence applications cannot be determined in Phase 2 without Section 39 and 40 certification unless the licensing authority deems otherwise.**
- » **In addition to Phase 1, Local Governments have further opportunity in Phase 2 to influence a liquor licensing decision through objection, intervention and appeal.**
- » **See Support Sheet 22 – Local Government Points of Influence in the Life of a Liquor Licence for a summary of the role of Local Government in each phase of a liquor licence.**

Planning Framework

The planning system in Western Australia can be described as a three level system (State, regional and local) comprising a mix of statutory and non-statutory instruments, as depicted in **Figure 3 – State Planning Framework**. It is empowered and supported primarily by the *Planning and Development Act (2005)* (Government of Western Australia 2005) and its subsidiary legislation including the *Planning and Development (Local Planning Schemes) Regulations 2015* (Government of Western Australia 2015).

FIGURE 3 – STATE PLANNING FRAMEWORK



Source: (Based on) Western Australian Planning Commission, 2012.

Local Government planning involves a top down approach of applying State and regional planning strategy and policy to local situations. Local Government statutory planning is ultimately a regulatory function of its local strategies and is supported by local policies.

Based on this foundation, it is recognised that both regulatory and non-regulatory facets of the local planning system can be used to play an important part in guiding, managing and controlling land use decisions involving alcohol-related development.

In developing a local planning framework that includes consideration of issues impacted upon by alcohol, Local Governments must be guided by and comply with the State and regional planning system and framework.

State Planning Guidance

There is no specific policy or guidance provided by the Western Australian Planning Commission (WAPC) or Department of Planning in relation to alcohol-related development in Western Australia. The following documents have some relationship with this subject and should be considered:

- **WAPC Development Control Policy 2.4 School Sites** (Section 3.6.2 Relationship to Nearby Land Uses mentions licensed premises);
- **WAPC Development Control Policy 5.3 Use of Land Reserved for Parks and Recreation and Regional Open Space** (Section 5.1 (g) relating to matters to be covered by lease agreements);
- **Designing Out Crime Planning Guidelines** provide an understanding of the principles of designing out crime on the basis that good design can reduce opportunities for offending and improve feelings of safety;
- **Reducing Crime and Anti-Social Behaviour in Pedestrian Access ways** is a supplement to the Designing Out Crime Planning Guidelines, developed to respond to a variety of community concerns about crime and anti-social behaviour within pedestrian access ways;
- **Planning Bulletin 79 Designing Out Crime Planning Guidelines** introduces the guidelines;
- **Planning Bulletin 85 Small Bar Licensed Premises** sets out interim measures for Local Government to consider applications for the use of premises as a small bar (as a response to changes to section 41 of the *Liquor Control Act (1988)*) subject to applicable planning requirements; and
- **Planning Bulletin 57/2009A Draft Planning Guidelines for Pedestrian Access ways** introduces the guidelines.

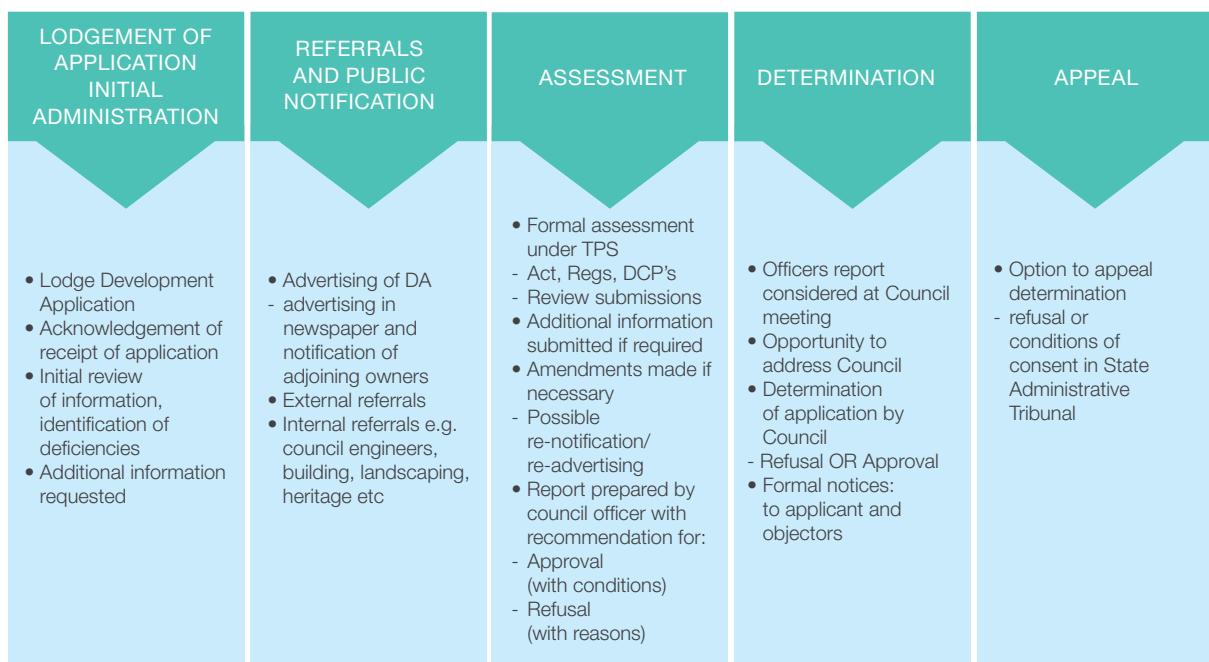
The Planning and Development (Local Planning Scheme) regulations 2015 now provide for more land use definitions relating to liquor licensed premises (for example liquor store – small, liquor store – large and small bar) that can be incorporated into local planning schemes.

Local Government Development Application and Approval Process

Local planning schemes require development of land (including change in use) to first gain the approval of the Local Government (any exemptions to this are written into the scheme).

There may be instances where a separate approval is also required under a region scheme. The major steps in the application and approval process start with the lodgement of an application and end with the possible review by the State Administrative Tribunal.

FIGURE 4 – GENERAL DEVELOPMENT ASSESSMENT PROCESS



Source: Planning Context, 2013.

In some instances, applications may involve consultation with external parties such as other government bodies or adjoining/nearby neighbours, in addition to referrals within the Local Government organisation.

Applications are assessed by planning staff considering the local planning scheme and policies, together with comments received during the consultation and referral process.

Key considerations in planning assessments are orderly and proper planning and protection of amenities

A Council must decide whether in the interests of orderly and proper planning, and the protection of the amenity of the locality a development should be approved.

Orderly and proper planning can be related to the provisions of the relevant State and local planning schemes, State and Local Government policies, and relevant published studies and strategies. It can also include draft documents if they are seriously entertained which is often said to be when they have been advertised for comment and are well progressed.

Schedule 2 – Deemed provisions for local planning schemes of the Planning and Development (Local Planning Schemes) Regulations 2015 – defines Amenity as **“...all those factors which combine to form the character of an area and include the present and likely future amenity”**. An assessment needs to be made as to whether the amenity of a locality will be adversely affected by a development proposal. Unless a proposal is contrary to these considerations, it should be approved even if it is thought that a better development might be possible.

“As a key component of planning reform in Western Australia, Development Assessment Panels (DAPs) were established by the Minister for Planning on 1 July 2011.”



Recommendations for Decision

Based on this assessment, a report with recommendations is presented to a Council Meeting for decision, or a decision may be made under delegated authority in some instances. A third possibility involves determination of an application by a Development Assessment Panel (DAP). With the exception of the City of Perth these function as Joint DAPS covering more than one council area.

Development Assessment Panels

As a key component of planning reform in Western Australia, Development Assessment Panels (DAPs) were established by the Minister for Planning on 1 July 2011.

Each DAP consists of five panel members, three being specialist members and two Local Government councillors, and is intended to enhance planning expertise in decision making by improving the balance between technical advice and local knowledge. The development application and assessment process remains the same. The only change is in the consent authority.

DAPs Thresholds

DAPs become involved with planning applications with particular value thresholds (excluding lower scale residential development, Improvement and Redevelopment Schemes and Local Government and WAPC development):

Optional:	Mandatory:
City of Perth: \$2–20 million	City of Perth: >\$20 million
Not City of Perth: \$2–10 million	Not City of Perth: >\$10 million

Further information relating to DAPs can be accessed via the following link:

<http://www.planning.wa.gov.au/Development-Assessment-Panels.asp>

Determinations and State Administrative Tribunal

- » A common issue reported by Local Governments is concern about success before the SAT and the view that alcohol-related issues cannot be considered.
- » Planners report that appropriate policy and links to related strategic documents may reduce the likelihood of a successful appeal.
- » Having an organisational strategic vision and related linking policy that supports your consideration of alcohol issues will better support decisions that are made.

Determination of a planning application may involve either approval (with or without conditions) or refusal and the applicant is notified of the decision accordingly.

Applicants may seek review of a planning decision by the State Administrative Tribunal (SAT) where:

- » council's discretion was used to make a decision;
- » refusal and approval conditions are not satisfactory to the applicant; or
- » no decision has been made within the statutory period (60 days without an advertising requirement, 90 days with an advertising requirement).

There is no third party right of appeal in Western Australia; however, there is some limited scope for a third party to make a submission.

SAT hears the matter afresh and can consider new material. The process includes a Directions Hearing, Mediation (Mayor and Councillors can be invited). Mediation often is reported back to council with recommendations. If no agreement can be reached through mediation, then a hearing will be set on all or part of the appeal. SAT decisions may be appealed through the Supreme Court, but only on a question of law.

Example of SAT Decision: Melville

The City of Melville refused an application from Birmingham Properties Pty Ltd for a Dan Murphy's liquor store on the grounds of impact on amenity; orderly and proper planning in the absence of a centre plan being developed; and the nature and scale of the liquor store. The decision highlights the importance of having a local planning and policy framework that supports alcohol management considerations relevant to Local Government.

In favour of the applicant, the application for review was allowed and conditional approval granted. The Tribunal did not find that the proposal would adversely affect the amenity of the locality and could see no reason, based on orderly and proper planning, as to why the development should not proceed.

55. In the present case, from the respondent's and the neighbours' viewpoint, a different development may be more welcome. However, the respondent has not demonstrated to the Tribunal that in the particular circumstances of the present case, there are good planning reasons to refuse this application, nor has it shown that the proposed development is contrary to any of the relevant policies or scheme provisions to a degree that would support a refusal.

Source: Birmingham Properties Pty Ltd and City of Melville (2010) WASAT 155.

For more information of how the Local Government planning process is interlinked with the liquor licensing process see:

- **Support Sheet 22 - Local Government Points of Influence in the Life of a Liquor Licence.**

Liquor Licensing Process – Phase 2

Recent changes to the *Liquor Control Act 1988* allow the Director of Liquor Licensing to accept liquor licence applications without Local Government planning approval. However, the application cannot be determined until the planning approval certificate has been provided, unless the licensing authority deems otherwise.

In Phase 2, Local Government is not the decision maker but can object or intervene on a liquor licence application. See **Support Sheet 23 - Grounds for Intervention and Objection**.

Liquor Control Act (1988)

The Liquor Control Act (1988) (Government of Western Australia, 1988) regulates the sale, supply and consumption of liquor in Western Australia, the use of premises on which liquor is sold and the services and facilities provided in conjunction with the sale of liquor. It also focuses on minimising harm or ill-health caused to people, or any group of people, due to the use of liquor.

Objects of the *Liquor Control Act (1988)*

Primary objects of this Act are:

- » to regulate the sale, supply and consumption of liquor; and
- » to minimise harm or ill-health caused to people, or any group of people, due to the use of liquor; and
- » to cater for the requirements of consumers for liquor and related services, with regard to the proper development of the liquor industry, the tourism industry and other hospitality industries in the State.

Secondary objects of this Act are:

- » to facilitate the use and development of licensed facilities, including their use and development for the performance of live original music, reflecting the diversity of the requirements of consumers in the State; and
- » to provide adequate controls over, and over the persons directly or indirectly involved in, the sale, disposal and consumption of liquor; and
- » to provide a flexible system, with as little formality or technicality as may be practicable, for the administration of this Act.

Source: *Liquor Control Act (1988)* as amended.

“There are a number of stakeholders involved in the liquor licensing process in Phase 2 and some roles and responsibilities extend beyond the issue of a licence.”



Types of Liquor Licences

Due to their specific characteristics and trading conditions, different liquor licence types can have varying impacts on factors such as amenity, health, violence and other problems.

There are different categories of liquor licence available in Western Australia. Each vary in permitted trading hours and the manner in which liquor can be sold and supplied. Most operate indefinitely once granted, with the exception of Occasional and some Special Facility licences which are granted for specific periods.

The different types of liquor licences and associated operating hours are detailed at www.rgl.wa.gov.au

It is important for Local Government Planners and decision makers to understand the different types of liquor licences available as each may involve varying land use intensity and impacts. In addition, it is important to be aware of the maximum potential trading days and hours as Local Government Planners and decision makers may vary these as conditions of planning approval where appropriate.

Decision Making and Review

Once the period for submission of interventions or objections has closed, the Department of Racing, Gaming and Liquor consider any submissions received together with the licence application.

The Director of Liquor Licensing then makes a decision regarding the application and a licence/ permit is issued or refused.

Section 69(13) of the *Liquor Control Act (1988)* provides those that have objected or intervened with the right to appeal a decision to the Liquor Commission. A further right of appeal is also available through the Supreme Court.

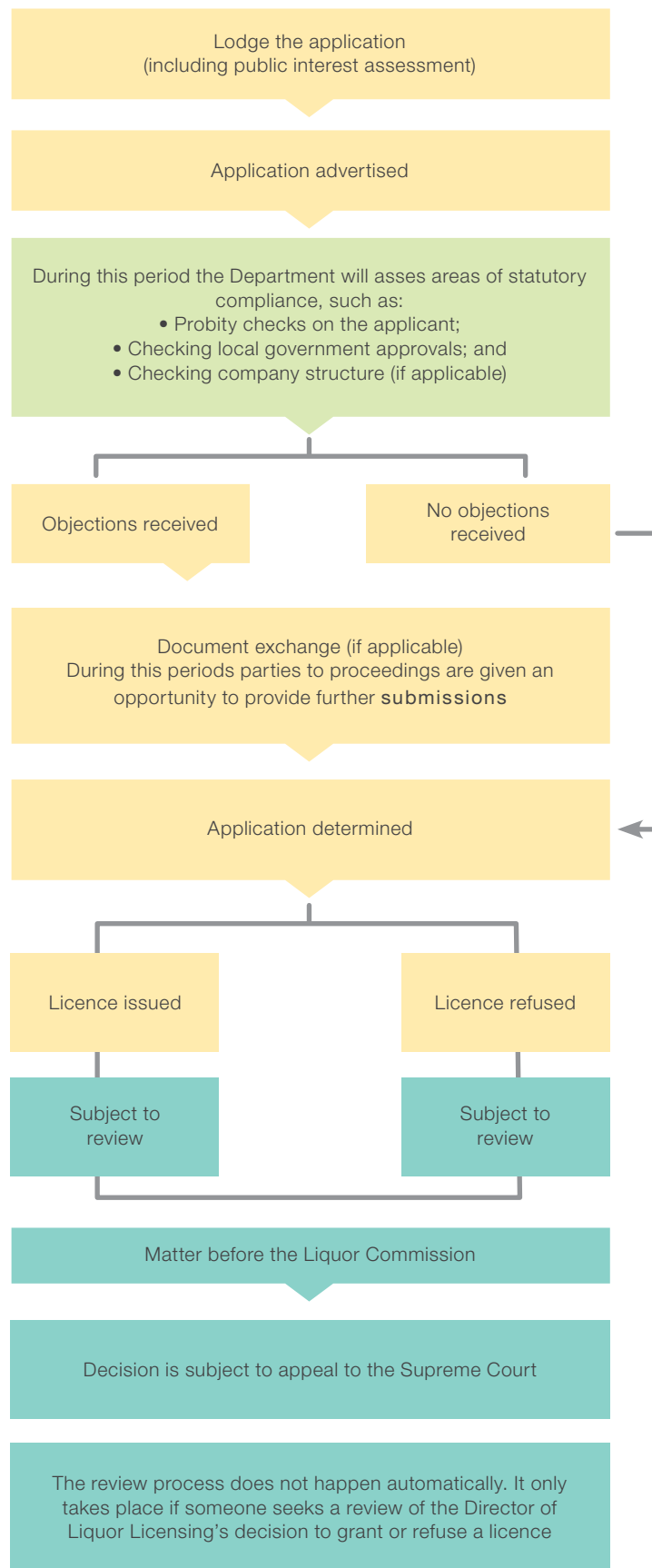
See **Figure 5 - Application Process for the Grant of a Licence.**

Stakeholders' Roles and Responsibilities

There are a number of stakeholders involved in the liquor licensing process in Phase 2 and some roles and responsibilities extend beyond the issue of a licence. Major stakeholders include the Department of Racing, Gaming and Liquor, Local Governments, Western Australia Police, Chief Health Officer, Liquor Commission, general public, licensees and staff.

For an outline of the various stakeholders' roles and responsibilities, refer to **Support Sheet 24 – Liquor Licensing Stakeholders, Roles and Responsibilities.**

FIGURE 5 - APPLICATION PROCESS FOR THE GRANT OF A LICENCE



Source: Government of Western Australia Department of Racing, Gaming and Liquor, 2013.

Acronyms

DAP	Development Assessment Panel
DAO	Drug and Alcohol Office of Western Australia
DRGL	Department of Racing, Gaming and Liquor
LGAP	Local Government Alcohol Project
LGAMP	Local Government Alcohol Management Package
SAT	State Administrative Tribunal
WALGA	Western Australian Local Government Association
WAPC	Western Australian Planning Commission



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Part 4

SUPPORT SHEETS

Disclaimer:

This Guideline does not replace legal advice, and Local Governments developing any planning mechanisms, local planning scheme provisions or local planning policies as suggested in this Guideline are encouraged to seek legal advice specific to their local circumstances.

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Support Sheet 1:

QUICK GUIDE TO ALCOHOL-RELATED DEVELOPMENT MANAGEMENT

This guide gives a quick indication of the type of tools available to be employed to manage different aspects of alcohol-related development and can be used in conjunction with the process model.

Desired Outcome What do you want to achieve?	Possible Tools and Mechanisms	Action
An overarching, coordinated approach to reducing alcohol-related impacts	Community Strategic Plan (section 19 <i>Local Government (Administration) Regulations 1996</i>) to satisfy planning for the future (section 5.56 <i>Local Government Act 1995</i>)	Refer to the Department of Local Government Integrated Planning and Reporting Framework Guidelines 2010. For example include reference to vibrancy, health, amenity, and safety with, or without, direct mention of alcohol.
Whole-of-organisation policy and operational approach to reducing alcohol-related harm	Local Government Alcohol Management Plan	Refer to the Local Government Alcohol Management Package 2009 and (Support Sheets 2 – 6 linked to this Guideline).
Influence liquor licensing applications	<i>Liquor Control Act (1988)</i> Section 40 Certificate	Ensure that Section 40 certificate applications are seriously considered and assessed within the planning framework with the same scrutiny as development applications.
	<i>Liquor Control Act (1988)</i> Section 69 – Intervention	Local Government may intervene in proceedings to supply information relating to legislation and regulations within its jurisdiction. (Refer Grounds for Intervention and Objection of Part 3 – Background and Processes.

