

Our ref: JIP:1151393

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26 July 2017

Planning Services

Town of Cottesloe

PO Box 606

COTTESLOE WA 6011

By Email: council@cottesloe.wa.gov.au

Applications for section 39 and section 40 certificates – North Cottesloe Surf Life Saving Club

Lavan acts for the North Cottesloe Surf Life Saving Club Inc, applicant for a club restricted licence in respect of premises situated at 151 Marine Parade, Cottesloe.

- 1 The licence application is required to be accompanied by a certificate from the relevant planning and health authority pursuant to section 39 and section 40 of the *Liquor Control Act 1988* (WA).
- 2 My client, therefore, seeks an unconditional section 39 and section 40 certificate from the Town of Cottesloe. In support of the application I **enclose** the following:
 - 2.1 Partly completed section 39 certificate, to be completed and signed by your office.
 - 2.2 Partly completed section 40 certificate, to be completed and signed by your office.
 - 2.3 A cheque for \$116.50 being payment of \$66.50 for the section 39 certificate application fee and payment of \$50.00 for the section 40 certificate application fee.
 - 2.4 Floor plan showing the proposed licensed area.
- 3 Liquor is proposed to be sold and supplied for consumption on the premises only.

A full service Western Australian firm:

Asian Investment

Banking & Finance

Construction & Infrastructure

Corporate, Commercial & Tax

Employment & Safety

Family Law

Insolvency & Reconstruction

Intellectual Property

Liquor Licensing

Litigation & Dispute Resolution

Media & Defamation

Native Title

Planning & Environment

Private Wealth

Property & Leasing

Wills & Estates

Our values:

Commitment

Integrity

TRIMMED

Document Number

D17/21460

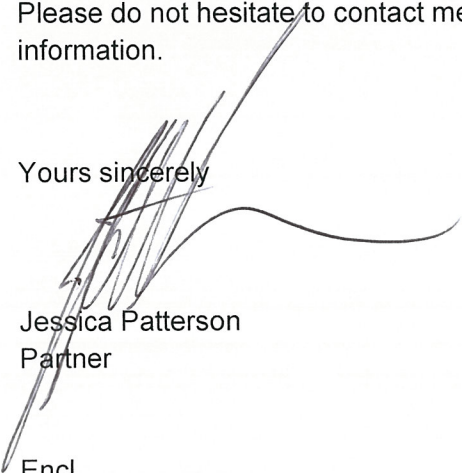
4825-8652-7308_1151393, v.1 JLB

- 4 Regard has been had to the Town's Liquor (Licensed Premises) Policy, however, section 4 on page 2 of that policy states that it does not apply to club restricted licences.

I look forward to receiving the unconditional section 39 and 40 certificates at your earliest convenience. Thank you.

Please do not hesitate to contact me if you have any questions or require any further information.

Yours sincerely



Jessica Patterson
Partner

Encl

Please notify us if this communication has been sent to you by mistake. If it has been, any privilege between solicitor and client is not waived or lost and you are not entitled to use it in any way.

CERTIFICATE OF LOCAL GOVERNMENT

LIQUOR CONTROL ACT 1988

Section 39

THIS SECTION TO BE COMPLETED BY THE LOCAL GOVERNMENT

I, (full name) _____

being the (title) _____

for the (name of Local Government) _____ TOWN OF COTTESLOE

with respect to an application by _____ NORTH COTTESLOE SURF LIFE SAVING CLUB INC

(Name of applicant)

hereby certify that the premises known as _____ NORTH COTTESLOE SURF LIFE SAVING CLUB

and situated at _____ 151 MARINE PARADE, COTTESLOE, WA

Postcode _____ 6011

☒ comply with all relevant requirements under the *Health Act 1911*, under the *Food Act 2008*, under any written law relating to the sewerage or drainage of those premises under the *Local Government Act 1995* and the *Building Act 2011*;

OR

☐ do not comply with the requirements set out above and could not reasonably be made to comply;

