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28 January 2016

Mr TR Anderson QC
Consumer and Business Services
GPO Box 1719
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(Email: CBSReforms@sa.gov.au)

Dear Mr Anderson

REVIEW OF LIQUOR LICENSING ACT 1997

Thank you for providing Council with the opportunity to comment on the Government review of the *Liquor Licensing Act 1997*. It should be noted that, due the timeframes provided for response, the comments provided are those of Council's Administration, and have not been formally considered and endorsed by the Council.

The following comments are provided with respect to the current legislation:

Confusion between Liquor Licensing Act and other Acts

Councils often hear from applicants that some confusion exists around the process to obtain a liquor licence separate to a development approval. The *Liquor Licensing Act 1997* is not well integrated with the *Development Act 1993* and is essentially a separate approval process which must either be run concurrently or after a Development Approval has been given.

There is scope to improve integration between the two legislative schemes, for example by incorporating a referral under the development application to the Office of the Liquor and Gambling Commissioner where an application for a liquor licence is required. A liquor licence approval process could then flow from the referral under the liquor licence legislation.

Where an application for a liquor licence does not involve "development", then the application would be lodged direct with the Liquor Licensing authority. A referral to the Council should still be required, however the Act should require the Authority to take into account the provisions of the planning scheme for the area, to ensure that decisions are in keeping with existing planning rules.

This would ensure that liquor licensing decisions are consistent with existing planning rules, thus avoiding a situation where you could have, for example, late night entertainment in close proximity to residential areas. Existing Development Plans provide various policy provisions with respect to noise, operating hours etc. which can be used to assess a liquor licence application.

Short term dry areas

The power for Councils to request dry zone areas should remain. In addition, Councils should be given the power to declare a short-term event a 'dry zone' for its duration only. This action should be undertaken in consultation with SAPOL, with enforcement processes managed by SAPOL.

Changes to Entertainment Consent

On 20th December 2015, changes to the entertainment rules meant that a licensee is no longer required to obtain the consent of the Liquor and Gambling Commissioner or Licensing Court to provide entertainment (excluding prescribed entertainment) between 11:00am and midnight on any day. This change does not override existing Development Approval conditions in place.

Council is already experiencing noise complaints from residents living in close proximity to entertainment venues as a result of this change. The desire to encourage live bands and live entertainment is acknowledged, however, this must be balanced with protecting residential amenity in locations where residents live in close proximity to the licensed venue

One option is to amend the legislation so that entertainment venues are required to obtain consent of the Liquor and Gambling Commissioner or Licensing Court if they wish to incorporate live entertainment beyond 10:00pm.

I thank you for providing Council with the opportunity to provide comment on the *Liquor Licensing Act 1997* and hope the above comments can be taken into account as part of your licensing review.

Yours faithfully



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