Desired Outcome What do you want to achieve?	Possible Tools and Mechanisms	Action
	<i>Liquor Control Act (1988)</i> Sections 73(1) and 74(1) Objections	Local Government may object to an application for a licence (Refer to Grounds for Intervention and Objection of Part 3 – Background and Processes).
	<i>Liquor Control Act (1988)</i> Section 69(13) Appeal/Review	Local Government may have the opportunity to appeal a decision if it has made an intervention or objection during the process. (Grounds for Intervention and Objection of Part 3 – Background and Processes).
An holistic planning approach to reducing alcohol-related harm	Local Planning Strategy	Include reference in the strategic vision and generally how the Local Government will go about heading towards this.
A clear statement of what is hoped to be achieved through the Local Government’s planning process with regard to alcohol-related activity.	Local Planning Scheme Aims and Objectives	Include specific scheme/zone/precinct objectives drawn from the local planning strategy.
Greater land use control and management of outlet size	Local Planning Scheme Definitions <i>(see Planning and Development (Local Planning Schemes) Regulations 2015 for model definitions)</i>	Include definitions for different types of licensed premises, particularly differentiating between shop/retail and liquor store (being mindful to also exclude “liquor sales” from shop/retail definition).
	Local Planning Scheme Definitions <i>(see Planning and Development (Local Planning Schemes) Regulations 2015 for model definitions)</i>	Include definitions to differentiate between scale of liquor stores (ie. Corner liquor store versus large box style liquor outlet).
	Local Planning Scheme zoning and land use table	Essentially using the newly-defined uses effectively in the zoning table – Use of ‘AA’, ‘D’ and ‘X’ where more control is required and ‘P’ where it is not.

Desired Outcome What do you want to achieve?	Possible Tools and Mechanisms	Action
Enabling a good land use mix with compatibility	Local Planning Scheme zoning and land use table	As above, use of 'AA', 'D' and 'X' where more control is required to protect sensitive land uses and movement patterns, and use of 'P' to encourage more diversity.
	Local structure plans	Ensure that urban design separates or conglomerates certain uses and that movement of traffic and people between uses is well considered.
	Place plans	Develop place plans for smaller areas of activity and connectivity with a focus on human scale and guided by structure plans, policies and design guidelines.
Reducing risk by design	Local Planning Note: more difficult to amend than planning policy if change is required	Specify development standards and requirements (refer to the WAPC's Designing Out Crime Guidelines (2006), Local Government Alcohol Management Package (2009).
	Planning policy and design guidelines	Specify development standards and requirements or matters to be considered in assessment, develop a set of design guidelines, or refer to existing guides such as the WAPC's Designing Out Crime Guidelines (2006).
	Place plans	Ensure public areas and spaces are vibrant, comfortable, safe and well connected.
Controlling negative cumulative impact	Planning policy	Specify that cumulative impact will be considered as part of Section 40 and development application assessments.

Desired Outcome What do you want to achieve?	Possible Tools and Mechanisms	Action
		Specify how cumulative impact will be assessed (refer to Support Sheet 11 – Cumulative Impact Assessment Model).
		May wish to differentiate between different liquor licence types when making a cumulative impact assessment.
		May wish to differentiate between different precincts / places within the Local Government area when making a cumulative impact assessment.
How to assess a Public Interest Assessment (when considering Section 40 application and development approval)	Planning policy or Local Planning Scheme provisions	Ensure that procedure is in place to require submissions of all the information necessary to make a defensible decision for both a Section 40 certificate and a development application. (Refer to Support Sheet 16 – Public Interest Assessment linked to this Guideline).
Control of trading hours	Conditions of development approval	Refer to Liquor Licences and Trading Days / Hours of Part 3 – Background and Processes for permissible trading hours under the <i>Liquor Control Act (1988)</i> . There may be opportunity to place further restrictions.
Compliance	Development assessment process	Check against all of the local planning strategies, scheme, policy objectives and requirements as well as other specific structure/precinct/ place plans.
	Post-development inspection	Inspect premises once in operation to ensure that conditions of Section 40 certificate approval and development approval conditions are being met.

Support Sheet 2:

DEVELOPING A COMMUNITY ALCOHOL PROFILE

This support sheet relates to **Step One: Investigation and Research of the Process Model for Developing a Town Planning Approach.**

The purpose of this support sheet is to assist Local Governments to develop their own community alcohol profile.

Planning

If you are considering integrating alcohol management into your Local Government's planning framework, understanding what the local alcohol issues are and what your Local Government already does in response is an important first step. This understanding will help to put strategies in place that are cost effective and most likely to make a difference to the community and to your Local Government's bottom line.

Develop a community alcohol profile

Purpose:

- » To become aware of the nature and degree of alcohol problems in the community.
- » To identify the factors that support or cause the alcohol problems to occur.
- » To identify which of these factors Local Government can realistically influence to prevent and reduce local alcohol problems.
- » To inform effective use of limited Local Government resources.

Rationale:

- » Given the limited resources of Local Governments and their broad scope of responsibility, it is beneficial to place resources where they are most needed and most likely to have a positive, long term impact.
- » Having a good understanding of the real issues can help.
- » An effective suite of linked planning and strategic documents that support alcohol management will address issues that are either occurring, or have the potential to occur, within a community. Sometimes it is not obvious that alcohol is a factor involved so it is important to properly understand the issue.

RECOMMENDED APPROACH:

The following steps provide some guidance for Local Governments to assist with this process.

1. Identify local issues of concern to the community.
2. Clarify the nature of the issues, when they occur, how often, who is involved, and who is affected.
3. Determine which of the issues directly or indirectly impact on or relate to Local Government business.
4. Determine which of the issues have alcohol as a causal or associated factor.
5. Identify the specific alcohol-related factors that contribute to the local problems occurring.
6. Identify how those alcohol-related factors work to support problems occurring.
7. Identify how Local Government could prevent or minimise the problem (directly or indirectly).

Tips

- » Regional Local Governments may find it useful to create a profile that acknowledges the different issues within the various towns that are part of the Local Government area.
- » It is important to recognise the different contributing factors to alcohol issues that may be present within each community.
- » On the following pages are examples of information that could be included in a community alcohol profile. It is a guide only and it is recommended that where more detailed or other sources of information are available, that they are used as part of the profile process.
- » Managing alcohol-related problems is not prohibition and means more ordered development.

Alcohol Profile Master Template

SECTION A: THE LOCAL GOVERNMENT AREA

	Data available	Possible sources of data/information
Area (km ²)		Local Government
Total population		Australian Bureau of Statistics
Number of towns/suburbs/ communities		Local Government
Name of towns/ communities		Local Government
Average income		Australian Bureau of Statistics
At risk groups		Australian Bureau of Statistics
Per capita consumption estimates (by Statistical Division)		National Alcohol Sales Data Project http://ndri.curtin.edu.au/research/nasdp.cfm

SECTION B: TOWN PROFILES

	Data	Possible sources of data
Area (km ²)		Local Government
Total population		Australian Bureau of Statistics
Average income		Australian Bureau of Statistics
At risk groups		Australian Bureau of Statistics
Number of Schools:		Systems Performance team at the Department of Education (08) 9264 4111. (Schools by suburb)

ALCOHOL AVAILABILITY		
Data type	Examples	Possible source
Number of liquor licences (by licence type)	<input type="checkbox"/> Hotel <input type="checkbox"/> Hotel Restricted <input type="checkbox"/> Tavern <input type="checkbox"/> Tavern Restricted <input type="checkbox"/> Liquor Store <input type="checkbox"/> Small Bar <input type="checkbox"/> Special Facility _____ (type) <input type="checkbox"/> Club <input type="checkbox"/> Club restricted <input type="checkbox"/> Nightclub <input type="checkbox"/> Restaurant <input type="checkbox"/> Producers <input type="checkbox"/> Wholesalers	Department of Racing, Gaming and Liquor. www.rgl.wa.gov.au
Number of existing permits	<input type="checkbox"/> Ongoing late night Extended Trading Permits <input type="checkbox"/> 10pm - 12 <input type="checkbox"/> 12 - 1am <input type="checkbox"/> 12 - 2am <input type="checkbox"/> other (list) <input type="checkbox"/> Liquor without a meal permit (restaurant) <input type="checkbox"/> including alfresco. <input type="checkbox"/> Sunday Extended Trading Permit <input type="checkbox"/> 8am start <input type="checkbox"/> 10am start <input type="checkbox"/> 12 noon start <input type="checkbox"/> 12am close <input type="checkbox"/> 6pm close <input type="checkbox"/> 8pm close <input type="checkbox"/> 10pm close <input type="checkbox"/> Other_____	Local Government departments such as Environmental Health and Planning. Department of Racing, Gaming and Liquor.
Liquor licence applications for past 12 months (or longer)	<input type="checkbox"/> Number of new licence applications by licence type (applied vs granted) <input type="checkbox"/> Number of licence variation applications by type eg. Extended Trading Permits (applied vs granted). <input type="checkbox"/> Number of Occasional licences applied for and granted.	Local Government departments dealing with liquor licences (eg. Environmental Health, Planning) Department of Racing, Gaming and Liquor.

HEALTH		
Data type	Examples	Possible source
Alcohol-related hospitalisations	<input type="checkbox"/> By type of condition	Drug and Alcohol Office
Alcohol-related deaths	<input type="checkbox"/> By type of condition	Drug and Alcohol Office
POLICE		
Data type	Examples	Possible source
Assaults	<input type="checkbox"/> Total <input type="checkbox"/> Alcohol-related (if available)	WA Police website: www.police.wa.gov.au
Crime statistics	<input type="checkbox"/> Property damage <input type="checkbox"/> Crash statistics <input type="checkbox"/> Graffiti	WA Police website: www.police.wa.gov.au
LOCAL GOVERNMENT		
Data type	Examples	Possible source
Alcohol-related noise complaints	Categorised and recorded noise complaints	Complaints register Environmental Health
Alcohol-related litter	<input type="checkbox"/> Clean-up costs associated with events and licensed premises <input type="checkbox"/> Volume collected <input type="checkbox"/> Type of litter (eg. cans, glass)	Rangers Contracted Waste Management Environmental Health
Patrol data	<input type="checkbox"/> Type of incident or call out (eg. property damage, party) where alcohol was a contributing or related factor.	Rangers Community Security
Resident and business complaints	<input type="checkbox"/> Complaints by residents	All relevant Local Government departments
Maintenance and management of public space	<input type="checkbox"/> Number of incidents and costs associated with alcohol-related property damage, damage to bus stops, flora and fauna. <input type="checkbox"/> Graffiti incidents and proportion of clean up costs. <input type="checkbox"/> Cleaning costs (alcohol-related litter).	Rangers Environmental Health Officers
Community attitudes and concerns	<input type="checkbox"/> Community surveys on local alcohol issues, crime and safety surveys.	All relevant Local Government departments

Adapted from the Local Government Alcohol Management Package (2009)

Support Sheet 3:

ISSUES SUMMARY TEMPLATE

This support sheet relates to **Step One: Investigation and Research of the Process Model for Developing a Town Planning Approach.**

The purpose of this support sheet is to assist Local Governments to develop their own community issues summary.

TICK	ISSUE	KEY STATISTICS	SOURCE
<input type="checkbox"/>	Violence		
<input type="checkbox"/>	Antisocial behaviour		
<input type="checkbox"/>	Domestic violence		
<input type="checkbox"/>	Property damage		
<input type="checkbox"/>	Crime		
<input type="checkbox"/>	Street drinking		
<input type="checkbox"/>	Drink driving		
<input type="checkbox"/>	Injuries		
<input type="checkbox"/>	Hospitalisations		
<input type="checkbox"/>	Child welfare		
<input type="checkbox"/>	Littering		
<input type="checkbox"/>	Noise		
<input type="checkbox"/>	Other:		
<input type="checkbox"/>	Other:		
<input type="checkbox"/>	Other:		
<input type="checkbox"/>	Other:		
<input type="checkbox"/>	Other:		

Extract from the Local Government Alcohol Management Package (2009) – Tool 8: Key Alcohol Issues Summary Template



Support Sheet 4:

MAPPING LOCAL BUSINESS AND EXISTING MANAGEMENT MEASURES

This support sheet relates to **Step One: Investigation and Research of the Process Model for Developing a Town Planning Approach.**

The purpose of this support sheet is to assist Local Governments to map their own business that relates to alcohol to inform the development of an alcohol management planning framework.

This support sheet includes a Mapping Tool Template.

MAP LOCAL GOVERNMENT BUSINESS THAT RELATES TO ALCOHOL	IDENTIFY EXISTING LEGISLATION AND POLICY GUIDING YOUR LOCAL GOVERNMENT'S ALCOHOL MANAGEMENT
<p>Purpose:</p> <ul style="list-style-type: none"> • To identify existing Local Government resources dedicated to alcohol management and prevention of issues or problems. • To identify opportunities for inter-department collaboration and avoid duplication. • To inform the development of an alcohol management planning and policy framework. <p>Rationale:</p> <ul style="list-style-type: none"> • The development of an alcohol management planning and policy framework that includes all areas of the Local Government can result in a more cost-effective system for dealing with alcohol problems and supports a consistent approach. • To fully understand the alcohol-related business of your Local Government, identify all of the activities that either indirectly or directly relate to alcohol. • This mapping exercise should consider the current roles and responsibilities of all levels of Local Government that relate to alcohol. <p>See: Local Government Alcohol Mapping Tool in this Support Sheet.</p>	<p>Purpose:</p> <ul style="list-style-type: none"> • To identify existing mechanisms for preventing alcohol problems. • To identify gaps in the local planning and policy framework and what is needed to address alcohol-related problems effectively. <p>Rationale</p> <ul style="list-style-type: none"> • For a planning and policy framework (or individual plan/policy) to be effective, it is important that there are appropriate links to other relevant policies and schemes. • It is important to identify the legislative and other policy relationships that need to be made to give a plan or policy legal strength in the case of appeal. • Where possible, aligning all of the Local Government's policies, schemes and plans that may directly and indirectly impact on alcohol management will result in a more consistent approach to alcohol issues, which is more likely to lead to positive outcomes. <p>See Support Sheet 5: Policy Planning Summary Template</p>

Local Government Alcohol Mapping Tool

Source: South Metropolitan Public Health Unit (2013); Pathway to reducing harm from alcohol consumption: A guide for local government. Fremantle: SMPHU, Department of Health WA. Department or service: _____ (please state which service or department you are from)

1. Fill out the below table by ticking the relevant box and include any written comments. 2. Identify the staff position responsible for the areas. Codes defined below.

LIQUOR LICENCES	ROLE OF LOCAL GOVERNMENT DEPARTMENTS AND SERVICES									
	OPERATIONS					COMMUNITY SERVICES				
	Planning	Environmental Health	Building Engineering	Ranger Depot	Community Services	City Facilities	Youth	Recreation & Leisure		
1. Liquor licence applications: new or existing premises										
2. Review of liquor licence applications										
3. Discretionary decisions relating to premises that may require a category A liquor licence										
4. Application for extended trading permits and Occasional licence										
5. Intervention to a liquor licence application										
6. Community events										
7. Event application from external organisations										
8. Council events										
9. Youth events										
Staffing positions: Executive E	Manager M	Coordinator C	Officer O	Administration A						

Comments:

ROLE OF LOCAL GOVERNMENT DEPARTMENTS AND SERVICES										
COUNCIL-OWNED LAND, PROPERTY AND FACILITIES	OPERATIONS				COMMUNITY SERVICES				Governance Strategic	
	Planning	Environmental Health	Building Engineering	Ranger Depot	Community Services	City Facilities	Youth	Recreation & Leisure		
1. Beaches reserves and Jetties										
2. Public pools and recreation facilities										
3. Public open space										
4. Halls										
5. Sporting/ leisure and recreation clubs										
6. Joint use reserves										
7. Street parties										
8. Senior citizens centre										
9. Alcohol management at events										
10. Fees and charges										
11. Local Government property										
12. Managing and maintenance of public open space										
13. Code of practice for aquatic facilities										
14. Policy for permits										
Staffing positions: Executive E Manager M Coordinator C Officer O Administration A										

Comments:

ROLE OF LOCAL GOVERNMENT DEPARTMENTS AND SERVICES

RESPONDING TO THE COMMUNITY	OPERATIONS					COMMUNITY SERVICES					Governance Strategic
	Planning	Environmental Health	Building Engineering	Ranger Depot	Community Services	City Facilities	Youth	Recreation & Leisure			
1. General 'whole of organisation' alcohol policy											
2. Noise/complaints											
3. Graffiti											
4. Education											
5. Community concerns											
6. Litter											
7. Vandalism											
8. Crime and safety											
9. Resident and business complaints											

Staffing positions: Executive **E** Manager **M** Coordinator **C** Officer **O** Administration **A**

Comments:

Support Sheet 5:

POLICY PLANNING SUMMARY TEMPLATE

This support sheet relates to **Step One: Investigation and Research of the Process Model for Developing a Town Planning Approach.**

The purpose of this support sheet is to assist Local Governments to develop their own policy planning summary.

1. Key alcohol-related issues in the community

1A. Methods/Sources

eg.

- Community written survey.
- Key stakeholder consultation (police, health, precinct groups, local business).
- Alcohol-related statistics (sourced from police, health, Local Government, local business).

2. Factors contributing to those issues occurring

2A. Methods/Sources

eg.

- Community written survey.
- Key stakeholder consultation (police, health, precinct groups, local business).
- Alcohol-related statistics (sourced from police, health, Local Government, local business).

3. Issues and factors your Local Government is able to respond to

3A. Methods/Sources

eg.

- Internal planning meeting with managers of strategic and business sections.
- Consultation with operational officers.
- Collated Local Government data.

4. Existing alcohol-related Local Government activity

4A. Methods/Sources

eg.

- Internal planning meeting with managers of strategic and business sections.
- Consultation with operational officers.
- Collated Local Government data.

5. Existing relevant policy, legislation and strategic/corporate documents

Extract from the Local Government Alcohol Management Package (2009) – Tool 7: Policy Planning Summary Template

Support Sheet 6:

EXAMPLE ALCOHOL POLICY AND POSITION STATEMENTS

This support sheet relates to **Step Three: Deciding a Policy Scope of the Process model for Developing a Town Planning Approach** and the **Alcohol Management Plan** section in **Strategic Land Use Planning**.

The purpose of this support sheet is to assist Local Governments to develop their own alcohol policy and position statements.

LIQUOR LICENCE APPLICATIONS		
LIQUOR LICENCE APPLICATIONS: NEW OR EXISTING PREMISES		
Policy and position statement examples	Management Plan action examples	Supporting documents examples
<ul style="list-style-type: none"> • Planning and Development Services seeks to review all applications for new liquor licences and amendments to existing liquor licences to ensure the provision of licensed venues has a minimal impact on surrounding developments. • Set out in the Town Planning Scheme No. X and the <i>Town Planning Act</i>, and other factors associated with compatibility of adjoining uses relating specifically to noise production levels, operational hours, traffic flow, car parking and aesthetics (including bulk, scale and size). • The policy will provide clarity in relation to the Town Planning Scheme and land use to ensure applications for new premises or amendments to existing premises' licence will be assessed fairly with the interest of the public and surrounding businesses in mind. 	<ul style="list-style-type: none"> □ Applicants requesting a new licence, an Extended Trading Permit, or modification of an existing licence requires a Certificate of Approval from Local Government to accompany their application to the Department of Racing, Gaming and Liquor. The City/Town can only issue the certificate if the venue, activity and licensee meet the following requirements: <ol style="list-style-type: none"> i. Section 39 of the <i>Liquor Control Act (1988)</i> - stating compliance with all specifications detailed in the <i>Public Building Regulations 1992, Health (Food Hygiene) Regulations 1993, Health (Smoking in Enclosed Public Places) Regulations 1999, Environmental Protection Regulations (Noise) 1997.</i> ii. Section 40 of the <i>Liquor Control Act (1988)</i> - stating compliance with all specifications detailed in <i>Town Planning Act 1928</i> and the City/Town's Town Planning Scheme. iii. Where the licence is to apply to a venue owned by the City/Town, a consumption permit must be issued. □ The City/Town has set the following guidelines in relation to approval for locations and sites relating to such premises. Applications for Hotels, Nightclubs, Special Facility licences and Taverns will not be supported if they are: <ol style="list-style-type: none"> i. within 100 metres of a residential dwelling; ii. in close proximity to large unpoliced open areas; iii. on a vessel moored in waters within or adjacent to the City/Town; iv. within 400 metres of a school; 	<ul style="list-style-type: none"> • Town Planning Scheme • <i>Town Planning Act</i> • <i>Liquor Control Act (1988)</i>

LIQUOR LICENCE APPLICATIONS: NEW OR EXISTING PREMISES - CONT'D

Policy and position statement examples	Management Plan action examples	Supporting documents examples
	<ul style="list-style-type: none"> iv. in an area considered to be inappropriate due to the incompatibility of adjoining uses and buildings relating specifically to noise production levels, operational hours, traffic flow, car parking and aesthetics (including bulk, scale and size); or v. the granting of the new licence is likely to contribute to a density of liquor outlets that is considered to pose harm, ill-health, amenity or disturbance problems. <input type="checkbox"/> Applications for Restricted Club Licences, Restaurants and Liquor Store Licences will not be recommended if: <ul style="list-style-type: none"> i. the amenity and safety of the households, businesses and visitors to the area will be jeopardised; ii. where applicable, damage to the surrounding environment and wildlife is foreseeable due to the possible development of informal access ways leading to bushland and foreshores, a lack of adequate rubbish bins outside the premises or any other such method deemed acceptable at the time of application; iii. the proposed licensed premises is not located on land adjacent to well-lit areas, is not connected to streets that provide for a high level of public safety and access to taxi services and public transport; or iv. the applicant has not/or is not able to produce an acceptable Alcohol Management Plan detailing their responsible service and harm minimisation strategies to ensure the safety and wellbeing of customers, staff and individuals within the surrounding areas. <input type="checkbox"/> Application has been discussed between Environmental Health Section and Planning division. <input type="checkbox"/> Applicant has satisfied requirements to demonstrate the application is in the interest of the local community. 	