OR

☐ Do not comply with the requirements set out above but could be made to conform if the following requirements were carried out:-

Dated the _____ day of _____ JULY _____ 2017

Signature of Authorised Officer

THIS SECTION TO BE COMPLETED BY THE APPLICANT BEFORE SUBMISSION TO THE LOCAL GOVERNMENT

Type of Licence

- | | | | |
|---|--|---------------------------------------|---|
| <input type="checkbox"/> Casino | <input type="checkbox"/> Hotel (Restricted) | <input type="checkbox"/> Liquor Store | <input type="checkbox"/> Special Facility |
| <input type="checkbox"/> Club | <input type="checkbox"/> Hotel (Tavern) | <input type="checkbox"/> Nightclub | <input type="checkbox"/> Wholesaler's |
| <input checked="" type="checkbox"/> Club Restricted | <input type="checkbox"/> Hotel (Tavern Restricted) | <input type="checkbox"/> Producer's | |
| <input type="checkbox"/> Hotel | <input type="checkbox"/> Hotel (Small Bar) | <input type="checkbox"/> Restaurant | |

Nature of application and an outline of proposed use of the premises THE APPLICANT PROPOSES TO SELL
AND SUPPLY LIQUOR FOR CONSUMPTION ON THE PREMISES ONLY, TO ADULT MEMBER PATRONS AND THEIR
GUESTS AND TO PEOPLE ATTENDING A FUNCTION HELD AT THE CLUB PREMISES.

In the case of a **Special Facility Licence** application:

a) What category is sought? *Pursuant to Regulation 9A of the Liquor Control Regulations 1989)*

- | | | |
|--|---|---|
| <input type="checkbox"/> Works Canteen | <input type="checkbox"/> Theatre/Cinema | <input type="checkbox"/> Reception/Function Centre |
| <input type="checkbox"/> Transport | <input type="checkbox"/> Tourism | <input type="checkbox"/> Education & Training Institution |
| <input type="checkbox"/> Education & Training Course | <input type="checkbox"/> Sports Arena | <input type="checkbox"/> Foodhall |
| <input type="checkbox"/> Catering | <input type="checkbox"/> Bed & Breakfast Facility | <input type="checkbox"/> Room Service Restaurant |
| <input type="checkbox"/> Amusement Venue | <input type="checkbox"/> Auction | |

b) What trading hours are sought?

| | | | |
|------------|-------------|----|-------------|
| Monday: | _____ am/pm | to | _____ am/pm |
| Tuesday: | _____ am/pm | to | _____ am/pm |
| Wednesday: | _____ am/pm | to | _____ am/pm |
| Thursday: | _____ am/pm | to | _____ am/pm |
| Friday: | _____ am/pm | to | _____ am/pm |

c) Is approval sought to sell and supply liquor on:

Christmas Day: YES ☐ NO ☐ ; Good Friday: YES ☐ NO ☐ ; ANZAC Day: YES ☐ NO ☐

d) Is approval sought to sell liquor for consumption off the licensed premises: YES ☐ NO ☐

e) Please detail the trading conditions sought and provide an outline on how it is proposed the premises will operate (attach a separate submission if necessary):

LIQUOR CONTROL ACT 1988
CERTIFICATE OF LOCAL PLANNING AUTHORITY – SECTION 40

Reverse side to be completed by applicant BEFORE SUBMISSION TO THE LOCAL AUTHORITY

THIS SECTION TO BE COMPLETED BY THE LOCAL AUTHORITY

I, (full name) _____

being the _____

(Title)

for the _____

TOWN OF COTTESLOE

(Name of Local Planning Authority)

with respect to an application by _____

NORTH COTTESLOE SURF LIFE SAVING CLUB INC

(Name of applicant)

hereby certify that the premises known as _____

NORTH COTTESLOE SURF LIFE SAVING CLUB

and situated at _____

151 MARINE PARADE, COTTESLOE, WA

Post Code _____

6011

☒ will comply with all relevant planning laws, namely;