REVIEW OF LIQUOR LICENCE APPLICATIONS		
Policy and position statement examples	Management Plan action examples	Supporting documents examples
<ul style="list-style-type: none"> • Planning and Development Services seeks to review all applications for new liquor licences and amendments to existing liquor licences to ensure the provision of licensed venues has a minimal impact on surrounding areas, including the prevention and minimisation of related alcohol problems and harm in the community and healthy and safe environments. • Assessment of applications will be based on the requirements set out in the City/Towns Town Planning Scheme No. X and the <i>Town Planning and Development Act 1928</i>. • Additional factors associated with compatibility of the proposed use with adjoining uses relating specifically to noise emission levels, operation hours, traffic flow, car parking and aesthetics (including bulk, scale and size) and community safety will also be considered. • The policy/plan will provide clarity in relation to the City/Town's Town Planning Scheme No. X to ensure applications for new premises or amendments to existing premises' licences will be assessed with the interest of the public, surrounding uses and occupants in mind. 	<ul style="list-style-type: none"> □ Applicants requesting a new licence, an Extended Trading Permit, or modification of an existing licence require a Section 39 certificate and Section 40 certificate. □ In regard to Extended Trading Permits, a Section 39 certificate and Section 40 certificate is not required to be reissued for subsequent requests, only in the first instance. The City/Town can only issue the certificate if the venue, activity and licensee meet the following requirements: <ul style="list-style-type: none"> • Section 39 of the <i>Liquor Control Act (1988)</i> - stating compliance with all specifications detailed in the <i>Public Health Act 2016</i> , under any written law relating to the sewerage or drainage of those premises, and under the <i>Local Government Act 1995</i> and <i>Local Government (Miscellaneous Provisions) Act 1960</i>; • Section 40 of the <i>Liquor Control Act (1988)</i> - stating compliance with all specifications detailed in <i>Town Planning Act 1928</i> and the City/Town's Town Planning Scheme No. X; • Where the licence is to apply to a venue owned by the City/Town, a consumption permit must be obtained and any other relevant Local Planning Policies adopted under the City/Town's Town Planning Scheme No. X; • Application has been discussed between Environmental Health Section and Planning division; or • Applicant has satisfied requirements to demonstrate the application is in the interest of the local community. 	<ul style="list-style-type: none"> • City/Town's Town Planning Scheme No. X • <i>Town Planning and Development Act 1928</i> • <i>Liquor Control Act (1988)</i>

DISCRETIONARY DECISIONS RELATING TO PREMISES THAT MAY REQUIRE A CATEGORY A LIQUOR LICENCE

Policy and position statement examples	Management Plan action examples	Supporting documents examples
As above.	<ul style="list-style-type: none"> □ In addition to the Section 39 certificate and Section 40 certificate, the City/Town determines applications for all liquor licences in accordance with City/Town's Town Planning Scheme No. x. □ The assessment of such applications will seek to: <ul style="list-style-type: none"> • ensure compatibility and appropriateness of the premises in relation to surrounding uses; • minimise potential harm and ill-health to patrons and staff, people in the surrounding areas; • ensure accessible premises through appropriately designed access ways and infrastructure; and • reduce opportunities for anti-social behaviour. □ Undertake consultation with the community. 	

APPLICATIONS FOR EXTENDED TRADING PERMITS AND OCCASIONAL LICENCES		
Policy and position statement examples	Management Plan action examples	Supporting documents examples
	<p>□ When reviewing an application for Extended Trading Permits or Occasional Licences the following will be considered:</p> <ul style="list-style-type: none"> • the amenity and safety of the households, businesses and visitors in the area; • compatibility with the activity that occurs during the requested extended time or at the requested venue; • the provision of another licensed operator during the said time and/or at the requested venue is considered inappropriate due to the high concentration and/or oversupply of alcohol outlets, increasing the cumulative/aggregate risk to public health and safety; • the appropriateness of the times/venues in relation to the demographic of the participants at the event/activity at the requested time and amenity of surrounding residents; • whether the restrictions listed in the Recreation Services Policy relating to public open space can be met; • if the primary purpose relates to alcohol consumption, with the exception of a Food and Wine Festival in which additional conditions will apply, the event/function would not be considered appropriate; • the applicant's ability to demonstrate a responsible attitude to the provision of alcohol and compliance with licensing laws and regulations; and • appropriate levels and use of registered security staff. 	

INTERVENTION TO A LIQUOR LICENCE APPLICATION

Policy and position statement examples	Management Plan action examples	Supporting documents examples
	<p data-bbox="616 452 1045 568">□ If Council received a request from residents/ ratepayers to complain on a liquor licence application or permit, Council will:</p> <ul style="list-style-type: none"> <li data-bbox="643 589 1070 647">• consider the type of licence; property zoning; <li data-bbox="643 665 1062 723">• effects on the locality; the number of people objecting and the grounds; <li data-bbox="643 741 1075 831">• if a complaint is to be lodged with the Director of Liquor Licensing, the following procedure shall be followed: <ul style="list-style-type: none"> <li data-bbox="667 848 1098 938">• the objectors shall elect a committee of not more than six people which will include a minimum of one councillor; <li data-bbox="667 956 1023 1046">• this committee must elect a spokesperson to liaise with the Council; <li data-bbox="667 1064 1094 1122">• the Council will nominate an officer to deal with the matter; <li data-bbox="667 1140 1098 1256">• all contact between the committee and Council's solicitor (if a solicitor is instructed) must be via the nominated Council officer; <li data-bbox="667 1274 1102 1391">• if the Council officer is invited to attend a committee meeting, the Council's solicitors can also be invited at the officer's discretion; and <li data-bbox="667 1408 1086 1525">• if the committee decides to proceed against the Council officer/solicitor's advice, the complaint will be referred back to Council for resolution. 	

RESPONDING TO THE COMMUNITY		
GENERAL "WHOLE-OF-ORGANISATION" ALCOHOL POLICY		
Policy and position statement examples	Management Plan action examples	Supporting documents
<ul style="list-style-type: none"> • As stated in the Corporate Strategic Plan, the City/Town is committed to the provision of a safe and secure environment and the contribution to the protection of public health in our community, acknowledging that the health of our community is paramount. As such the City/Town supports a reduction in the harmful effects of alcohol felt within the community and the responsible consumption of alcohol. This is achieved via three processes: <ol style="list-style-type: none"> 1. Administration of legislation; 2. Responding to community and agency concerns; and 3. Internalising guidelines set down for the community. 	<ul style="list-style-type: none"> □ Under the <i>Liquor Control Act (1988)</i>, Local Government Authority approval is required for all new liquor licence applications and any alterations to existing licensed premises. This applies to licensed liquor outlets including hotels, taverns, restaurants, nightclubs, liquor stores, special facilities, club and restricted club licences and other facilities nominated by the Director of Liquor Licensing. □ Under the Act it is an offence to consume liquor on a Council Reserve or facility or in a public open space without approval by the Local Government Authority. Occasional licences may be issued for functions such as fairs, concerts and sporting events for this purpose. □ All applications to the City/Town relating to liquor licences and permits will be assessed rigorously by all relevant departments, with each department considering the potential impact that the licence or permit may have on the safety, health, amenity and wellbeing of the community. □ Decisions to support licence applications or issue permits will be based on guiding legislation, along with the criteria set down in relevant section policies or procedural requirements. Council will require all applicants to demonstrate a commitment to the provision of a safe and healthy environment, ensuring the responsible sale, supply and promotion of alcohol and the provision of appropriate facilities in harmony with the community and the local government planning vision for community values and expectations. 	

GENERAL "WHOLE-OF-ORGANISATION" ALCOHOL POLICY - CONT'D

Policy and position statement examples	Management Plan action examples	Supporting documents
	<p>Responding to Community and Agency Concerns</p> <ul style="list-style-type: none"> □ The City/Town is committed to working alongside community groups and agencies to help improve public health, community safety and wellbeing to assist with the reduction of the harmful effects of alcohol. It is also committed to reflecting community values and expectations in the City/Town's services and programs in assisting with the management of alcohol and the issues it creates. □ A management plan outlining process guidelines for the consideration of liquor licence and permit applications will accompany this policy to ensure a consistent approach by all departments of the City/Town. <p>Internalising Guidelines set down for the Community</p> <ul style="list-style-type: none"> □ The City/Town will internalise the policies and expected practices reflected in its alcohol policy by complying with the policy and leading by example. 	
NOISE		
	<ul style="list-style-type: none"> □ The City/Town will promote the appropriate mix of land use. □ The City/Town will educate the community about how to report and record alcohol noise-related complaints. □ This information may be used in assessment of existing venues or new liquor licence applications. □ City/Town Officers will work with Environmental Health Officers to monitor licensed premises for excessive noise levels and educate licensees about what is an acceptable noise level. □ City/Town will ensure that all public concerts and/or events held on Local Government land are appropriately managed and well organised to prevent excessive noise. 	<ul style="list-style-type: none"> • <i>Environmental Protection Act 1986</i> • <i>Public Health Act 2016</i> • <i>Liquor Control Act (1988)</i> • <i>Environmental Protection (Noise) Regulations 1997</i>

URBAN DESIGN/TOWN PLANNING		
CONSIDERING BUILDING APPLICATIONS FOR VENUES: EXTERNAL		
Policy and position statement examples	Management Plan action examples	Supporting documents
<ul style="list-style-type: none"> The City/Town will expect applicants seeking Section 39 and 40 certificates to provide proof of consideration for harm minimisation and <i>Designing out Crime</i> principles, in order to minimise the risks associated with alcohol in the City/Town in accordance with the intent of the Town Planning Scheme and associated policies/plans. 	<p>Do plans indicate adequate consideration of the following crime prevention measures?</p> <p>Landscape</p> <ul style="list-style-type: none"> Plants and shrubs outside a venue should be medium to low level and not intervene with sightlines, surveillance, security or way finding. Tall trees should also be avoided to prevent climbing and unauthorised access to premises. Planting small plants and shrubs along expanses of wall in surrounding areas is good practice to avoid graffiti and vandalism. <p>Sightlines and way finding</p> <ul style="list-style-type: none"> Fencing surrounding a venue should allow adequate visibility and minimise the opportunity for perpetrators to hide. Appropriate signage should be visible so that taxi ranks, toilets, public transport and telephones can be easily located by patrons. All pathways and routes which enable patrons to leave a venue should be well maintained and clearly visible from the street. Blind corners may exist around various areas such as car parks and surrounding buildings, which may pose as entrapment spots for perpetrators, hence these should be avoided. <p>Urban Structure</p> <ul style="list-style-type: none"> If building a new licensed premise, crime reduction measures should be considered in the early stages of design. All routes to and from the venue should be easily surveyed and well signed. <p>Building Design</p> <ul style="list-style-type: none"> The exterior of a licensed premise can be a crucial factor in designing out crime. Materials that can withstand normal and hard use and that can easily be replaced should be used where possible. <p>Pedestrian Traffic</p> <ul style="list-style-type: none"> Should be physically separated from high volume vehicular traffic routes adjacent to licensed premises. 	

CONSIDERING BUILDING APPLICATIONS FOR VENUES: INTERNAL

In considering whether to approve the application, the City/Town will consider whether the application indicates adequate consideration of the following crime prevention measures:

Internal layout

- Will patrons experience difficulty moving from one part of the venue to the next?
- Common bottlenecking/overcrowding areas include:
 - Entrance/exits
 - Bar areas
 - Toilets
 - Areas on and near the dance floor
 - Stairways
 - Thoroughfares.

Toilets

- Toilet entrances should be in direct view of staff so they can monitor all thoroughfares and any potential problems.
- Toilets need to comply as per the *Public Health Act 2016* .

Surveillance

- Maximise ability for surveillance by bar staff.
- Provide adequate lighting so bar staff are aware of whom they are supplying alcohol to.
- Where possible, all areas of the venue should be visible either by staff or cameras. Blind corners or entrapment spots should be avoided where possible and all barriers and walls should be permeable to prevent people from hiding behind them.

Contingency plans/emergency plans

- Procedures put into place prior to a critical event occurring will help prevent the situation from escalating. For example panic buttons located behind the bar.
- Providing clearly visible entry and exit signs.

SECTION 39 AND 40 APPLICATIONS		
Policy and position statement examples	Management Plan action examples	Supporting documents
<ul style="list-style-type: none"> In the assessment of any development application for licensed premises, regard will be given to ensure that the amenity, safety and wellbeing of the locality will not be detrimentally affected by a new licensed premises or by a variation in the operation of an existing licensed premises. In addition to any Scheme requirement, the applicant will be required to submit a management plan as per that which is required to be submitted to the Department of Racing, Gaming and Liquor. 	<ul style="list-style-type: none"> In assessing applications for licensed premises the following characteristics shall be considered: <ul style="list-style-type: none"> the protection of the character of the locality; the protection of the amenity of the locality; the proposed scale and capacity of the premises; the layout of the premises; and whether or not the venue will contribute to an outlet density not consistent with the Town Planning Scheme provisions and policy (considerations could include cumulative impact for licensed premises by licence type or/and a mix of licence types). 	

Extract from the Local Government Alcohol Management Package (2009) – *Alcohol Policy Checklist – Liquor Licence Applications, Responding to the Community and Urban Design/Town Planning*

Support Sheet 7:

DATA COLLECTION

This support sheet relates to **Step Six: Monitor and Review of the Process Model for Developing a Town Planning Approach.**

The purpose of this support sheet is to assist Local Governments to collect their own data to inform and measure a Local Government's planning system and its framework components.

Data collection – keeping it simple

Keeping record of alcohol-related activity or issues that relate to the business of your Local Government does not have to involve complex data systems or analysis skills. For example, a simple excel document with different spreadsheets for different departments can be used to record information. See the **Alcohol Mapping Tool in Support Sheet 4** and **Support Sheet 3 Issues Summary Template** for ideas.

The below table provides some examples of the type of data and information Local Governments can collect. Where possible, it is recommended that all information is recorded by time of day and location.

Data type	Examples	Possible Local Government source
Alcohol-related noise complaints.	<ul style="list-style-type: none"> Categorised and recorded noise complaints, including enforcement options used. 	Complaints register. Environmental Health.
Alcohol-related litter	<ul style="list-style-type: none"> Clean-up costs associated with events & licensed premises. Volume collected. Type of litter (eg cans, glass). 	Rangers. Contracted waste management. Environmental Health.
Patrol data	<ul style="list-style-type: none"> Type of incident or call out (eg property damage, party) where alcohol was a contributing or related factor. 	Rangers. Community Security.
Resident and business complaints	<ul style="list-style-type: none"> Complaints by residents recorded using specific software. May involve electronic service request systems or Excel. More elaborate programs such as 'Dataworks' are sometimes also available. 	Email available for people to write to council and register complaint. Electronic complaints system. All Departments.

Data type	Examples	Possible Local Government source
Liquor licence applications	<ul style="list-style-type: none"> • Number of existing licences and variations by licence type. • Number of new licence applications, licence variations (eg Extended Trading Permits) and their outcomes. • Community consultation regarding high risk licence applications. 	All Departments dealing with liquor licences (eg Environmental Health, Planning).
Maintenance and management of public space	<ul style="list-style-type: none"> • Number of incidents and costs associated with alcohol-related property damage, damage to bus stops, flora and fauna. • Graffiti incidents and proportion of clean-up costs. • Cleaning costs (alcohol-related litter). 	Rangers.
Community attitudes and concerns	<ul style="list-style-type: none"> • Community surveys on local alcohol issues. 	All relevant Departments.

Extract from the Local Government Alcohol Management Package (2009)

Support Sheet 8:

INITIATING THE COMMUNITY STRATEGIC PLAN

This support sheet relates to the 'Strategic Land Use Planning' quadrant of the 'Town Planning and Alcohol Harm Prevention Risk Management Model'. This model forms **Step Four – Firm up the Local Planning Framework of the Process Model for Developing a Town Planning Approach**.

The purpose of this support sheet is to assist with Strategic Land Use Planning considerations regarding an Integrated Community Strategic Plan.

The information required, processes and outputs of Strategic Community Plan development¹ are detailed below.

What do I have to gather?

- Identified community well-being issues.
- Identified social inclusion issues.
- Internal strategy and research on emerging trends.
- Demographics State/National legislation or policy.
- Known State/National events that may impact.
- Local area/place planning information.
- Changing external factors such as global events that may impact on WA/community
- Strategic Community Plan Reviews.

What do I do?

- Community engagement - stakeholders, methods.
- Community long-term visioning and priority setting.
- Strategy and research of trends and long-term impacts.
- Review and understand the interdependencies between community planning, services, assets and land-use.
- Local area/place planning processes.
- Quadruple bottom line analysis:
 - Social
 - Economic
 - Environmental
 - Civic Leadership.
- Review and understand broad resource implications of Strategic Community Plan.

What do I end up with?

- Strategic Community Plan (10 year +):
 - Vision
 - Priorities
 - Objectives
 - Strategies
 - Assessment.
- Identified services expectations.
- Identified asset expectations.
- Identified land-use expectations.
- Indication of how we know the plan is succeeding.
- Informing Strategies.

¹ State of Western Australia 2012. Department of Local Government and Communities. *Getting Started – Strategic Community Plan*. Perth. <https://integratedplanning.dlg.wa.gov.au/Page.aspx?PID=13>

Support Sheet 9:

CUMULATIVE IMPACT

- » **Cumulative impact involves both positive and negative impacts that can result from increasing and/or clustering particular types of land use or activities.**
- » **The short and longer term negative outcomes that can come from cumulative impact needs balanced consideration.**
- » **Putting appropriate planning measures in place can support the balance of growth with the prevention and minimisation of negative health, safety and harm outcomes.**

Overall, international and Australian research is consistent that there is a link between outlet density and alcohol-related harms.

Australian and international researchers are now exploring the relationship in more depth with regard to the characteristics of different licence types and the local context as it relates to individual communities.

The Outlet Density Evidence Base

The available evidence suggests the following:

- » An association between outlet density and alcohol-related harms is quite consistent.
- » Higher rates of alcohol-related problems in areas with higher outlet densities.¹
- » A spatial link exists between alcohol outlets and alcohol-related harm.²
- » Density of packaged liquor outlets has been associated with a range of harms including child maltreatment, violence, vehicle accidents, pedestrian injuries and injuries amongst young adults.²
- » A strong correlation between outlet density, volume of alcohol sales and assault, including domestic violence.³
- » New outlets are associated with greater alcohol use problems for people living in the vicinity of the outlet.⁴
- » Modelling for the types of impacts of outlet density specific to local contexts requires further research which is currently underway in Australia.