OR

☐ would comply with the relevant planning laws if consent were to be given by the following authority;

(i) It is not known whether the authority will give their consent; or

(ii) It is not known that the authority will give that consent subject to the following probable condition/restrictions;

OR

☐ will not comply with the relevant planning laws for the following reasons:-

Dated the _____ day of _____

JULY

2017

Signature of Authorised Officer

THIS SECTION MUST BE COMPLETED BY THE APPLICANT BEFORE SUBMISSION TO THE LOCAL AUTHORITY

APPLICATION DETAILS

Category and type of Licence: CLUB RESTRICTED LICENCE

Nature of application and an outline of proposed use of the premises: THE APPLICANT PROPOSES TO SELL AND
SUPPLY LIQUOR FOR CONSUMPTION ON THE PREMISES ONLY, TO ADULT MEMBER PATRONS AND
THEIR GUESTS AND TO PEOPLE ATTENDING A FUNCTION HELD AT THE CLUB PREMISES.

In the case of a *SPECIAL FACILITY LICENCE* application:-

(a) For what purpose is the licence sought? (Refer to Regulation 9A of the *Liquor Control Regulations 1989*)

(b) What trading hours are sought?

| | | | | | |
|------------|-------|-------|----|-------|-------|
| Monday: | _____ | am/pm | to | _____ | am/pm |
| Tuesday: | _____ | am/pm | to | _____ | am/pm |
| Wednesday: | _____ | am/pm | to | _____ | am/pm |
| Thursday: | _____ | am/pm | to | _____ | am/pm |
| Friday: | _____ | am/pm | to | _____ | am/pm |

(c) Is approval sought to sell and supply liquor on:

Christmas Day: YES ☐ NO ☐ Good Friday: YES ☐ NO ☐ ANZAC Day: YES ☐ NO ☐

(d) Is approval sought to sell liquor for consumption off the licensed premises: YES ☒ NO ☐

(e) Please detail the trading conditions sought and provide an outline on how it is proposed the premises will operate
(attach a separate submission if necessary):

1.1.1 NORTH COTTESLOE SURF LIFE SAVING CLUB - PROPOSED CLUB LIQUOR LICENCE

File Ref: PR54385-02
Attachments: Aerial Photo North Cottesloe Surf Life Saving Club Application for Liquor Licence
Responsible Officer: Carl Askew
Chief Executive Officer
Author: Andrew Jackson
Manager Development Services
Proposed Meeting Date: 15 July 2013
Author Disclosure of Interest: Nil

SUMMARY

North Cottesloe Surf Life Saving Club (NCSLSC) is applying to the Department of Racing, Gaming and Liquor (DRGL) for a Club Licence to govern the service of alcohol at the premises.

As part of the application process to the DRGL, the Club has requested support from the Town, as well as associated Sections 39 and 40 Certificates signifying health and planning compliance. A covering letter and Public Interest Assessment statement from the application are attached for more information.

This report to Council presents the Club's request, which is recommended.

BACKGROUND

Somewhat surprisingly, NCSLSC has operated for many years without a (liquor) Club Licence, instead applying to the DRGL to license occasional events, which have been granted. NCSLSC wishes to provide bar service in a social setting to members/guests which is readily available after training or patrol session, surf carnivals and for club-related events such as fund-raising, awards, etc. NCSLSC will not be making the premises available for any (non-member) private functions to occur there; ie it will not be a public function centre for commercial gain.

Cottesloe has several sports clubs, including the Cottesloe Surf Life Saving Club (CSLSC), tennis, golf and rugby clubs, all of which have held liquor licences for many years. Specifically:

- CSLSC, tennis and rugby clubs – Club Restricted Licences.
- Golf club – Special Facility Licence (ie unique to premises), which in addition to club liquor licencing allows the sale of packaged liquor for consumption on the golf course.

All of these are understood to operate successfully with few if any complaints, and the clubs have been responsible in applying to the DRGL for permission for any variations or special events from time to time.

STRATEGIC IMPLICATIONS

Consistent with Council's approach to control of liquor practices.

POLICY IMPLICATIONS

Correlates with Council's Liquor (Licenced Premises) Policy.

STATUTORY ENVIRONMENT

Liquor Control Act and Regulations 1988.

FINANCIAL IMPLICATIONS

Nil.

SUSTAINABILITY IMPLICATIONS

Nil.

CONSULTATION

Community consultation by the Town additional to the DRGL is not required.

TYPES OF CLUB LICENCE

A Club Licence allows liquor to be supplied to a member, or guest in the company of a member, for consumption on and off the premises. This is the more common type of Club Licence, with the sale of liquor for consumption off the premises allowing events such as wine tasting/promotions. Note that *consumption off the premises* means taking the packaged liquor home – it does not permit drinking it in a public place, which is prohibited.

Clubs may be of many types, not just sports clubs, hence pursuant to the Liquor Control Act the standard (maximum) trading hours for a Club Licence are:

| Day | When | | General Conditions |
|------------------------------------|---------|------------------|----------------------------|
| | Open | Close | |
| Monday to Friday | 6.00am | midnight | |
| Monday to Friday | 6.00am | 12.30am Saturday | (ancillary to a meal only) |
| Saturday | 6.00am | 1.00am Sunday | |
| Sunday | 10.00am | 10.00pm | |
| New Year's Eve (Monday - Saturday) | 6.00am | 2.00am | |

| | | |
|----------------------------|---|---|
| New Year's Eve (Sunday) | Until 12.30am New Years Eve morning; then, 10.00am 2.00am New Years Day | |
| Good Friday | No permitted trading hours after 12.30am Good Friday morning | |
| Christmas Day | Until 12.30am Christmas morning; then, 12 noon 10.00pm | (ancillary to a meal only) (ancillary |

In practice individual clubs will seek hours suitable to their purpose. The NCSLSC proposes as set out below. It anticipates the main hours of bar use being Friday to Sunday, with the option of some low-key use during the week.

| | |
|--|-----------------|
| Monday - Friday | noon - midnight |
| Saturday | 11am - midnight |
| Sunday | 11am - 10pm |
| Christmas Day, New Year's Eve, Good Friday & Anzac Day | Nil |

A Club Restricted Licence differs from a Club Licence only in that it doesn't permit the sale of packaged liquor and the licensee only has access to the premises during certain hours of the day; eg a dance club that rents a hall once a fortnight. Trading hours are determined in each case by the Director of Liquor Licensing.

For clubs with their own permanent premises, full-time club activities and a larger membership, a Club Licence would seem appropriate. In this respect NCSLSC has identified a Club Licence as suitable given that its main wine supplier offers discounts to members to purchase to take away, but has advised that the sale of liquor for consumption off the premises could be excluded if considered necessary.

The range of hours allowed under the Act for clubs to serve liquor is extensive and excessive for a sport/community club, and service beyond midnight would be unacceptable except for festive dates. The hours proposed by the Club are considered acceptable, especially 10pm closing on Sundays.

ASSESSMENT

The liquor licensing process involves NCSLSC making a comprehensive application to the DRGL, including all details (licensee integrity checks, training and management plans, and so on) and a public interest test, as well as a 28-day public advertising period, all focused on ensuring effective liquor controls.

As mentioned this includes obtaining from the Town a S39 Certificate for health compliance (adequacy of toilets, kitchen facilities, etc) and a S40 Certificate for planning compliance (use permitted, buildings approved, etc).