Creating Vibrancy – Lessons from Other Jurisdictions

Research suggests outlet numbers and density is linked to increases in harm and recent evidence from Melbourne and Sydney shows some of the challenges resulting from the proliferation of liquor outlets. Both capital cities have had licence freezes in place in an attempt to reduce the levels of harm currently being experienced.

Creating vibrant places and activity centres are key objectives of the State Planning strategies such as *Directions 2031 and Beyond (2010)* and *State Planning Policy 4.2 – Activity Centres for Perth and Peel (2010)*. These are reflected by many Local Government plans which seek the positive clustering of a range of uses which encourages continued activity after normal shopping and business hours at a various hierarchy of centres.

¹ Babor, T, Caetano, R, Casswell, S, Edwards, G, Giesbrecht, N, Graham, K, Grube, J, Gruenewald, PJ, Hill, L, Holder, HD, Homel, R, Österberg, E, Rehm, J, Room, R & Rossow, I 2003, *Alcohol: No ordinary commodity – Research and public policy*, Oxford, Oxford University Press.

² Evans, M, Chikritzhs, T, Allsop, S & Rechichi, V 2010, 'Responsible takeaway alcohol hours bill 2010', A submission by the National Drug Research Institute, National Drug Research Institute, Perth.

³ Livingston, M 2011, 'A longitudinal analysis of alcohol outlet density and domestic violence', *Addiction*, vol. 106, p. 919 – 926.

⁴ Livingston, M, Chikritzhs, T & Room, R 2007, 'Changing the density of alcohol outlets to reduce alcohol-related problems', *Drug Alcohol Review* vol. 26, p. 553 – 62.



Supported by local surveys and international research, the City of Sydney is currently exploring how to ‘rethink alcohol in the night time economy’ and create a vibrancy that does not focus on alcohol, but involves retail and other space activation activity.

Sydney – Rethinking Alcohol in the Night Time Economy

In response to high levels of alcohol-related harm, in June 2009, a freeze on new liquor licences and development applications was introduced in Sydney entertainment precincts, including those to increase venue capacity or hours of operation. The strategy was instigated by the *Sydney Liquor Taskforce* which included liquor industry representatives, with the City of Sydney as a key driver of the process.

The freeze was enabled by the *Liquor Amendment (Temporary Licence Freeze) Bill 2009*. The Bill also restricts the variation or revocation of certain liquor licence conditions and restricts the ability to change the boundaries of licensed premises where it would increase the number of people attending the freeze area for the primary purpose of consuming liquor.

Supported by local surveys and international research, the City of Sydney is currently exploring how to ‘rethink alcohol in the night time economy’ and create a vibrancy that does not focus on alcohol, but involves retail and other space activation activity.

Further details can be viewed via the following website link: www.cityofsydney.nsw.gov.au

Creating vibrancy in an area is often associated with introducing more liquor outlets. However, research and experience of many communities suggests that measured caution is required in applying this rule without consideration of potential for harm and other problems. Putting appropriate planning measures in place can support the balance of growth with the prevention and minimisation of negative health, safety and harm outcomes.

What happens when availability increases? A Victorian Case Study

Deregulation of the liquor industry in Victoria following legislative reviews in the late 1980’s and 1990’s was heralded as a positive impact by encouraging a range of innovative bars, cafes and restaurants. This approach, however, has resulted in a dramatic increase in alcohol-related harm over a period of substantial industry expansion. Some negative impacts include:⁵

From 1999/00 to 2007/08:

- alcohol-related ambulance attendances increased by 169%.
- emergency presentations for intoxication almost doubled.
- significant increases in night-time assaults (49%), domestic violence (42%), hospitalisations (47%) and treatment episodes (55%).

There was a significant increase in the proportion of young people reporting drinking 20 or more drinks on an occasion (26% in 2002 to 42% in 2009).⁶

Local-level analyses which measured the impact of alcohol outlet density at the postcode level found a strong link between the density of general licence outlets and violence rates; a strong relationship between packaged liquor outlets and domestic violence and alcohol-caused chronic hospital admissions.

⁵ Livingston, M 2012, ‘Liquor licensing liberalisation: The Victorian experience’, *Centre for Alcohol Policy Research, Turning Point Alcohol and Drug Centre*. Prepared for the Drug and Alcohol Office.

⁶ Victorian Drug and Alcohol Prevention Council, 2010. 2009 Victorian Youth Alcohol and Drug Survey. Department of Health, Victoria.

Cumulative Impact: Not Just a Night Time Economy Issue

Attention is often given to alcohol planning in a night time economy context where there can be many licensed premises located nearby each other to create an entertainment precinct or cluster. But the cumulative impact of other licences not usually associated with the night time economy is also an important consideration for Local Governments.

A study on the relationship between different types of licensed premises and various indicators of alcohol-related harm across local areas of Western Australia showed that per capita alcohol sales made by liquor stores were closely and positively related to levels of assaults, road crashes, breath alcohol levels of drink drivers and alcohol-attributable hospitalisations.⁷

Harm associated with packaged liquor outlets usually occurs away from the point of sale, and often in private settings. Therefore, irrespective of the strength of management of a packaged liquor outlet, harm can occur as a result of their location and nature. Because the alcohol is bought in packaged form, often in multiples (for example cartons and six packs) packaged liquor outlets also have a capacity to sell large volumes of alcohol into a community.

Health impacts

- » In the decade to 2005, alcohol-related hospitalisations in Victoria increased by 77% compared with Western Australia's, which only increased by 15% over the same timeframe.⁸
- » Victoria added at least two new liquor licences to the State's tally every day during this time.⁸

⁷ Stockwell, TR, Masters, L, Phillips, M, Daly, AM, Gahegan, M, Midford, R, Gruenewald, P, Gilchrist, J & Philp, A 1995, 'The Measurement of Alcohol Problems for Policy (MAPP): a first report of research in progress', *National Centre for Research into the Prevention of Drug Abuse, Division of Health Sciences, Curtin University of Technology*, Perth, Western Australia.

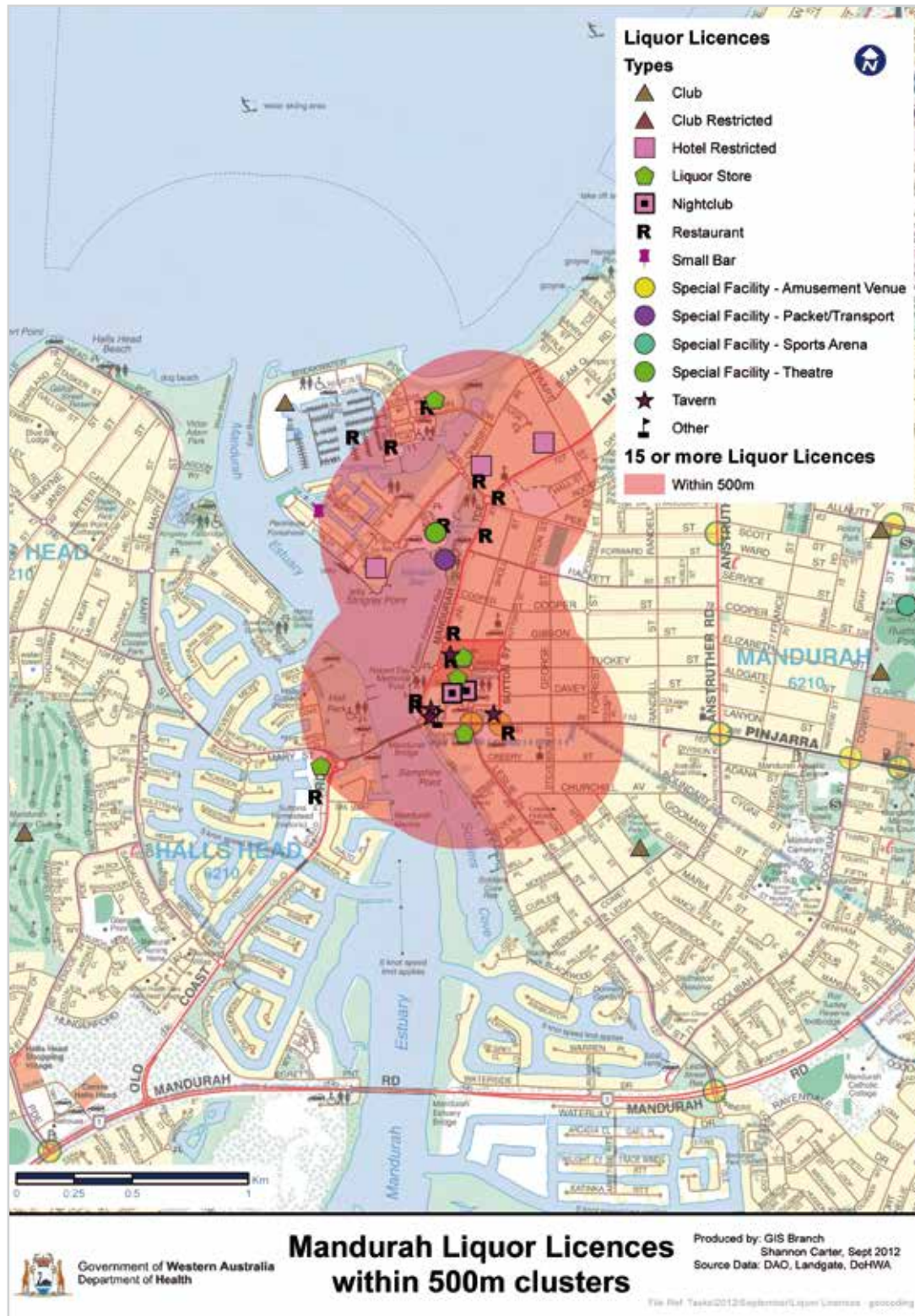
⁸ Moodie, R 2009, *Aussies can't hold our booze*, *The Age*, viewed March 2013, <http://www.theage.com.au/opinion/contributors/aussies-cant-hold-our-booze-20091030-ho0s.html>

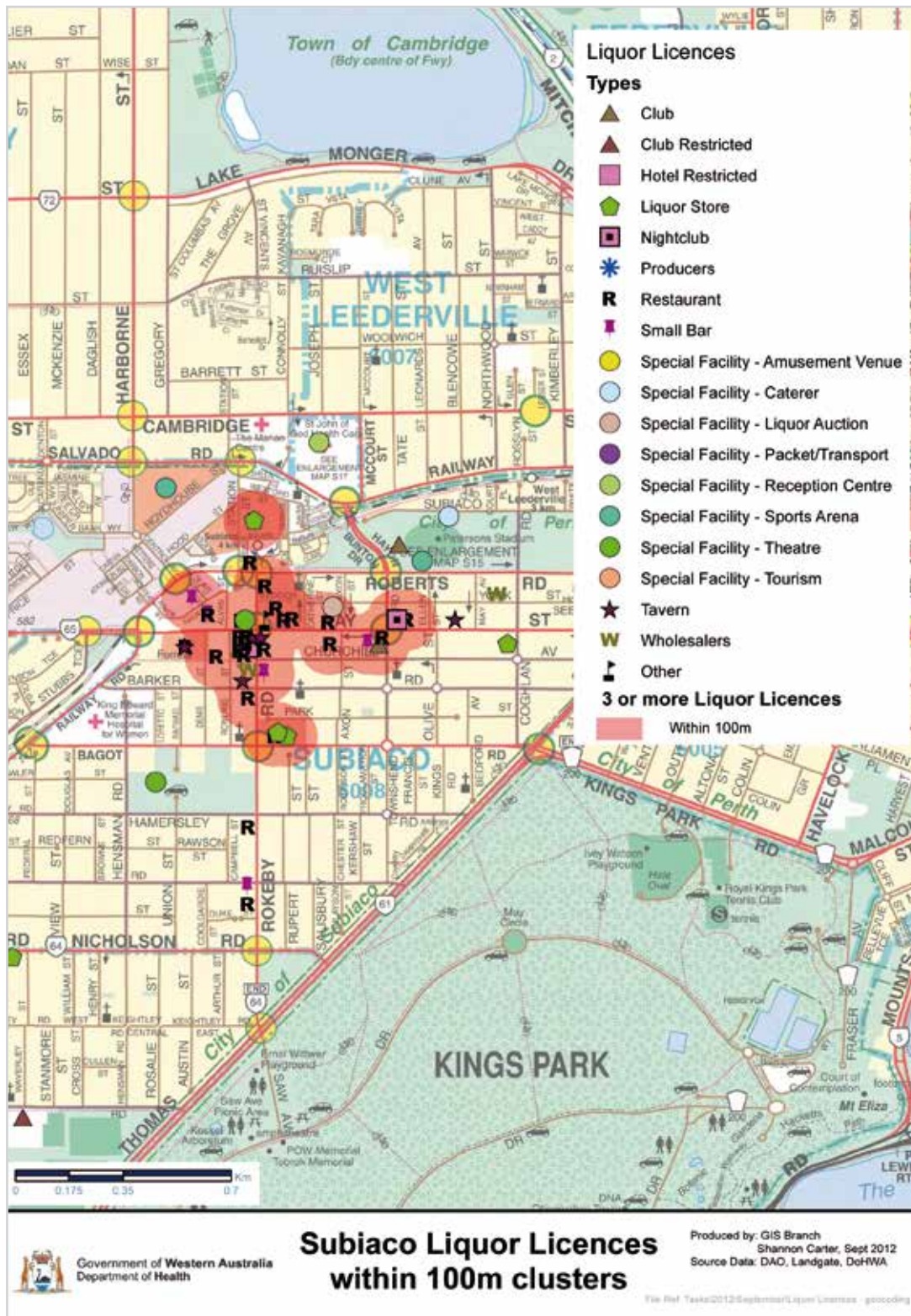
Support Sheet 10:

MAPPING CUMULATIVE IMPACT

This support sheet relates to **Step 4 – Firm up the Local Planning Framework of the Process Model for Developing a Town Planning Approach** regarding **Cumulative Impact Assessment**.

The purpose of this support sheet is to provide an example of cumulative impact mapping showing where various types of liquor licences are located within 500 metres and 100 metres of each other.





Support Sheet 11:

CUMULATIVE IMPACT ASSESSMENT MODEL

This support sheet relates to **Step Four: Firm up the Local Planning Framework of the Process Model for Developing a Town Planning Approach** and the 'Statutory Planning and Policy Development' quadrant of the 'Town Planning and Alcohol Harm Prevention Risk Management Model'.

The purpose of this support sheet is to assist Local Governments to assess cumulative impact factors in relation to existing licensed premises within a given area.

Additional information to help you undertake a cumulative impact assessment can be found in:

- **Part 3 - Background and Processes Section of the Guideline.**
- **Support Sheet 9 – Cumulative Impact.**
- **Support Sheet 10 – Mapping Cumulative Impact.**
- **Support Sheet 12 – Physical Design (Off-Premise Liquor Outlets).**
- **Support Sheet 19 – Trading Hours.**
- **Support Sheet 20 – Existing and Potential Harm and Other Problems.**
- **Support Sheet 21 – Physical Design.**

The following model is based on the framework of the Victoria's Department of Planning and Community Development Practice Note 61 (March 2011): Licensed premises: Assessing Cumulative Impact.

A NOTE ABOUT ASSESSING NEGATIVE IMPACT

Based on alcohol management issues that Western Australian Local Governments have been seeking assistance with, it is recommended that consideration of other information that may provide a more comprehensive assessment for assessing 'negative impact' is included in any cumulative impact assessment approach. This allows Local Governments the flexibility to assess issues as they arise which may not have been anticipated.

The **Cumulative Impact Assessment Model** can be found over the page.

Cumulative Impact Assessment Model

STEP 1

DETERMINE WHETHER A CLUSTER OF LICENSED PREMISES EXISTS

- A cluster would generally occur where there are three or more licensed premises (including the proposed premises) within a 100 metre radius of the subject land, or where there are fifteen or more licensed premises (including the proposed premises) within a 500 metre radius of the subject land.
- Examples of a cluster map are found in **Support Sheet 10 – Mapping Cumulative Impact**.

STEP 2

DETERMINE THE CUMULATIVE IMPACT ASSESSMENT AREA

- The cumulative impact assessment area should include all land within a 500 metre radius of the proposed venue, unless there is another logical boundary that takes into account relevant features (for example another cluster of licensed premises or an impassable physical barrier such as a freeway or river).

STEP 3

MAKING A CUMULATIVE IMPACT ASSESSMENT

PLANNING POLICY CONTEXT		
ASSESS EXISTING SITUATION		SITUATION CONSIDERED
1. Identify any state and local policy, strategies and other planning controls that are relevant to the surrounding area.		<input type="checkbox"/>
2. Is the proposal consistent with the amenity, land use and other planning outcomes encouraged in the policy, strategies and planning controls for the area?		<input type="checkbox"/>

SURROUNDING LAND USE MIX AND AMENITY

- Diversity of uses and activities can add to the vibrancy and amenity of an area but when alcohol is involved, the location and amenity of existing sensitive land uses need to be considered. A well balanced mix may be achieved by mitigating potential harms and reducing the potential for unreasonable negative cumulative impact.
- Late night uses that do not focus on serving alcohol provide alternative activities for visitors, resulting in less likelihood of negative outcomes.

ASSESS EXISTING SITUATION		SITUATION CONSIDERED
Does the subject land adjoin sensitive land uses?	YES	<input type="checkbox"/>
	NO	
What is the relationship between licensed premises and other uses in the area?		<input type="checkbox"/>
ANSWER:		
What are the local crime and other alcohol-related health and harm statistics related to the area?		<input type="checkbox"/>
ANSWER:		
Are there other premises open after 12 midnight?		<input type="checkbox"/>
YES	HOW MANY?	
NO		
Are there any sensitive services or groups in the locality that may be affected?		<input type="checkbox"/>
YES	NAME THEM:	
NO		

What is the existing amenity in the area?		<input type="checkbox"/>
ANSWER:		
What are the reasonable amenity expectations in the area?		<input type="checkbox"/>
ANSWER:		
ASSESS PROPOSAL		PROPOSAL CONSIDERED
Will the proposal significantly increase the number of patrons near sensitive uses at any time?	YES	<input type="checkbox"/>
	NO	
In light of the location and planning policy context, will the proposal generate amenity or other impacts that may affect the orderly and proper planning of the locality beyond what is reasonable?	YES	<input type="checkbox"/>
	NO	

THE MIX OF LICENSED PREMISES

- The mix of licensed premises can influence potential cumulative impacts.
- An area with a mix of restaurants, non-alcohol focussed activity and small bars may have fewer impacts than an area primarily with large and late night licensed venues; however, consideration should also be given to overall numbers of licensed premises in an area.
- Licensed premises open after 12 midnight are considered greater risk to the surrounding area.
- Licensed premises with a patron capacity over 200 may pose a greater risk of alcohol-related harm and result in negative cumulative impact.
- Harm associated with packaged liquor outlets happens away from the venue. This means that while effective outlet management is one aspect of addressing some alcohol problems, it has limited preventative value on issues such as harm that occurs in the home or public place. Harm can occur as a result of increased access to alcohol in an area and the packaged liquor outlet's characteristics.

ASSESS EXISTING SITUATION		SITUATION CONSIDERED
What is the mix of licensed premises in the area?		<input type="checkbox"/>
LIST:		
Do any licensed premises cater for more than 200 patrons?		<input type="checkbox"/>
YES	HOW MANY?	
NO		
How many and what type of licensed premises (especially high capacity venues) operate after 12 midnight?		<input type="checkbox"/>
HOW MANY?		
WHAT TYPE?		<input type="checkbox"/>
Do licensed premises commonly operate at capacity and is queuing common?	YES	
	NO	
Do many licensed premises in the area show a high ratio of standing when compared to seating?	YES	<input type="checkbox"/>
	NO	
Is drinking happening outside of licensed premises? Eg. street drinking, drinking in parks etc.		<input type="checkbox"/>
YES	HOW MANY?	
NO		

Is there any evidence of problems apparent in the area (for example property damage, littering or data showing domestic violence or assault) that may be attributed to alcohol-related incidences?		<input type="checkbox"/>
YES	HOW MANY?	
NO		
Are complaints to Council or police about licensed premises already being generated in the area?		<input type="checkbox"/>
		YES
		NO
Are there any services nearby, or at risk groups already experiencing at harm in the area?		<input type="checkbox"/>
YES	WHO?	
NO		
ASSESS PROPOSAL		PROPOSAL CONSIDERED
Does the proposal contribute to the diversity of activities and vibrancy in the area?		<input type="checkbox"/>
		YES
		NO
Will the proposal reinforce any existing or create any new impacts arising from the mix of uses in the area?		<input type="checkbox"/>
		YES
		NO

TRANSPORT AND DISPERSAL

- The time and routes taken, as well as the volume of patrons leaving or moving between licensed premises are important impact considerations.
- Research shows that while staggered trading hours can support fewer problems with dispersing patrons quickly from an area; this effect is compromised by an increase in other harms when later trading hours are introduced to accommodate staggered trading.

ASSESS EXISTING SITUATION		SITUATION CONSIDERED
Do closing hours between venues coincide closely or is there a spread of closing hours?		<input type="checkbox"/>
		YES
		NO
Are there a high number of patrons in the locality after midnight?		<input type="checkbox"/>
YES	HOW MANY?	
NO		
What public transport is available to patrons at closing time?		<input type="checkbox"/>
ANSWER:		
Are taxi ranks conveniently available to patrons?		<input type="checkbox"/>
		YES
		NO
Is there car parking available where the premises is located?		<input type="checkbox"/>
		YES
		NO
How do people disperse from the area after leaving a licensed premise?		<input type="checkbox"/>
HOW:		
Is the movement of patrons through an area known to be an existing problem?		<input type="checkbox"/>
		YES
		NO
Are there any identified issues with accessing public transport such as frequency or capacity of services?		<input type="checkbox"/>
		YES
		NO

ASSESS PROPOSAL		PROPOSAL CONSIDERED
Is the proposed location or characteristics such as operating hours likely to contribute to any problems for patron dispersal?	YES	<input type="checkbox"/>
	NO	
Will the proposal reinforce any existing or create any new impacts arising from licensed premises closing times and patron dispersal within the area?	YES	<input type="checkbox"/>
	NO	

IMPACT MITIGATION

Mitigation measures to reduce negative impact may include:

- Reducing the operating hours of the venue.
- Providing patron transport or parking.
- Layout design of buildings and any new public space in accordance with good urban design and safe design principles.
- Providing toilets and rubbish facilities in the area.
- Limiting outside seating and reducing patron numbers after 11 pm.
- Improving venue management measures.

Note: many of the above examples of mitigation strategies apply primarily to on-premises venues. It can be more difficult to mitigate impact related to packaged liquor outlets because harm occurs away from the point of sale. See **Support Sheet 12 – Physical Design (Off-Premise Liquor Outlets)**

ASSESS EXISTING SITUATION		SITUATION CONSIDERED
Are there sufficient public amenities available for patron use, including toilets and rubbish disposal?		<input type="checkbox"/>
YES	WHAT?	
NO		
Are there any relevant public safety or enforcement initiatives in the area?		<input type="checkbox"/>
YES		
NO		
Has the area been developed according to principles of good urban design and safe design?		<input type="checkbox"/>
YES	HOW?	
NO		
ASSESS PROPOSAL		PROPOSAL CONSIDERED
Will the proposal provide mitigation measures to address any negative cumulative impacts?		<input type="checkbox"/>
YES	HOW?	
NO		
Can any identified negative cumulative impact be satisfactorily reduced by changes to the proposal?		<input type="checkbox"/>
YES	WHAT?	
NO		

STEP 4FINAL
CUMULATIVE
IMPACT
ASSESSMENT**IS THE PROPOSAL LIKELY TO INCREASE OR CREATE A CUMULATIVE IMPACT IN THE AREA?**
(Multiple options can be selected, for example 1 and 3)

1. Yes, the proposal is likely to increase or create a positive cumulative impact.	<input type="checkbox"/>
2. No, the proposal will not increase or create a cumulative impact.	<input type="checkbox"/>
3. Yes, the proposal is likely to increase or create a negative cumulative impact.	<input type="checkbox"/>

IS THE LIKELY NEGATIVE CUMULATIVE IMPACT REASONABLE OR UNREASONABLE?

A. REASONABLE Although the proposal creates a negative cumulative impact, the impact may still be reasonable if it is <u>minor</u> and balanced against: <ul style="list-style-type: none">• Other planning considerations for the area, such as a local policy that identifies the area as a Council's preferred location for night-time entertainment uses.• Additional mitigation measures are included.• Other positive aspects of the proposal, such as exceptional building design, exceptional use of mitigation measure.	<input type="checkbox"/>
B. CONCERNING If the negative cumulative impact is concerning but adequate additional mitigation measures are included as part of the application, the proposal may still be considered to be acceptable.	<input type="checkbox"/>
C. UNREASONABLE If satisfactory mitigation measures cannot appropriately address the negative cumulative impact, it is likely to be considered as unacceptable because the area will not adequately cope with additional licensed premises of this type.	<input type="checkbox"/>

Support Sheet 12:

PHYSICAL DESIGN (OFF-PREMISE LIQUOR OUTLETS)

This support sheet relates to the 'Key Alcohol Management Issues Relevant to Town Planning' section of **Part 3 - Background and Processes**. This support sheet may also assist with the 'Development Control' quadrant of the 'Town Planning and Alcohol Harm Prevention Risk Management Model' in **Part 2 - Guideline**. The Risk Management Model forms **Step Four: Firm up the Local Planning Framework of the Process Model for Developing a Town Planning Approach**.

This support sheet is designed to assist Local Governments to process off-premise (packaged liquor) liquor licence applications for new premises or alterations to existing premises and for the issue or review of Section 39 and/or Section 40 certificates. This support sheet also alerts Local Governments to several design aspects for off-premise outlets with regard to the potential impact for alcohol-related harm.

- Research suggests alcohol outlet design factors can influence drinking behaviours.
- Harm associated with packaged liquor outlets happens away from the point of sale, and often in private settings.
- Irrespective of whether a packaged liquor outlet is well managed, harm can occur as a result of increased access to alcohol in an area and the outlets characteristics.
- The design of a packaged liquor outlet in terms of size, layout, location and other characteristics can influence drinking patterns and harm in the community.

The physical environment of an off-premise licensed venue (packaged liquor or takeaway outlets) can potentially impact on the amount of harm and ill-health within a community.

In Western Australia, there are a number of different licence types that allow the sale of packaged liquor. However, the main licences that allow for a dedicated browse and sales area for the general public are liquor stores (primary business is packaged liquor) and unrestricted hotel/tavern licences (mainly provide on-premises consumption services but sometimes have a drive-through bottle-shop, or liquor store style area within the premises).

Examples of harms related to packaged liquor

- Research has found a link between packaged liquor outlets, malicious damage to property and offensive behaviour incidents.¹
- Greater numbers of packaged liquor outlets are associated with increased sales and rates of:
 - » child maltreatment;
 - » violence;
 - » vehicle accidents;
 - » pedestrian injuries; and
 - » injuries amongst young adults.²
- When numbers of packaged liquor outlets reduce, there is a decline in rates of particular sexually transmitted diseases and assault.³
- There is a link between packaged liquor and domestic violence rates.⁴
- Although management of packaged liquor outlets is one aspect of addressing some alcohol problems, it has limited application to issues from outlet density, secondary supply, and harm that occurs in the home or place of consumption.⁵

¹ Briscoe, S. & Donnelly, 2001, Temporal and Regional Aspects of Alcohol-related Violence and Disorder. NSW Bureau of Crime Statistics and Research and the National Drug Research Institute, Sydney, pg 3.

² Evans, M., Chikritzhs, T., Allsop, S. & Rechichi, V (2010), Responsible Takeaway Alcohol Hours Bill 2010: A submission by the National Drug Research Institute, National Drug Research Institute, Perth. Pg 6.

³ Cohen et al. 2006 Yu et al. 2008 cited in Evans, M., Chikritzhs, T., Allsop, S. & Rechichi, V (2010), Responsible Takeaway Alcohol Hours Bill 2010: A submission by the National Drug Research Institute, National Drug Research Institute, Perth. Pg 6.

⁴ Livingston M (2011), A longitudinal analysis of alcohol outlet density and domestic violence. *Addiction*: 106, 919-926. Pg 924.

⁵ Liquor Commission Decision LC 24/2012, para 32, pg 19.

Design features can be predictors of alcohol-related harm

The following design features of packaged liquor outlets can impact on the volume of liquor consumed in the community and related harm, particularly when in combination:

DESIGN FEATURE	EXAMPLE RISK ELEMENTS
Large size	<ul style="list-style-type: none">• Greater capacity for large volumes of alcohol into community.
Layout	<ul style="list-style-type: none">• Internal layout that supports easy access, bulk purchases.
Location	<ul style="list-style-type: none">• Proximity to sensitive services or at-risk groups.• Easy access supports frequency of purchase.
Low prices	<ul style="list-style-type: none">• Appeal to at-risk groups.• Influence frequency and volume of purchases and consumption.

Venues that have all of the above characteristics are known as 'big box' or 'liquor superstores'. Liquor superstores are often over 1000 square metres of floor space and set up in a supermarket-like format.

Large size and layout

- » The size and layout of a packaged liquor outlet can facilitate the display and associated purchasing of large amounts of liquor (bulk purchase), which has the potential to increase the volume of liquor consumed in the community.
- » Displaying large amounts of stock in larger volumes (e.g. cartons) gives the impression that the normal unit purchase is the larger amount (bulk purchasing).
- » Having a large supply of alcohol available increases the likelihood of consumption occurring more frequently.⁶

Store location

- » Locating a liquor outlet near at-risk groups (e.g. schools, youth centres) or sensitive services (e.g. services for those with alcohol problems) can lead to problems in the community.
- » Outlets located near public transport or on main roads which have high traffic volume increase the convenience of purchasing alcohol.
- » Ease of access to a liquor outlet (convenience) can facilitate an increase in the amount purchased, frequency of purchase and related consumption.
- » Due to the high visibility and convenience, consumers are also supported to purchase alcohol when they would otherwise not be considering purchasing alcohol (impulse buying).

⁶Professor R. Donovan 2014, A Witness Statement pg7. Unpublished.

RISKS NEAR SCHOOLS/YOUTH FACILITIES	RISKS NEAR TREATMENT/SOCIAL SERVICES
<ul style="list-style-type: none"> • Daily exposure to alcohol advertising.⁷ 	<ul style="list-style-type: none"> • Can compromise treatment or support service being provided.
<ul style="list-style-type: none"> • Alcohol seen as a normal part of child-related settings. 	<ul style="list-style-type: none"> • Supports reminder/impulse purchasing.
<ul style="list-style-type: none"> • Can lead to positive attitudes towards alcohol, related to earlier uptake of alcohol and greater levels of consumption.⁸ 	<ul style="list-style-type: none"> • Can make it difficult for those that have alcohol problems to abstain or reduce their drinking.
<ul style="list-style-type: none"> • Potential alcohol access (e.g. secondary supply). 	<ul style="list-style-type: none"> • Can create additional challenges for those experiencing complex issues.

Price

- » A Local Government is not able to address the price of alcohol at an outlet in planning considerations. However, it is useful to understand the potential impact of a venue that will sell low priced alcohol in conjunction with other high risk design features.
- » Price can impact on the access people have to alcohol.
- » Dozens of studies conducted in both developed and developing countries have demonstrated that alcohol prices do have an effect on the level of alcohol consumption and its related problems, including mortality and morbidity rates, crime and traffic accidents.⁹

Potential impact of cheap alcohol availability and location on self-reported purchase and consumption behaviours, Perth¹⁰

	IF CHEAP ALCOHOL WAS AVAILABLE	IF A NEW CHEAP ALCOHOL OUTLET OPENED IN THEIR AREA
Buy more alcohol than planned (quantity)	1 in 3 (33%).	More than 2 in 5 (41%).
Drink more alcohol	Nearly 1 in 5 (18%).	Nearly 1 in 4 (24%).
Buy more frequently	More than 1 in 4 (26%).	More than 1 in 3 (35%).

⁷ Pasch, K. E., Komro, K. A., Perry, C. L., Hearst, M. O., and Farbaksh, K. (2007). Outdoor alcohol advertising near schools: What does it advertise and how is it related to intentions and use of alcohol among young adolescents? *Journal of Studies on Alcohol and Drugs*, 68, 587-596.

⁸ Australian Medical Association 2012. Alcohol Marketing and Young People: A new policy agenda. Available from: < <http://www.healthway.wa.gov.au/docs/default-document-library/ama---alcohol-marketing-and-young-people---time-for-a-new-policy-agenda.pdf> > [Accessed 25 September 2013]

⁹ Babor, T., Caetano, R., Casswell, S., Edwards, G., Giesbrecht, N., Graham K., Grube, J Rossow, I. (2010). *Alcohol, no ordinary commodity, research and public policy*. New York.: Oxford University Press. pg 124

¹⁰ Gardiner, R. & Coase, P (2011) *Cheap Drinks*. Perth: Western Australia. pg 15, 26, 17, 28, 13, 24.

The placement of alcohol for sale within supermarkets

- » Research shows that the sale of alcohol from within supermarkets leads to increased consumption and harm.¹¹
- » The placement of alcohol alongside everyday grocery items sends the message that alcohol is an ordinary product rather than a product that can cause significant harm.
- » Reinforcing alcohol as a normal part of everyday life also reinforces the drinking culture, particularly for young people.
- » The availability of alcohol in general supermarket aisles poses difficulty for those trying to overcome alcohol problems or alcohol dependence.

Sweden: alcohol consumption, harm and grocery outlets

Professor Ray Hodgson of Alcohol Research UK¹² speaks of a natural experiment in Sweden which shows that overall, more alcohol is consumed when it is easily available.

*'The study examined consumption and alcohol-related problems when beer, up to 4.5% alcohol, was allowed to be sold in grocery stores. Eight years later this permission was reversed. When permission was granted total consumption increased by 15% and fell by about the same amount when the decision was reversed. There was also a drop in motor cycle accidents and a drop in hospital admissions for alcohol related problems in those under 20.'*¹³

¹¹ Wagenaar, A. C. & Langley, J. D. 1995. Alcohol licensing system changes and alcohol consumption: Introduction of wine into New Zealand grocery stores. *Addiction*, 90, 773-783.

¹² Hodgson, R. 2012. The Government's Alcohol Strategy: A response from Alcohol Research UK 30 March 2012. <http://alcoholresearchuk.org/2012/03/30/the-governments-alcohol-strategy/>

¹³ Ramsted M. The repeal of medium strength beer in grocery stores in Sweden: the impact on alcohol related hospitalizations in different age groups. In Room R., (ed) *The effects of Nordic alcohol policies: what happens to drinking and harm when control systems change?* Publication No. 42, pp 117-31. Helsinki: Nordic Council for Alcohol & Drug Research.

Support Sheet 13:

MATTERS TO BE CONSIDERED BY LOCAL GOVERNMENT

This support sheet relates to the 'Development Control' quadrant of the 'Town Planning and Alcohol Harm Prevention Risk Management Model'.

The purpose of this support sheet is to assist Local Governments when considering an application for planning approval.

Matters to be considered by Local Government

"In considering an application for development approval the local government is to have due regard to the following matters to the extent that, in the opinion of the local government, those matters are relevant to the development the subject of the application —

- a) *the aims and provisions of this Scheme and any other local planning scheme operating within the Scheme area;*
- b) *the requirements of orderly and proper planning including any proposed local planning scheme or amendment to this Scheme that has been advertised under the Planning and Development (Local Planning Schemes) Regulations 2015 or any other proposed planning instrument that the local government is seriously considering adopting or approving;*
- c) *any approved State planning policy;*
- d) *any environmental protection policy approved under the Environmental Protection Act 1986 section 31(d);*
- e) *any policy of the Commission;*
- f) *any policy of the State;*
- g) *any local planning policy for the Scheme area;*
- h) *any structure plan, activity centre plan or local development plan that relates to the development;*
- i) *any report of the review of the local planning scheme that has been published under the Planning and Development (Local Planning Schemes) Regulations 2015;*
- j) *in the case of land reserved under this Scheme, the objectives for the reserve and the additional and permitted uses identified in this Scheme for the reserve;*
- k) *the built heritage conservation of any place that is of cultural significance;*
- l) *the effect of the proposal on the cultural heritage significance of the area in which the development is located;*
- m) *the compatibility of the development with its setting including the relationship of the development to development on adjoining land or on other land in the locality including, but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the development;*

- n) *the amenity of the locality including the following —*
 - (i) *environmental impacts of the development;*
 - (ii) *the character of the locality;*
 - (iii) *social impacts of the development;*
- o) *the likely effect of the development on the natural environment or water resources and any means that are proposed to protect or to mitigate impacts on the natural environment or the water resource;*
- p) *whether adequate provision has been made for the landscaping of the land to which the application relates and whether any trees or other vegetation on the land should be preserved;*
- q) *the suitability of the land for the development taking into account the possible risk of flooding, tidal inundation, subsidence, landslip, bush fire, soil erosion, land degradation or any other risk;*
- r) *the suitability of the land for the development taking into account the possible risk to human health or safety;*
- s) *the adequacy of —*
 - (i) *the proposed means of access to and egress from the site; and*
 - (ii) *arrangements for the loading, unloading, manoeuvring and parking of vehicles*
- t) *the amount of traffic likely to be generated by the development, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety;*
- u) *the availability and adequacy for the development of the following —*
 - (i) *public transport services;*
 - (ii) *public utility services;*
 - (iii) *storage, management and collection of waste;*
 - (iv) *access for pedestrians and cyclists (including end of trip storage, toilet and shower facilities);*
 - (v) *access by older people and people with disability*
- v) *the potential loss of any community service or benefit resulting from the development other than potential loss that may result from economic competition between new and existing businesses;*
- w) *the history of the site where the development is to be located;*
- x) *the impact of the development on the community as a whole notwithstanding the impact of the development on particular individuals;*
- y) *any submissions received on the application;*
- za) *the comments or submissions received from any authority consulted under clause 66;*
- zb) *any other planning consideration the local government considers appropriate.”¹*

¹ Government of Western Australia, 2015 *Planning and Development (Local Planning Schemes) Regulations* (Cl 67 of Schedule 2 – Deemed provisions for local planning schemes).

Support Sheet 14:

LIQUOR CONTROL ACT (1988)

SECTION 39 AND 40 CERTIFICATION

» The following is an extract from *Liquor Control Act (1988)* outlining Section 39 and 40 provisions relevant to Local Government

39. Certificate of Local Government as to whether premises comply with laws

- (1) An application made to the licensing authority for the grant or removal of a licence, or are situated, or are to be situated, unless the licensing authority otherwise determines.
- (2) A certificate referred to in subsection (1) shall state —
 - (a) whether or not the premises comply with all relevant requirements of —
 - (i) the *Public Health Act 2016* ; and
 - (ia) the *Food Act 2008*; and
 - (ii) any written law applying to the sewerage or drainage of those premises; and
 - (iii) the *Local Government Act 1995*; and
 - (iv) the *Building Act 2011*; and
 - (b) where the premises do not so comply, the manner in which the premises could be made to comply or that the premises could not reasonably be made to comply.
- (3) The licensing authority may, where it is satisfied that it is desirable to do so, impose a condition on a licence relating to the submission, or further submission, to the licensing authority of a certificate referred to in subsection (1).