Council's Liquor (Licenced Premises) Policy echoes the DRGL assessment framework, with an emphasis on amenity, safety, operational implications and where relevant parking requirements. The policy is a reference when dealing with liquor licence applications. Its relevant objectives are to:

- *Provide for facilities and services which are compatible with the aspirations of the Cottesloe residential and business community.*
- *Provide a framework to assist Council with the assessment of liquor licence applications, including when issuing Section 39 and 40 certificates under the Liquor Control Act 1988.*
- *Make liquor licence applicants aware of Council's considerations when dealing with liquor licence applications.*
- *Foster an appropriate type and number of licensed premises that will enhance the activity and atmosphere of commercial localities and contribute to an integrated and positive sense of community;*
- *Protect the character and amenity of adjacent residential localities.*
- *Support the objectives of the Community Safety and Crime Prevention Committee.*

Sports clubs liquor licences are lower-key than liquor licences for drinking and eating businesses or other establishments open to the public for various forms of leisure and entertainment. As the liquor licence is secondary to the purpose of a club, and as a club is bound by its constitution, membership rules and liquor service accords (as guided by the Liquor Control Act) this class of liquor licence is normally not contentious.

The submitted Public Interest Assessment statement attests to this, with salient aspects being:

- As a sport/community service club that is the primary activity, with the availability of liquor a secondary consideration.
- Although the Club has a large membership, many are not of drinking age and most engage predominantly in Club activities other than simply social drinking.
- The number of members or guests attending an occasion involving liquor will be limited by the floor-space capacity and conducted entirely within the Club's premises.
- The Club has very little on-site parking apart from management and loading spaces, relying on public domain parking for members or visitors. The advent of a liquor Club Licence will not alter this situation.
- Several liquor-licenced establishments exist in the immediate vicinity, including restaurants and the Ocean Beach Hotel, which have significantly more potential to impact on amenity and wellbeing than the Surf Club.

In this instance the Town's assessment is that the proposed Club Licence (unrestricted) satisfies Council's policy parameters and would be unlikely to be detrimental to the public interest or the amenity of the locality.

CONCLUSION

Cottesloe's sports clubs are significant community organisations offering recreational pursuits and social interaction. The two surf clubs also provide a vital life saving service and have attracted large memberships. Most clubs of diverse types enjoy a liquor licence, as do all the other sports clubs in the district. A Club Licence is considered acceptable for the NCSLSC and is not seen to need to be restricted.

VOTING

Simple Majority

COMMITTEE COMMENT

Cr Hart expressed concern that a sport club with many young members and a health focus was seeking a liquor licence, also noting the wide hours proposed and the proximity of two licenced restaurants and a hotel. Cr Rowell commented that from experience the Club held a few licenced events over time, which had not been a problem, and in that respect Cr Jeanes commented that quiz nights were a good example of such activities. Cr Walsh referred to the table showing the regulated liquor licence hours for clubs and queried in relation to the Club whether for Monday to Friday service of liquor a meal would need to be provided. Cr Strzina queried the floorspace capacity involved.

The Manager Development Services explained that the licenced area was to be confined to the main rooms, balcony and courtyard at the Marine Parade upper level of the Club's premises within its lease area. He also advised that the general liquor control condition of serving liquor ancillary to a meal at certain times was not necessarily relevant to a sport club and that the kitchen facilities were not normally staffed, stocked and operating to serve meals on a constant basis as at a hotel, small bar or licenced café/restaurant. He would seek clarification from the Club regarding these aspects.

OFFICER RECOMMENDATION

Moved Cr Rowell, seconded Cr Jeanes

THAT Council:

1. Advise North Cottesloe Surf Life Saving Club that it supports the proposed liquor Club Licence, as an unrestricted version, subject to the hours applied for, being:
 - Monday to Friday – noon to midnight.
 - Saturday – 11am to midnight.
 - Sunday – 11am to 10pm.
 - Christmas Day, New Year's Eve, Good Friday and Anzac Day – nil.

Council does not support the maximum, wide hours of liquor service for clubs that may be permitted under the Liquor Control Act, for the needs of the Surf Club.

2. Authorise the Town's staff to issue the associated Liquor Control Act Sections 39 and 40 Certificates to the Club in support of the liquor licence application, subject to checks and inspections as required.