40. Certificate of planning authority as to whether use of premises complies with planning laws

- (1) An application made to the licensing authority for the grant or removal of a licence, or for a change in the use or condition of any premises shall be accompanied by a certificate from the authority responsible for planning matters in the district in which the premises to which the application relates are situated, or are to be situated, unless the licensing authority otherwise determines.
- (2) A certificate referred to in subsection (1) shall state that the proposed use of the premises –
 - » will comply with the requirements of the written laws relating to planning specified; or
 - » 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
 - » will not comply with the requirements specified for the reasons specified.
- (3) In this section —

specified means specified in the planning certificate.
- (4) The licensing authority may, where it is satisfied that it is desirable to do so, impose a condition on a licence relating to the submission, or further submission, to the licensing authority of a certificate referred to in subsection (1).

Support Sheet 15:

LIQUOR LICENCE ASSESSMENT CHECKLIST

This support sheet relates to the 'Development Control' quadrant of the 'Town Planning and Alcohol Harm Prevention Risk Management Model'. This Model forms **Step Four: Firm up the Local Planning Framework of the Process Model for Developing a Town Planning Approach.**

The purpose of this support sheet is to provide suggestions regarding information that may be useful to have when considering liquor-related Development Applications or Section 39 and 40 Certificates. Aspects of this support sheet can be used to design an assessment checklist in an appropriate format for your Local Government.

1. Assessment of the Liquor Licence Application

APPLICATION DETAILS						COMMENTS
Licence Type: (tick box)						
Club	<input type="checkbox"/>	Restaurant	<input type="checkbox"/>			
Club Restricted	<input type="checkbox"/>	Wholesaler	<input type="checkbox"/>			
Liquor store	<input type="checkbox"/>	Producer	<input type="checkbox"/>			
Nightclub	<input type="checkbox"/>	Small Bar	<input type="checkbox"/>			
Hotel	<input type="checkbox"/>	Special facility _____(type)	<input type="checkbox"/>			
Hotel Restricted	<input type="checkbox"/>	Tavern	<input type="checkbox"/>			
Occasional licence	<input type="checkbox"/>	Tavern Restricted	<input type="checkbox"/>			
Trading Hours						
Day	Hours		Day	Hours		
Monday	AM:	PM:	Friday	AM:	PM:	
Tuesday			Saturday			
Wednesday			Sunday			
Thursday						
Extended Trading Permit:						
Is the premises applying for an Extended Trading Permit (ETP)? Yes						
_____ (hours) / No						
Is the ETP:						
• One-off application? Yes / No						
• An ongoing request? Yes / No						
Are there any provisions in the Town Planning Scheme or policy that would prohibit the licence from being granted an ETP? Yes / No						
Is the premises applying for a liquor without a meal permit? Yes / No						
Is the premises applying for an alfresco ETP? Yes / No						

APPLICATION DETAILS	COMMENTS
Proposed trading conditions in the submission: (list)	
•	
•	
•	
•	
History of venue: Describe any historical events on record such as incidents or previous applications	
For example: have there been any recent incidents at the premises or within its vicinity/locality	
• Assaults? Yes / No	
• Drink driving? Yes / No	
• Street drinking? Yes / No	
• Property damage? Yes / No	
• Littering? Yes / No	
• Other incidents?	
Has this applicant lodged other applications previously?	
Describe any other significant historical events	
Security and emergency procedures:	
Does the applicant propose to engage the services of crowd controllers or security officers? Yes / No	
If security officers are employed will they monitor the vicinity of the premises (e.g. car parks) Yes / No	
Will security officers be employed past the premises closing time to ensure safe dispersal of patrons? Yes / No	
Will the premises be equipped with close-circuit television? Yes / No	
Is the premises easily accessed by emergency vehicles? Yes / No	
Are there an adequate number of exits? Yes / No	
At-risk groups Are there sensitive services in the immediate locality that provides services to at-risk groups (e.g. treatment and support services, youth focused activity or services, residential services for those at-risk)? Yes / No (If yes, list...)	
<i>At-risk groups can be negatively impacted upon by the availability, price and visibility of alcohol, which in turn can influence how alcohol is consumed and related harm.</i>	
Does the purpose of the venue mean that it is likely to attract young patrons (18 – 25 year-olds)? Yes / No	

APPLICATION DETAILS	COMMENTS
<p>Does the venue have any facilities for children within the complex such as a playground, sporting facilities? Yes / No</p> <p>Does the venue cater for children via specific activities e.g. face-painting? Yes / No</p> <p><i>Experts advise that activity targeting children in licensed premises is considered to have a longer term cultural impact that establishes a positive view of alcohol which can lead to earlier initiation to alcohol use and related harms.</i></p>	
<p>Entertainment:</p> <p><i>Entertainment is important to engage patrons in other activities than drinking and to prevent patrons from becoming aggressive. However, some forms of entertainment can cause noise problems and aggression amongst patrons.</i></p>	
<p>Does the premises have any of the following facilities</p> <ul style="list-style-type: none"> • Stage for live music? Yes / No • Dance floor? Yes / No • Balcony? Yes / No 	
<p>Does the applicant intend to have any competitive activities</p> <ul style="list-style-type: none"> • Pool/snooker? Yes / No • Darts? Yes / No 	
<p>Does the applicant seek to provide immodest entertainment? Yes / No</p>	
<p>Will the premises have any sound-proofing or other noise minimisation features? Yes / No</p>	
<p>Provision of food:</p> <p><i>The provision of food can also assist to engage patrons in activities other than drinking and reduce the potential for intoxication and related problems.</i></p>	
<p>Will the premises be providing substantial meals? Yes / No</p>	
<p>Responsible service of alcohol:</p> <p><i>The responsible service of alcohol means that liquor will be sold and supplied in accordance with the Liquor Control Act (1988). Within licensed premises, responsible service of alcohol can prevent the supply of liquor to juveniles and service to intoxicated patrons. There are factors that can either support or hinder responsible service of alcohol practices.</i></p>	
<p>Does the premises have more than one bar? Yes / No</p>	
<p>What does management have in place on an ongoing basis to supplement mandatory responsible service of alcohol training?</p>	
<p>Capacity of the premises:</p>	
<p>What is the maximum capacity of the premises?</p>	

APPLICATION DETAILS	COMMENTS
Ventilation and temperature regulation:	
Does the premises have air conditioning? Yes / No	
Does the premises have fans? Yes _____ _____ (number and type) / No	
Location of the premises:	
<i>The location of a licensed outlet has a bearing on the potential for harm. If there is already harm happening in the locality, it indicates there may be factors present that further increase the potential for harm. Characteristics of the location are useful to consider alongside other features of the application to assess potential issues, or similarly, existing protective factors from alcohol-related problems.</i>	
Is the premises located near: <ul style="list-style-type: none"> • Major road? Yes / No <i>(e.g. this could present implications regarding easy access).</i> • Body of water? Yes / No <i>(e.g. this could present implications for injuries).</i> • School? Yes / No <i>(e.g. this could present implications for cultural influence regarding alcohol use being seen as normal by children, or underage access to alcohol).</i> • Health centre? Yes / No <i>(e.g. this could present potential noise, disturbance, amenity implications).</i> • Park? Yes / No <i>(e.g. this could present implications for underage access to alcohol and public drinking).</i> • Shopping centre? Yes / No <i>(e.g. this could present implications if the shopping centre is a popular gathering place for young people or public drinking).</i> 	
Availability of transport:	
<i>The availability of transport assists to minimise the occurrence of drink driving by patrons and assists to remove patrons from the area, once they have left the premises, so they don't loiter and cause problems.</i>	
Is the premises located near a taxi rank? Yes / No	
Is public transport available during all of the premises opening hours? Yes / No	
General issues:	
Are there any applicable local laws relating to the area that the premises is located in? Yes / No	

APPLICATION DETAILS	COMMENTS
<p>Consultation: <i>Describe any consultation conducted with the community regarding the application and any comments or complaints received by the Local Government according to the different types of groups below.</i></p> <p>Community groups:</p> <p>Businesses:</p> <p>Local Police:</p> <p>Local Health services:</p> <p>Feedback from within Local Government. For example - Planning, environmental health or community/recreation services.</p>	

2. Assessment of the Liquor Licence Application Floor Plans / Design

ITEM	HARM MINIMISATION CONSIDERATIONS	COMMENTS
Number and location of entrances and exits	<ul style="list-style-type: none"> Public Buildings legislative requirements. Monitoring of entrances and exits for juveniles, drunkenness and disorderly behaviour becomes more difficult with more than one entry/exit point. 	
Floor area of the premises	<ul style="list-style-type: none"> Larger venues generally attract more patrons which increases the potential for problems with noise, littering, traffic and parking. 	
Whether the plans indicate fixed furniture	<ul style="list-style-type: none"> Fixed furniture will reduce the maximum capacity of the venue and in some cases encourage a different atmosphere that reduces likelihood of aggression, for example table seating. 	
Presence of kitchen facilities	<ul style="list-style-type: none"> As the consumption of food generally slows the absorption of alcohol in the body, premises that provide food to patrons during their business hours are often associated with less alcohol-related problems. 	

ITEM	HARM MINIMISATION CONSIDERATIONS	COMMENTS
Number and location of toilets	<ul style="list-style-type: none"> • Toilets can cause problems in venues when there is queuing and bottlenecking in thoroughfares near the location of the toilets. Although the number of toilets in a venue should be in line with legislative requirements, if the venue is particularly large, more toilets dispersed throughout the venue can be advantageous. • The location of toilets near high-traffic areas such as dance floors, bars and entrances and exits is not recommended. 	
Number of car parking spaces	<ul style="list-style-type: none"> • The number of car parking spaces should be considered in relation to the capacity of the venue and number of patrons and staff. • It is also important to consider how patrons will access the venue. Is public transport available? Or will patrons rely on their own car? • Adequate parking can reduce potential traffic problems from illegal parking. 	
Location, number and size of bars	<ul style="list-style-type: none"> • Raised bars can enhance surveillance within premises. • Ability to monitor patrons and provide responsible service of alcohol. 	
Presence of outdoor areas / balconies	<ul style="list-style-type: none"> • Do the areas have appropriate barriers? Outdoor areas that are not fenced off from outside the licensed premises can increase risk of problems such as juveniles entering or obtaining alcohol, patrons leaving with open drinks, disorderly or drunken patrons entering. 	

Extract from the Local Government Alcohol Management Package (2009)

Support Sheet 16:

PUBLIC INTEREST ASSESSMENT

This support sheet relates to **Step 4 – Firm up the Local Planning Framework of the Process Model for Developing a Town Planning Approach** regarding **Development Control**.

This support sheet will assist with assessing potential harm when assessing a liquor licence.

In most cases, an applicant must lodge a Public Interest Assessment submission to support their application for a liquor licence, which outlines information on the premises' impact on a number of factors including, but not limited to:

1. The **harm or ill-health** caused to at-risk groups within the area, including:
 - children and young people;
 - Aboriginal people and communities;
 - people from regional, rural and remote communities;
 - families;
 - migrant groups from non-English speaking countries;
 - low socio-economic areas;
 - mining communities or communities with a high number of itinerant workers; and
 - areas that experience high number of tourists.
2. Information about the social health indicators for the suburb or town in which the premises is located, which might include:
 - the incidence of alcohol-related crime in the area (eg. Domestic violence, alcohol-related assault, property damage);
 - the rates of, and general trends in, alcohol-related hospital admissions; and
 - existing rates of alcohol consumption in the statistical division.
3. The **impact on the amenity** including:
 - a social profile of the locality;
 - the existing demographics of the population;
 - details of consultations with Local Government;
 - the location of all existing licensed premises within the suburb in which the proposed premises is to be located (outlet density information);
 - the nature of existing services provided by the various licensed premises within the specified locality;
 - the nature and type of facilities to be provided at the venue;
 - various other amenity issues, such as; access to, and diversity of, services and facilities in the area; and
 - available public transport facilities.
4. Strategies to combat **offence, annoyance, disturbance** or inconvenience including, but not limited to:
 - engagement of licensed crowd controllers;
 - the provision of food;
 - installation of noise limiters on all amplification equipment;
 - types of entertainment being provided;
 - lighting in and around the proposed premises; and
 - maximum accommodation numbers.

Detailed policy information about Public Interest Assessment requirements can be found at <http://www.rgl.wa.gov.au>.



Support Sheet 17:

PUBLIC INTEREST ASSESSMENT QUESTIONS

This support sheet relates to **Step Four: Firm up the Local Planning Framework of the Process Model for Developing a Town Planning Approach** in the 'Development Control' quadrant of the 'Town Planning and Alcohol Harm Prevention Risk Management Model'.

The purpose of this support sheet is to assist Local Government Planners to assess applications for Section 40 Certificate and planning applications. It is a useful tool when considering the content of Public Interest Assessments produced by liquor licence applicants.

1. How accurate is the information in the Public Interest Assessment?

How do you know?

- Are the sources of information credible?
- Is it compatible with information held by your Local Government?
- Have you checked the key information with other stakeholders and their statistics?
- Is it selective and not representative of the affected community?

2. Are any existing problems in the locality understated or not considered?

- Does the application accurately reflect levels of alcohol problems when compared to key stakeholders and statistics?
- Has the applicant considered how the sale of alcohol from their venue in the local environment might impact on local problems or at risk groups?
- Has the applicant considered how their licence or changes to their licence might attract a different target group?

3. Are the high risk aspects of the licence recognised and are strategies to manage these risks included?

- Are the strategies listed already a requirement by law?
- What management strategies are in place to support bar staff practices complying with responsible service laws?

4. Are the suggested strategies to manage risk, effective strategies?

- Are the strategies suggested consistent with best practice for minimising and preventing problems and risks?
- Have you consulted with other stakeholders regarding the likely impact of the strategies?

5. Is an understanding of the potential future impact of the licence demonstrated?

- Has the applicant considered how their licence or changes to their licence might attract a different target group and how this might change the probability that harm might occur (eg. restaurants applying for 'Liquor Without a Meal Permit')?
- If it is an existing licence, will it become a higher risk licence if the application is granted (eg. later trading hours, increased capacity to sell alcohol, targeting higher risk groups)?

6. Have they consulted with police and health? How did they consult and what were the outcomes?

- Have you checked with those quoted within the application to see if they have been reported accurately?
- Have the stakeholders been asked to consider the application in the context of local harm, amenity and disorder issues?

7. Who in your Local Government did the applicant consult with and were the issues of safety, amenity and health considered above standard Section 39 and 40 considerations?

Extract from the Local Government Alcohol Management Package (2009) – Tool 9: Public Interest Assessment Questions

Support Sheet 18:

SECTION 40 CERTIFICATE CONDITIONS

This support sheet relates to the 'Development Control' quadrant of the 'Town Planning and Alcohol Harm Prevention Risk Management Model'. This Model forms **Step Four: Firm up the Local Planning Framework of the Process Model for Developing a Town Planning Approach**

The purpose of this support sheet is to provide Local Government Planners with some examples of conditions that could be employed in the assessment of Section 40 certificates, which are also useful for planning approval conditions.¹

The following examples are conditions that have been placed on Section 40 certificates by Local Governments in Western Australia. The list is not intended to be exhaustive, but rather is designed to provide a starting point for Local Governments considering this approach.

CONDITION AREAS	CONDITION EXAMPLES	SUPPORTIVE ASPECTS OF LEGISLATION / POLICY WITHIN THE LOCAL GOVERNMENT
Restriction on Trading Hours.	<ul style="list-style-type: none"> » No extended trading permits to allow an increase in trading hours will be granted. » The hours of operation shall be restricted to between 10.00am-5.00pm (7 days a week) unless a variation is approved in writing by Council. » The hours of operation shall be limited to between 7.00am and 10.00pm Monday to Sunday » The hours of operation shall be limited to between 11.00am to 12.00pm (midnight) Monday to Saturday and 9.00am and 10.00pm on Sundays, inclusive. » The premises will not trade after midnight on any night, Monday to Saturday, or after 10.00pm on Sundays. » The service of liquor is to be limited to the times specified in the management plan, generally being: <ul style="list-style-type: none"> • Two hours prior, during, and two hours after a performance, show or event at the theatre; or • Until 12.00 midnight for functions. 	eg. Town planning scheme.

CONDITION AREAS	CONDITION EXAMPLES	SUPPORTIVE ASPECTS OF LEGISLATION / POLICY WITHIN THE LOCAL GOVERNMENT
<p>Internal Design Requirements. Conditions to reduce alcohol problems, drunkenness and disorderly behaviour.</p>	<ul style="list-style-type: none"> » With the exception of the dance floor, the premise is to be furnished with chairs, lounges and tables. » Tables and chairs must be set up throughout the licensed premises to accommodate not less than 150 patrons. » At all times the premises is to be set up for dining. » The ground floor and first floor approved 'lounge' areas must be set up and operate in accordance with the approved plans at all times. All dining furniture is to remain in situ during the hours of operation. » No more than six (6) tables and twelve (12) chairs shall be set up in the alfresco dining area. 	<p>eg. Any relevant Local Government policies</p>
<p>Capacity Limits. It is possible under a Town Planning Scheme to set capacity limits lower than what is specified in the Health (Public Buildings) Regulations 1992. For example, a Local Government may want to set lower capacity limits if the venue is a high-risk premise, in certain mixed use areas, or where there is inadequate parking or public transport provisions.</p>	<ul style="list-style-type: none"> » The capacity of the venue must not exceed 200 patrons. » The maximum number of patrons which can be accommodated on the premises at any one time will not exceed 120 persons. » The 'public bar area' is limited to a maximum floor area of 45m². Any increase in this area requires the Planning Approval of the City. 	<p>eg. Town planning scheme, relevant plans or policies.</p>

CONDITION AREAS	CONDITION EXAMPLES	SUPPORTIVE ASPECTS OF LEGISLATION / POLICY WITHIN THE LOCAL GOVERNMENT
<p>Noise/Entertainment Restrictions.</p>	<ul style="list-style-type: none"> » Amplified music presented by a DJ is to be in the general style of jazz, groove or Latin. Techno, rock and roll, heavy metal or rap music is prohibited. Live music is to be acoustic style in the form of soloist, duos or trios. » PA amplified music, with the exception of quiet background music, must cease at least thirty (30) minutes before closing. » Music, whether pre-recorded, or other is to be played at a volume that permits conversation to occur, that is, the volume of music played within the tavern is not to exceed 94dba for a continuous period exceeding 3 seconds. » The rear external area is not to be used after 7.00pm to minimise noise impacts on surrounding residents. » There is to be no music played in the external area at the rear of the premises. » There is to be no music played in the garden dining area after 7.00pm and music proposed for other internal areas is to be restricted to background type music (such as piano and/or low level piped music) in accordance with the recommendations contained within the noise impact assessment undertaken. » All entertainment within the tavern being restricted in volume to background level noise over which normal levels of conversation can occur. » The applicant will prepare a Plan for the Town of Cambridge prior to issuance of a building licence covering (inter alia) noise management and minimisation of noise impact on residents and other members of the community. 	<p>eg. Town planning scheme, relevant plans or policies.</p>

CONDITION AREAS	CONDITION EXAMPLES	SUPPORTIVE ASPECTS OF LEGISLATION / POLICY WITHIN THE LOCAL GOVERNMENT
Provision of Security Patrols and Crowd Controllers.	<ul style="list-style-type: none"> » Security personnel, licensed in accordance with the Security and Related Act 1998 are to be engaged on Friday and Saturday nights from 9.00pm to 12.30am the following morning and on Sundays from 10.00pm to 10.30pm, and on any other night when the premises are occupied by more than 200 patrons. During these times, at least one licensed security guard is to patrol the outside of the building. 	
Provision of Food.	<ul style="list-style-type: none"> » The kitchen must remain open with staff available to provide the full menu until 30 minutes before closing time on any night. » The licensed premises must contain kitchen facilities that are suitable for the preparation of the meals to be supplied by the licensee. » The kitchen facilities are to remain open for the purpose of serving food during the operating hours. 	
Lighting Requirements.	<ul style="list-style-type: none"> » Adequate lighting is present outside the venue. 	eg. Community Safety and Crime Prevention
Litter Management Requirements.	<ul style="list-style-type: none"> » Professional cleaning services are to be engaged to clean the immediate vicinity of the premises on Friday and Saturday nights for 30 minutes after closing. 	eg. Any relevant Local Government plans or policies
Alternative Transport Provisions.	<ul style="list-style-type: none"> » Internal promotion encouraging the use of public transport (specifically taxis) to be clearly visible to patrons. » Operational telephone available inside the premises with phone numbers of taxi companies to be available to patrons. 	eg. Community Safety and Crime Prevention Plan strategies

CONDITION AREAS	CONDITION EXAMPLES	SUPPORTIVE ASPECTS OF LEGISLATION / POLICY WITHIN THE LOCAL GOVERNMENT
Other.	<ul style="list-style-type: none"> » The premise is prohibited from selling or supplying packaged liquor to patrons for consumption off the licensed premises. » Prior to occupation, a Management Plan shall be submitted and approved to the satisfaction of the Chief Executive Officer, City of X, addressing issues such as security on site, lighting in and around the site, security of patrons on leaving the venue, sale of alcohol, methods of patron control (including training and surveillance), assistance in departure from the venue (ie. Availability of a direct telephone link to a taxi service or courtesy bus) and noise. 	

Updated from the Local Government Alcohol Management Package (2009) – Tool 4: Section 40 Certificates Risk Management Tool.

¹ Government of Western Australia, Drug and Alcohol Office 2009. Local Government Alcohol Management Package. Perth.

Support Sheet 19:

TRADING HOURS

- » **Research shows that longer trading hours are associated with increased alcohol sales, consumption of alcohol by patrons and increased levels of violence.**
- » **Evidence suggests that levels of alcohol consumption are associated with the duration of the drinking occasion.¹**

The international literature agrees that longer trading hours, especially those late at night, are associated with increased consumption of alcohol and alcohol-related harms.^{2,3}

Contributing factors to the impact late night trading hours can have include:

- Late night extended trading allows additional drinking at a 'high-risk' time.
- This time is 'high-risk' because patrons making use of the late night extended trading hours are already likely to have been drinking for a number of hours (either in private or licensed settings).
- Consumption of alcohol over a number of hours can raise the blood alcohol concentration (BAC) of a person to levels that affect cognitive function, such as rational thought, decision making and ability to respond appropriately to circumstances.
- With a reduced cognitive capacity to contain the amount of alcohol consumed, excessive consumption is more likely to occur, which increases the risk of harm.

A 2012 National Drug Law Enforcement Research Fund⁴ study on the effect of various interventions to reduce alcohol-related harms in Newcastle and Geelong, Australia found that,

'Restricting trading hours has had an immediate and long-term effect on alcohol-related harm and the culture of intoxication in Newcastle.'

Melbourne Experience

- » Melbourne has a freeze on the granting of new late night liquor licences seeking to trade after 1am in inner Melbourne.
- » The freeze also applies to variations or relocations of existing licences for trade past 1am.
- » The freeze is in place in response to high levels of problems and to stop the growth of high risk late night venues in the Local Government areas of Melbourne, Port Phillip, Yarra and Stonnington.⁵

Trading hours and violence

Research shows that longer trading hours are associated with increased alcohol sales, consumption of alcohol by patrons and increased levels of violence.

Several recent studies have concluded that where applied strategically, trading restrictions have the ability to reduce alcohol-related harm and is identified as one of the 'best buys' among a selection of management strategies for the prevention of alcohol-related harm.^{2,3}

¹ Allsop, S, Pascal, R & Chikritzhs, T 2005, 'Management of alcohol at large-scale sports fixtures and other public events', National Drug Research Institute/New Zealand Police, Perth, Western Australia.

² Stockwell, T & Chikritzhs, T 2009, 'Do relaxed trading hours for bars and clubs mean more relaxed drinking? A review of international research on the impacts of changes to permitted hours of drinking', Crime Prevention and Community Safety, vol. 11, p. 153 – 170.

³ Babor, T, Caetano, R, Casswell, S, Edwards, G, Giesbrecht, N, Graham, K, Grube, J, Gruenewald, PJ, Hill, L, Holder, HD, Homel, R, Österberg, E, Rehm, J, Room, R & Rossow, I 2003, Alcohol: No ordinary commodity – Research and public policy, Oxford, Oxford University Press.

⁴ Commonwealth of Australia 2012, Dealing with alcohol-related harm and the night-time economy, DANTE Final report, Monograph series No.43.

⁵ Victorian Government 2008. Victoria's Alcohol Action Plan 2008-2013, viewed November 2013, [http://docs.health.vic.gov.au/docs/doc/80072E24D64DB7CACA2578A10002E340/\\$FILE/action_plan.pdf](http://docs.health.vic.gov.au/docs/doc/80072E24D64DB7CACA2578A10002E340/$FILE/action_plan.pdf)

A New South Wales study found licensed premises with the highest levels of violence were far more likely to be those that trade between midnight and 3am.⁶

Late night trading – increasing consumption not spreading consumption over time

Late night trading can increase consumption rather than encourage a patron to spread their consumption over the extended time.

A Perth study found that, 'levels of wholesale alcohol purchases increased dramatically among hotels that gained ETPs but found only modest increases for normally trading hotels over the same period of time'.²

Perth research on late night trading (Extended Trading Permits) found that 'levels of monthly assaults associated with hotels that had ETPs more than doubled, whereas there was no change for hotels with normal hours'.²

In the same study, a comparison between hotels with no change to trading hours and hotels granted Extended Trading Permits in Perth between 1991 and 1995 identified a 70% increase in the number of monthly assaults. In addition, venues granted an Extended Trading Permit recorded a dramatic increase in wholesale purchases of high alcohol content drinks as opposed to venues operating within normal hours.^{7,8,9}

THE EFFECTS OF ETP'S ON TRENDS IN VIOLENT ASSAULT 1991/92 – 1996/97.



Chikritzhs, T. Stockwell, T. 2002. The impact of later trading hours for Australian public houses (hotels) on levels of violence. Journal of Studies on Alcohol, 63, 591 - 599.

⁶ Briscoe, S & Donnelly, N 2003, 'Problematic Licensed Premises for Assault in Inner Sydney, Newcastle and Wollongong', The Australian and New Zealand Journal of Criminology, vo. 36 no. 1, p. 18 – 33.

⁷ Chikritzhs, TN, Stockwell, TR & Masters, L 1997, 'Evaluation of the public health and safety impact of extended trading permits for Perth hotels', National Centre for Research into the Prevention of Drug Abuse, Division of Health Sciences, Curtin University of Technology, Perth, Western Australia.

⁸ Chikritzhs, TN & Stockwell, TR 2002, 'The impact of later trading hours for Australian public houses (hotels) on levels of violence', Journal of Studies on Alcohol, vol. 63 no. 5, p. 591 – 599.

⁹ Chikritzhs, TN & Stockwell, TR 2007, 'The Impact of Later Trading Hours for Hotels (public houses) on Breath Alcohol Levels of Apprehended Impaired Drivers', Addiction, vol. 102, p. 1609 – 1617.

Support Sheet 20:

EXISTING AND POTENTIAL HARM AND OTHER PROBLEMS

- » **When considering the approval of a new liquor outlet at planning stages, it can be useful to also consider whether there is existing harm and other problems in the area.**
- » **Existing levels of alcohol-related harm, amenity concern and disorder are good indicators that harm will increase if you add more licensed venues.**
- » **It is important that the linkages between alcohol outlets and the evidence of alcohol-related harm be considered as part of the evidence base for any local alcohol management strategy.**

Even moderate levels of ongoing alcohol-related harm or incidents in an area can indicate that one or more structural, environmental and/or community factors exist that support the problems to occur.

The presence of these factors can contribute to the increased likelihood of further harm occurring if another variable is introduced, such as a high-risk liquor licence. This is relevant in considerations as to the impact of a new liquor licence in an area.

If there are already concerning levels of harm in the community that the venue is to be located in, then other factors already discussed such as cumulative impact and design features are likely to be important considerations as to whether or not the venue aligns with the strategic vision of the Local Government and community safety and wellbeing.

It can also be useful to consider that harm does not necessarily always occur inside the licensed venue itself, but also once patrons leave a venue which can impact on local amenity, community safety, property damage and other matters of concern for Local Government.

Many Local Governments are working with other stakeholders to develop alcohol profiles that can be used to inform a range of work that Local Governments undertake.

To ensure your Local Government is aware and has a record of alcohol-related harm, Local Government could provide a reporting process for community members, particularly those located within the vicinity (e.g. 400m radius) of a new or varied licence to be able to report issues. This data could serve many Local Government processes.

“It is important that the linkages between alcohol outlets and the evidence of alcohol-related harm be considered as part of the evidence base for any local alcohol management strategy.”



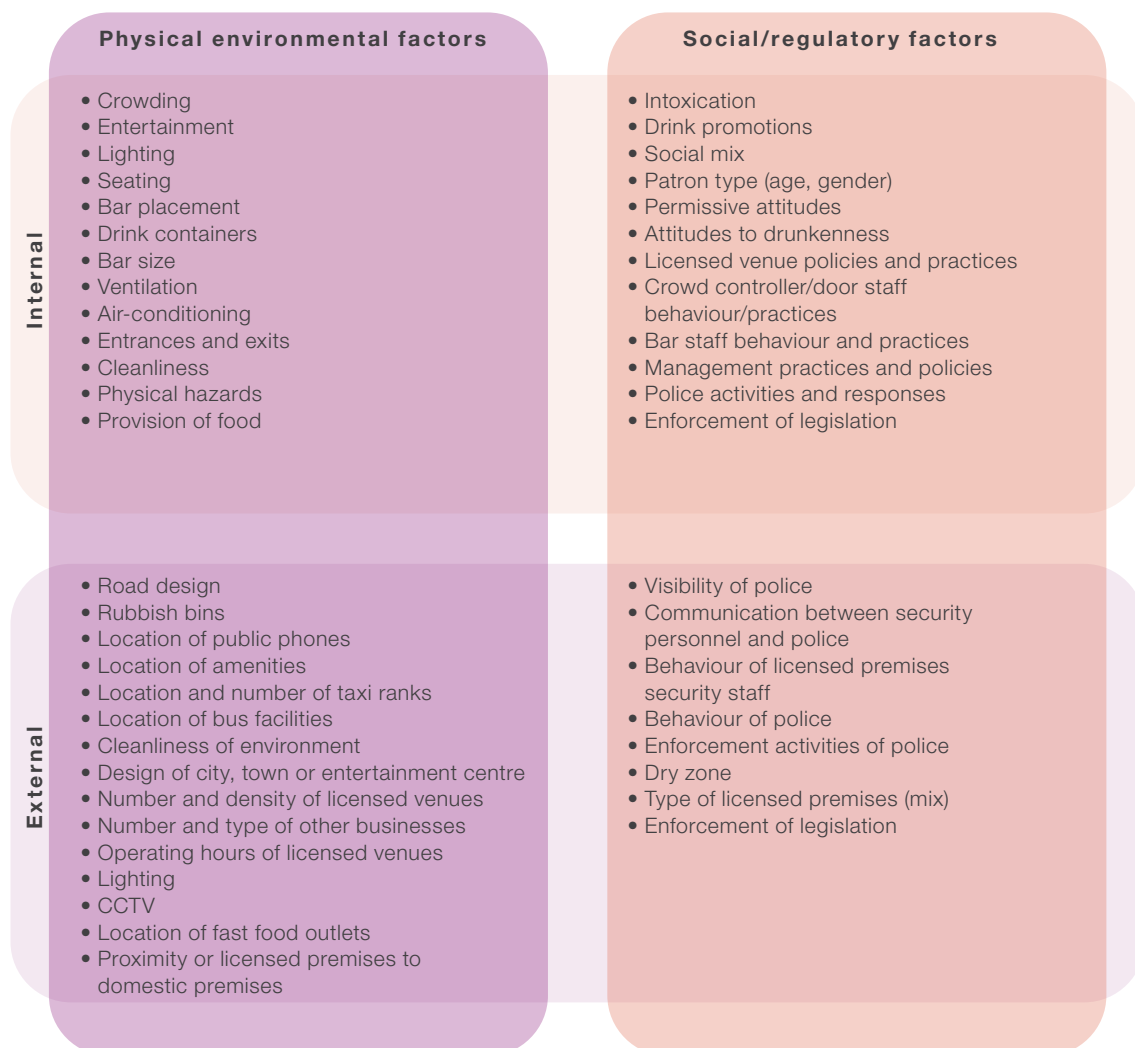
Support Sheet 21:

PHYSICAL DESIGN

- » **Research suggests while alcohol is consumed in a variety of settings, various design factors impact on drinking behaviour, who drinks and how.**
- » **There is a powerful opportunity to reduce the risk of alcohol-related harm by designing a lower-risk drinking environment.**
- » **The features of licensed premises can be predictors of alcohol-related harm.**

An important consideration is the effect that the physical environment of licensed premises can have on improving the safety for patrons and staff through carefully considering internal and external design of venues. **Figure 1** shows the factors associated with licensed premises that influence alcohol-related harm.¹

FIGURE 1 – FACTORS ASSOCIATED WITH LICENSED PREMISES THAT INFLUENCE ALCOHOL-RELATED HARM



¹ Doherty, S & Roche, A 2003, *Alcohol and Licensed Premises: Best Practice in Policing*, Commonwealth of Australia, Canberra.

“Large numbers of people increases the chances of accidental contact between patrons, with alcohol impairing their ability to respond appropriately.”



Design that affects crowding

The design of a venue can influence the number of people a venue can accommodate and the way that they interact in the venue.

Research has found that in crowded venues, patrons tend to drink more alcohol to overcome discomfort and anxiety associated with crowding. Crowding also interferes with the ability of staff to determine if a patron is intoxicated, stemming from:

- » pressure to serve quickly, reducing attention to the indicators of intoxication;
- » patrons purchasing drinks on behalf of other patrons; and
- » high levels of noise, impairing the ability of staff to hear verbal cues of intoxication, as well as verbal confrontation that may lead to aggressive acts.²

Patron capacity

Research shows that large venues pose an increased risk of harm.

‘the presence of a greater number of patrons is associated with an increased risk of aggression overall...Bar size/capacity has also been found to be associated with patrons being more intoxicated (Graham 1985), suggesting that size of establishment may have an indirect influence on aggression through reduced opportunities for servers to prevent patrons from becoming intoxicated.’³

Large numbers of people increases the chances of accidental contact between patrons, with alcohol impairing their ability to respond appropriately.⁴

Large licensed venues have the capacity to contribute to greater amounts of alcohol-related harm and amenity concerns, both in relation to activity inside a venue and once patrons leave.

² Doherty, S & Roche, A 2003, Alcohol and Licensed Premises: Best Practice in Policing, Commonwealth of Australia, Canberra.

³ Graham, K & Homel, R 2008, Raising the Bar: Preventing aggression in and around bars, pubs and clubs, Willan Publishing, United Kingdom.

⁴ Doherty, S & Roche, A 2003, Alcohol and Licensed Premises: Best Practice in Policing, Commonwealth of Australia, Canberra.

Design features can be predictors of alcohol-related harm

Research suggests while alcohol is consumed in a variety of settings, various design factors impact on drinking behaviour, who drinks and how.⁵

A drinking venue possesses the powerful opportunity to reduce the risk of alcohol-related harm by providing a lower-risk drinking environment.⁶

*'The characteristics of various drinking settings and venues – for instance lighting, seating, crowd control, and the availability of food and beverages types – have a bearing on both consumption and potential outcomes at a licensed venue.'*⁶

The characteristics or features of licensed premises can be predictors of alcohol-related harm. For example, a study that investigated common locations for aggression in bars found that the most common location for aggression was the dance floor or near the dance floor.⁷

According to Thomsen and Thommeny,

*'big crowds in most sites tend to mean further discomfort. A lack of seating adds to this after a few hours. Patrons on these occasions alleviate their discomfort by more rapid drinking. This causes higher levels of drunkenness and eventually aggressive reactions to discomfort directed at individuals or property.'*⁸

A minimum seating requirement can support a venue to be a comfortable and non-aggressive environment.

Further, in support of a need to reduce patron numbers at a venue,

*'...entertainment venues with more energetic goals are likely to include features such as standing areas, dance floors or stages (for live shows), all of which increase the likelihood of crowding, congestion, bumping, longer trips to the bar, noise and other sources of irritation.'*⁹

⁵ Arnold, MJ & Laidler, TJ 1994, *Alcohol Misuse and Violence: Situational and Environmental Factors in Alcohol-related Violence*. Report 7 in a series of reports prepared for the National Symposium of Alcohol Misuse and Violence. Australian Government Publishing Service, Canberra.

⁶ Stimson, G, Grant, M, Choquet, M & Garrison, P 2007, *Drinking in Context: Patterns, Interventions and Partnerships*. Taylor and Francis Group, New York.

⁷ Graham, K & Homel, R 2008, *Raising the Bar: Preventing aggression in and around bars, pubs and clubs*, Willan Publishing, United Kingdom.

⁸ Thomsen and Thommeny, 1989, in Arnold, MJ & Laidler, TJ 1994, *Alcohol Misuse and Violence: Situational and Environmental Factors in Alcohol-related Violence*. Report 7 in a series of reports prepared for the National Symposium of Alcohol Misuse and Violence. Australian Government Publishing Service, Canberra, p. 75.

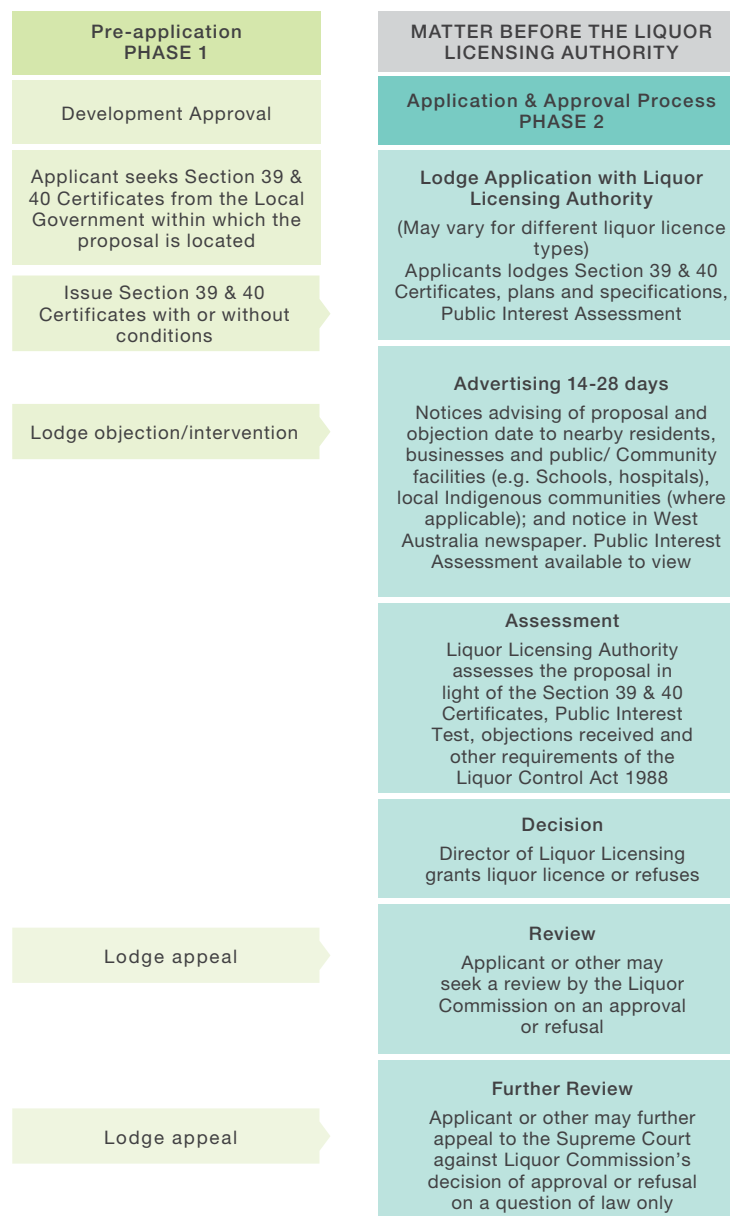
⁹ Koleczko, K & Garcia-Hansen, V 2011, 'Dangers of the after-dark wonderlands: Part B – A review of the impact of the physical environment design on nightclub violence', in McMurrin, M 2013, *Alcohol-Related Violence: Prevention and Treatment*, John Wiley & Sons Ltd. United Kingdom, p. 128.