AMENDMENT

Moved Cr Walsh, seconded Cr Hart

That the item be deferred to full Council on Monday 21 July 2013 to enable the Town to clarify the floor area to be licenced and whether the service of meals was intended or would be required.

Lost 2/3

COUNCIL COMMENT

Crs Hart and Pyvis expressed concern with the recommended hours and potential numbers attending the proposed events and the possibility of affecting the amenity of residents. Cr Boland sought clarification over the sale of packaged liquor by the Club. The Manager Development Services explained that the Club had advised it would delete take-away liquor from its licence application and Section 40 Certificate request.

OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Walsh, seconded Cr Rowell

THAT Council:

1. Advise North Cottesloe Surf Life Saving Club that it supports the proposed liquor Club Licence, as an unrestricted version, subject to the hours applied for, being:
 - Monday to Friday – noon to midnight.
 - Saturday – 11am to midnight.
 - Sunday – 11am to 10pm.
 - Christmas Day, New Year's Eve, Good Friday and Anzac Day – nil.

Council does not support the maximum, wide hours of liquor service for clubs that may be permitted under the Liquor Control Act, for the needs of the Surf Club.

2. Authorise the Town's staff to issue the associated Liquor Control Act Sections 39 and 40 Certificates to the Club in support of the liquor licence application, subject to checks and inspections as required.

Carried 7/2

**For: Mayor Morgan, Crs Downes, Boland, Jeanes, Rowell, Strzina and Walsh
Against: Crs Pyvis and Hart**



Town of Cottesloe

109 Broome Street Cottesloe WA 6011
PO Box 606 Cottesloe WA 6911
Telephone (08) 9285 5000
Facsimile (08) 9285 5001
Email council@cottesloe.wa.gov.au
Website www.cottesloe.wa.gov.au

Our Ref: 151 Marine Parade

24 June 2014

Director Liquor Licensing
Department of Racing, Gaming and Liquor
PO Box 6119
EAST PERTH WA 6892

Dear Sir

NORTH COTTESLOE SURF LIFE SAVING CLUB – PROPOSED CLUB LIQUOR LICENCE – OBJECTION

I refer to the current application by the Surf Club for the grant of a Club Liquor Licence and on behalf of Council herewith lodge the Town's objection to the proposal. The required form and supporting information are enclosed, together with the following advice.

Council initially considered the proposal on a preliminary basis prior to the Surf Club commencing the formal DRGL process. At that time Council advised the Surf Club that it may be supportive of a future application subject to restricted hours, and that Council does not support the maximum, wide hours of liquor service for clubs that may be permitted under the Liquor Control Act, for the needs of the Surf Club.

The recent public advertising of the application by the Surf Club has generated objections from the local community, which have been directed to the Town and expressed in several ways:

1. Objections voiced at the Development Services Committee and Council meetings this month.
2. Official noise complaints lodged with the Town.
3. Phone queries and discussions with officers about the matter.
4. Written submissions of objection urging Council's objection to the proposal.

Relevant copies are attached as supporting evidence to the Town's objection herein.

Some 17 residents/ratepayers from properties opposite or nearby the premises attended the Council meeting on 23 June 2014, some 11 of whom spoke strongly in objection to the application.

Arising from its deliberations leading up to and during the meeting, Council resolved to object to the application. This overall objection has regard to the relevant criteria under the legislation and is made given the local environment of licenced premises with its history of public interest, harm and amenity impacts associated with alcohol as experienced by the Town and community over decades. The Department and Director are no doubt well aware of this context and the circumstances in considerable detail.

Yours sincerely

Andrew Jackson

Andrew Jackson
Manager Development Services

LIQUOR (LICENSED PREMISES) POLICY

(1) BACKGROUND

The Town of Cottesloe is a very attractive location to relax and dine in. As a result population pressures are likely to increase the demand for licensed premises.

The potential nature and range of liquor outlets has increased with amendments made in 2007 to the *Liquor Control Act 1988* relating to restaurants serving alcohol without a meal and 'small bar' licences.