Support Sheet 22: LOCAL GOVERNMENT POINTS OF INFLUENCE IN THE LIFE OF A LIQUOR LICENCE

» The following describes how the Local Government planning process is interlinked with the liquor licensing process and highlights the points of influence in that process.

The first phase involves Local Government decision-making, whereas the Liquor Licensing Authority is the decision-maker in the second phase. A flow chart detailing the points of influence for Local Government in both Phase 1 and 2 of the life of a liquor licence is shown in **Figure 1**.

FIGURE 1 – LOCAL GOVERNMENT POINTS OF INFLUENCE IN THE LIFE OF A LIQUOR LICENCE FLOW CHART



¹ Government of Western Australia, Department of Racing, Gaming and Liquor 2013.



The first phase involves Local Government decision-making, whereas the Liquor Licensing Authority is the decision-maker in the second phase.

Phase 1 – Local Government Certification and Approval

Local Development Approval of land use to allow the liquor outlet to operate is required in the first instance. See Part 3 - **Background and Processes** section of this document for detailed information on planning processes involved in Phase 1 and alcohol management opportunities within the planning framework.

Development approval can be done separately or concurrently with section 39 and 40 certificate approval (not required for conditional grant/removal of a licence). In order to gain approval in Phase 2 for a liquor licence, a section 39 and 40 certificate is required.

In accordance with Sections 39 and 40 of the *Liquor Control Act (1988)*, applicants seeking a liquor licence are required (unless the licensing authority otherwise determines) to obtain certification from the relevant Local Government demonstrating that a proposal complies with, or is capable of complying with:

- » the *Public Health Act 2016*;
- » the *Local Government Act (1995)*;
- » the *Building Act (2011)*;
- » any other written law relating to sewerage and drainage; and
- » specific town planning scheme matters.

These are often referred to as Section 39 Certificates (relating to health requirements) and Section 40 Certificates (relating to planning requirements) and apply to:

- » the granting or removal of a licence;
- » the alteration or redefinition of a venue; and
- » applications for “liquor without a meal” permits.

Extracts of Sections 39 and 40 of the *Liquor Control Act (1988)* are shown in **Support Sheet 14 - Liquor Control Act (1988) Section 39 and 40 Certification**.

Recent changes to the *Liquor Control Act 1988* allow the Director of Liquor Licensing to accept liquor licence applications without Local Government planning approval. However, the application cannot be determined until the planning approval certificate has been provided, unless the licensing authority deems otherwise.

Regardless of whether a Local Government issues Section 39 and 40 Certificates, a development or use is still bound by building, health and planning requirements and relevant approvals must be additionally sought from Local Government under those relevant regulations prior to operations commencing. In most cases a Local Government considers planning approval concurrently with a request for Section 39 and 40 certification.

It is important to note from a Local Government planning perspective, that an application to the Licensing Authority for a liquor licence is unlikely to be formally initiated without first obtaining certified advice from the Local Government that the proposed use (including any physical land development) complies, or is capable of complying, with the local planning scheme and associated policy.

Something to Keep in Mind...

Each Local Government has a different planning scheme and other policies that are specific to their community. While Local Governments can influence whether or not a liquor licence type is permitted at a particular location, it is not always able to do so based on concerns regarding alcohol-related problems unless it has the appropriate scheme and policy provisions in place.

Section 40 Planning Implications

In order to provide the maximum influence to ensure that a liquor licence application will reflect the values of their communities, it is essential that Local Governments develop robust planning frameworks within which to guide applicants and assess proposals prior to consideration of Section 39 and 40 Certificate requests and planning applications.

Prior to assessment of an application for a Section 40 certificate, it is beneficial to have already developed a sound planning and decision framework to confidently make an assessment and decision that is less likely to be challenged.

It is important to note that Section 40 certification is a requirement under liquor control legislation and does not constitute development approval under planning legislation. Therefore, planning approval is still required for development (including use) of land or premises in addition to the issue of a liquor licence, prior to operations commencing.

There are a number of points worthy of noting in relation to Section 40 of the *Liquor Control Act (1988)* that may affect Local Government planning and are presented for consideration in the **Part 2 – Guideline** section of this document.

It is of utmost importance that a Local Government develops clear policy relating to a range of macro and micro planning matters involving alcohol provision and consumption, prior to structure planning, applications for rezoning, development approval and Section 40 certificates even reach the desk of a Local Government planner for assessment.

A Section 40 certificate assessment can include conditions. See **Part 2 – Guideline** and **Support Sheet 18 - Section 40 Certificate Conditions**.

Phase 2 – Liquor Licensing: Advertising, Assessment and Decision

Following Local Government approvals, in this phase, the applicant submits an application to the Department of Racing, Gaming and Liquor for a specific liquor licence or permit type accompanied by Section 39 and 40 Certificates received from the relevant Local Government, any relevant plans and a Public Interest Assessment (which outlines information on the premises' impact on a number of factors including harm or ill-health caused to risk groups in the area, social health indicators, impact on amenity and strategies to combat impacts).

The Director of Liquor Licensing determines advertising requirements according to the type of licence applied for and may include advertisement in the West Australian newspaper, mail drop to nearby premises and signage on the premises.

Some applications are advertised on the Department of Racing, Gaming and Liquor website.

“Once an application has been accepted and advertised by Department of Racing, Gaming and Liquor, Local Government has an opportunity to revisit the proposal.”



During the advertising period, the Department of Racing, Gaming and Liquor assesses areas of statutory compliance such as probity checks on the proprietor, Local Government approvals and company structure.

Once an application has been accepted and advertised by Department of Racing, Gaming and Liquor, Local Government has an opportunity to revisit the proposal. Local Governments may intervene through submissions to the Director of Liquor Licensing or object to the application.

Local Government power to intervene in Phase 2

The Liquor Control Act (1988) enables Local Governments, Western Australia Police and the Chief Health Officer to intervene in liquor licensing applications under particular circumstances (through submissions to the Director) or to object (oppose) to the application. This is the second point in the process whereby Local Government is given the opportunity to influence a liquor licence application.

Section 69 allows Local Government to intervene in proceedings before the licensing authority and introduce evidence or make representation to outline whether a premise is suitable for a liquor licence; whether an alteration or redefinition of a premises should be approved; or whether people who work or live in the vicinity would be negatively impacted upon. A Local Government may also intervene in proceedings to supply information relating to legislation and regulations within its jurisdiction.

Local Government power to object in Phase 2

A Local Government also has the ability to object to any application for a licence, as outlined in Sections 73(1) and 74(1) of the *Liquor Control Act (1988)*. This may be in addition to an intervention. The grounds for intervention and objection to a liquor licence application by a Local Government are detailed in **Support Sheet 23 – Grounds for Intervention and Objection**.

Assist community

Local governments may also assist community members during the liquor licensing advertising process through information dissemination as well as assisting in making a submission on a proposal.

Decision making and review

Decisions made to grant or refuse a licence/permit, can be appealed by involved parties to the Liquor Commission. If a Local Government has intervened or lodged an objection during the application process (and are not happy with the decision of the Director of Liquor Licensing), it may seek a review or appeal the decision (Section 69(13) of the *Liquor Control Act (1988)*). A further right of appeal is also available through the Supreme Court.

Support Sheet 23:

GROUNDS FOR INTERVENTION AND OBJECTION

» **A Local Government can either object (section 73) or intervene (section 69) in proceedings before the Liquor Licensing Authority regarding liquor licence applications.**

Grounds for intervention by Local Governments – Section 69 (7) of the *Liquor Control Act (1988)*.

A Local Government to which subsection (4)(b)¹ refers may intervene in proceedings before the Licensing Authority for the purpose of introducing evidence or making representations:

- (a) as to whether premises are suitable to be, or continue to be, licensed or the subject of a permit;
- (b) as to whether a proposed alteration to, or redefinition of, licensed premises should be approved; and
- (c) on the question of whether, if a particular application were granted, persons who reside, work or worship in the vicinity would be likely to suffer undue offence, annoyance, disturbance or inconvenience, and may submit a report to the licensing authority on those matters.



¹ 69 (4)(b) if the application is for the grant or removal of a hotel, nightclub, casino, special facility or liquor store licence, and the local government of the district in which the premises or proposed premises are or are proposed to be, situated, or if any adjoining district appearing to the Director to be likely to have an interest, so requests, give to that local government a copy of the application and of any plans or specifications which accompany it.

Right to Intervene Section 69 (8)

A person authorised by the Local Government may intervene in proceedings before the Licensing Authority for the purpose of introducing evidence or making representations in relation to the requirements of:

- (a) *the Public Health Act 2016* ;
- (b) any written law relating to sewerage or drainage; or
- (c) the *Local Government Act 1995* or the *Local Government (Miscellaneous Provisions) Act 1960*, in so far as that Act relates to health matters, and may submit a report to the Licensing Authority on those matters.

Grounds for objection by Local Governments – Section 74 (1) of the *Liquor Control Act (1988)*

No objection shall be made except on one or more of the following grounds -

- (a) that the grant of the application would not be in the public interest;
- (b) that the grant of the application would cause undue harm or ill-health to people, or any group of people, due to the use of liquor;
- (c) *deleted*
- (d) *deleted*
- (e) *deleted*
- (f) that if the application were granted -
 - (i) undue offence, annoyance, disturbance or inconvenience to persons who reside or work in the vicinity, or to persons in or travelling to or from an existing or proposed place of public worship, hospital or school, would be likely to occur; or
 - (ii) the amenity, quiet or good order of the locality in which the premises or proposed premises are, or are to be situated would in some other manner be lessened;
- (g) *deleted*
- (h) that the grant of the application would otherwise be contrary to this Act.²

² Government of Western Australia, *Liquor Control Act (1988)*.

Support Sheet 24:

LIQUOR LICENSING STAKEHOLDERS, ROLES AND RESPONSIBILITIES

- » **There are a number of stakeholders that can be involved in the liquor licensing process (Phase 2) including: the Department of Racing, Gaming and Liquor; the Liquor Commission; WA Police; Chief Health Officer; Local Government; general public; and licensees.**
- » **It can be helpful to understand the roles of the various stakeholders in the process.**

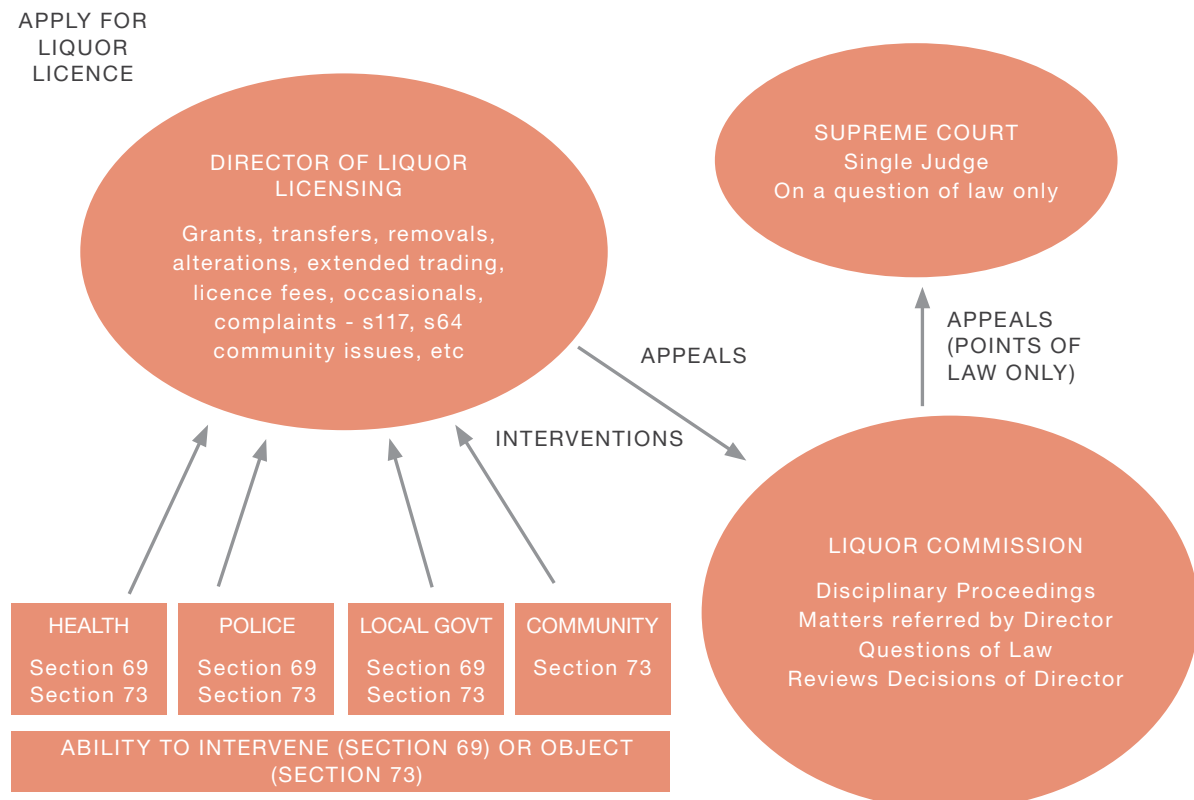
The following information was predominantly sourced from *Liquor Licensing – A Guide to Liquor Licensing in Western Australia 2009/10*¹ and the *Local Government Alcohol Management Package*.²

1. Department of Racing, Gaming and Liquor

The Department of Racing, Gaming and Liquor promotes and maintains the integrity of lawful liquor activities (together with racing and gambling activities) in Western Australia. It does this through the licensing of suppliers and the provision of industry support services.

All liquor licence applications for liquor licences are processed through the Department of Racing, Gaming and Liquor and determined by the Director of Liquor Licensing or the Director's delegates.

TWO ARMS OF THE LICENSING AUTHORITY



¹ Department of Racing, Gaming and Liquor 2009, *Liquor Licensing: A guide to Liquor Licensing in Western Australia*. Perth.

² Government of Western Australia, Drug and Alcohol Office 2009, *Local Government Alcohol Management Package*. Perth.



Once a liquor licence has been granted and is in operation, Local Government continues to be involved with a range of function and control measures.

2. Liquor Commission

Appointed by the Minister for Racing and Gaming for a maximum period of five years, the Liquor Commission consists of a chairperson and at least three full time, part time or sessional members. At least one member must be legally qualified.

The Liquor Commission:

- » determines liquor licensing matters referred by the Director of Liquor Licensing;
- » conducts reviews of certain decisions made by the Director, or by a single Member of the Commission;
- » conducts reviews based on a question of law;
- » determines complaints and disciplinary matters in accordance with section 95 of the *Liquor Control Act (1988)*;
- » makes binding, high-level decisions in accordance with Act;
- » awards costs associated with matters before the Commission;
- » reports annually to the Minister for Racing and Gaming on the activities of the Commission; and
- » reports to the Minister for Racing and Gaming, when requested, on the jurisdiction and functions of the Commission, including the provision of high-level policy advice relevant to liquor control matters.

3. Local Government

In accordance with Sections 39 and 40 of the *Liquor Control Act (1988)*, applicants seeking a liquor licence are required (unless the licensing authority otherwise determines) to obtain certification from the relevant Local Government demonstrating that a proposal complies with, or is capable of complying with:

- » the *Public Health Act 2016*;
- » the *Local Government Act 1995*;
- » the *Building Act 2011*;
- » any other written law relating to sewerage and drainage; and
- » specific town planning scheme matters.

These are often referred to as Section 39 Certificates (relating to health requirements) and Section 40 Certificates (relating to planning requirements).

Section 39 and 40 certificates apply to:

- » the granting or removal of a licence;
- » the alteration or redefinition of a venue; and
- » applications for “liquor without a meal” permits.

Recent changes to the Liquor Control Act 1988 allow the Director of Liquor Licensing to accept liquor licence applications without Local Government planning approval. However, the application cannot be determined until the planning approval certificate has been provided, unless the licensing authority deems otherwise.

Regardless of whether a Local Government issues Section 39 and 40 certificates, a development or use is still bound by Local Government authority building, health and planning requirements and relevant approvals must be additionally sought under those relevant regulations.

Local Government also has the opportunity to intervene and/or object to a liquor licence application proposal subject to Sections 69, 73 and 74 of the *Liquor Control Act (1988)* and may seek review on a liquor licence decision. In addition, a Local Government may assist members of its community to make a submission on a liquor licence application.

Once a liquor licence has been granted and is in operation, Local Government continues to be involved with a range of function and control measures. Some other examples of alcohol-related activity carried out across various sections of a Local Government organisation includes noise and litter control, community security, graffiti and property damage maintenance and waste management.

Local Governments assist the Department of Racing, Gaming and Liquor in upholding the *Liquor Control Act (1988)* by inspecting premises and advising of licensee prosecutions where Local Government regulation has been breached.

4. Commissioner of Police

During the licensing process the police have the opportunity to comment on whether an application should be granted.

Police also have the ability to provide information on any person applying for a liquor licence or those applying to work in the liquor industry. This information may take the form of a police clearance certificate or be supplied by way of a more detailed background report. Furthermore, Commissioner of Police is the main authority charged with the enforcement of the Act.

5. Chief Health Officer

The Chief Health Officer has the authority to comment on any matter before the licensing authority based on the potential, or existence of harm or ill-health caused to people due to the use of liquor.

The Chief Health Officer has the right to make representations on applications based on the negative harm and ill-health impacts that the granting of the licence may contribute to.



The first phase involves Local Government decision-making, whereas the Liquor Licensing Authority is the decision-maker in the second phase.

6. General Public

Any person (including a representative of Local Government) can object to an advertised application provided their objection is based on the following general grounds of objection outlined in the Act (Section 74):

The general grounds for objection are:

- » granting the licence would not be in the public interest (must be accompanied by a supporting written statement);
- » granting the licence would cause undue harm or ill-health to people due to the use of liquor;
- » granting the licence would cause undue offence, annoyance, disturbance or inconvenience to people who reside or work in the vicinity, or to people in or travelling to an existing or proposed place of worship, hospital or school;
- » granting the licence would in some way lessen the amenity of the locality in which the premises is; or
- » granting the licence would contravene the Act.

The Director of Liquor Licensing may require further supporting evidence to be provided and may determine that any grounds of objection be forwarded to the applicant.

The Director may also ask the objector to verify they have, or will have, an economic interest in the refusal of the application, and whether the objection has been lodged on behalf of another person or organisation.

The Director may dismiss any objection that is determined to be frivolous, vexatious or repetitious of other objections.

7. Licensees and Staff

All licensees, managers and staff must complete various levels of accredited training in regard to the service of alcohol.

Licensees and approved managers must complete the Course in Management of Licensed Premises conducted by an approved and accredited training provider. A prerequisite of this course is the successful completion of the nationally accredited Provide Responsible Service of Alcohol course, which must be completed separately.

All other staff must complete the Provide Responsible Service of Alcohol course conducted by an approved and accredited training provider.

Staff members are required to complete the mandatory training requirements within four weeks from commencing employment.

An approved manager must be present on a licensed premise at all times during trading hours. This ensures that a trained staff member, who is in a position of authority over trading activities, is always available and on site.