These changes may have significant impacts on Cottesloe's local amenity.

Whilst the Town is open to a number of interrelated strategies to maintain and enhance the lifestyle of residents and visitors alike, the Town recognises that the nature and number of licensed liquor outlets requires effective management in order to minimise adverse impacts on nearby residential areas and the environment.

The Town therefore has a responsibility to;

- ensure that licensed venues are operated in such a way so as to minimise the inconvenience or nuisance to residents, businesses and the general public, and
- ensure that a diversity of entertainment is encouraged in particular localities through a mix of appropriate uses including licensed premises.

(2) AIM

To properly manage the impacts of licensed premises on the Cottesloe residential and business community, and the environment.

(3) OBJECTIVES

- provide for facilities and services which are compatible with the aspirations of the Cottesloe residential and business community;
- provide a framework to assist Council with the assessment of liquor licence applications, including when issuing Section 39 and 40 certificates under the Liquor Control Act 1988;
- make liquor licence applicants aware of Council's considerations when dealing with liquor licence applications;
- assist Council in their consideration of applications for planning approval of development which may involve a liquor licence;
- foster an appropriate type and number of licensed premises that will enhance the activity and atmosphere of commercial localities and contribute to an integrated and positive sense of community;

TOWN OF COTTESLOE POLICY

- protect the character and amenity of adjacent residential localities;
- support the objectives of the Community Safety and Crime Prevention Committee.

(4) POLICY APPLICATION

Council will have regard to this policy when:

- (a) Assessing applications made to Council for:
- Section 39 and 40 certificates made under the *Liquor Control Act 1988*.
 - Planning approval made under the Town Planning Scheme for development which may involve a liquor licence.
 - Eating house licence applications made under Council's *Eating Houses* local law that may involve a liquor licence.
 - Alfresco dining applications made under Council's *Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law* that may involve a liquor licence.
- (b) Considering a request to intervene or raise objections to any licensed premises operating under the requirements of the *Liquor Control Act 1988*.

Note: The types of Liquor Licences and Extended Trading Permits issued by the Director of Liquor Licensing that Council shall be concerned with and to which this policy shall apply include:

Type of Licences:

Restaurant
Nightclub

Hotel
Hotel restricted
Tavern
Small bar
Club
Occasional
Special Facility

Extended Trading Permits:

Extended hours
Liquor without a meal
(restaurant)
Alfresco
Dining area
Permits for one-off events

(5) POLICY

(a) Liquor Licence and Development Applications

Council will have regard to the following matters when considering liquor licence and development applications. If the proposal is supported relevant conditions may be imposed accordingly.

(i) Number of premises within a locality and their distribution

A concentration of licensed premises has the potential to prejudice the amenity of a locality. It is intended to achieve a mix in the types

TOWN OF COTTESLOE POLICY

of premises to contribute to a vibrant atmosphere of the commercial localities whilst minimising the potential for anti-social behaviour in public spaces and impacts on any neighbouring residential properties.

(ii) **Hours of operation**

This is particularly relevant to hotel, tavern, nightclub and small bar licences, extended trading permits for on-going hours and liquor without a meal (restaurants or alfresco).

Late operating hours may contribute to irresponsible consumption of alcohol and lead to anti-social behaviour, particularly upon leaving licensed premises which in turn impacts on the amenity of others, including other patrons, residents and business operators and their customers.

When considering a proposal for premises which would be licensed or an extended trading permit, Council is unlikely to recommend support for those licensed premises which cause disturbance and inconvenience to residents or businesses located in the vicinity of licensed premises.

Council will consider opening and closing hours during the week and weekends having regard to the proximity of the licensed premises to residences and businesses and subject to consideration of the details and merits of each proposal.

(iii) **Number of patrons**

This is particularly relevant to hotel, tavern and nightclub licences, where, when combined with the long hours of operation, can cause the amenity of a locality to be detrimentally affected.

(iv) **Floor area**

The establishment of large venues will not be supported in proximity to residential properties. Such proposals must also demonstrate that the size of the facility will not detrimentally affect the amenity of the locality in general by virtue of its parking facilities, entertainment, number of patrons, and so on.

(v) **Noise**

To address certain types of noise impacts from licensed premises Council may require that an applicant submit an acoustic engineering report indicating sound attenuation measures to be undertaken.

(vi) **Entertainment**

Entertainment in licensed premises should contribute positively to and not detract from the amenity of the locality. Restaurants are expected to be operated and advertised as restaurants only.

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Licensees are expected to use their best endeavours (including the closing of doors and windows) to ensure that any entertainment provided on the licensed premises does not produce excessive noise likely to disturb, annoy or inconvenience nearby residents, other business proprietors and other users of the locality.

(vii) **Public safety**

Where considered warranted, Council may request that additional crowd controllers, security personnel or security patrol services be provided for premises trading past midnight and/or have entertainment to patrol the external grounds and where appropriate the neighbouring streets or public spaces / recreational areas of the licensed premises and monitor the behaviour of persons arriving at and departing from the licensed premises.

(viii) **Location**

The location of premises generally and the location of outdoor areas and parking facilities will not be favoured in proximity to residential properties.

(ix) **Parking**

The number of parking bays required by the town planning scheme is required to be provided, however, Council may consider cash in-lieu of car parking bays in accordance with the provisions of the scheme and any policy.

The impact of vehicles parking either in car parking areas or surrounding streets will also be considered particularly in locations adjacent to residential properties. A spill-over into the surrounding area may occur if the capacity of premises is much greater than its car parking provision, resulting in considerable disturbance and inconvenience to residents, especially when patrons are departing from the area late at night or in the early hours of the morning.

Therefore, the hours of operation for premises may be based on the availability of parking and the likely impact on the surrounding residential area.

(b) Managing Complaints / Advocacy

Should complaints be received or Council otherwise become aware of issues, Council will undertake an assessment of the situation and determine if intervention is required. Intervention may include:

- Conducting discussions with the licensee;
- Referring the matter to the Western Accord; or
- Lodging an intervention or objection with the Director of Liquor Licensing.

TOWN OF COTTESLOE POLICY

(c) Management Plans

These are required under the Director of Liquor Licensing's *Harm Minimisation Policy*. Where considered warranted, Council may require the management plan to be submitted to Council for approval, particularly as part of a proposal for a hotel, tavern or nightclub or an extended trading permit. In addition to the Director's requirements, Council may require the plan to address issues such as:

- hours of operation,
- security on the site,
- lighting in and around the site,
- security of patrons on leaving the venue,
- sale of packaged alcohol,
- specific methods of patron control (including training and surveillance),
- a traffic and travel mode management plan, including assistance in departure from the venue (i.e. availability of a direct telephone link to a taxi service or courtesy bus)
- noise; and
- compliance and commitment to an Accord.

(d) Western Accord

The Town of Cottesloe is a member of the Western Accord, which comprises local licensed premises operators, the Western Australian Police Service, the Towns of Cambridge, Claremont, Cottesloe, Mosman Park, and Vincent, the Shire of Peppermint Grove, the Cities of Nedlands and Subiaco, the Department of Health, Western Australia, Liquor Licensing Division representatives, other relevant agencies and the community. It provides a code of conduct for licensed premises within the Western Accord and is a beneficial forum for the consideration of liquor license issues.

Such liquor accords are approved by the Director of Liquor Licensing and entered into by two or more local licensees in a local community, Council, licensing authority representative, and other stakeholders such as the police.

Accords are intended to develop a safe and well-managed local environment as part of an overall strategy aimed at fostering a responsible drinking culture, ensuring safety in the local community and promoting effective communication and problem solving between licensees and key stakeholders.

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| RESOLUTION NO: | 11.1.4 |
| ADOPTION: | 17 March 2008 |
| REVIEW: | 17 March 2016 |