

Dear Sir / Madam,

The following comments are provided in response to the Liquor Licensing Discussion Paper recently released for consultation.

I apologise that these comments are being submitted after the due date. This is due to illness. I hope the comments can still be taken into consideration as a late submission.

This response has been provided at Officer level. Input from the Elected Member body may be sought once formal proposals for reform of the liquor licensing system have been developed.

Comments have been provided below in response to the most relevant questions for local government as posed in the Discussion Paper.

*Is there too much red tape when applying for a liquor licence?*

It is considered that the process would benefit from some level of streamlining. It is also important that persons wishing to apply for a liquor licence are informed upfront about the process and the likely timeframes. Setting early expectations will assist in allowing applicants to factor those timeframes into the business processes.

*Do we need twelve liquor licence categories?*

No. The number of categories could be reduced by combining some that have similar parameters.

*Is there confusion as to the role of the liquor licensing framework and other legislative frameworks imposed by bodies such as planning, noise and health?*

Yes there is confusion regarding the roles of all bodies involved in the process and the reasons for their involvement. Council regularly finds that those who require a development application as a result of the liquor licensing application often fail to understand the need for that requirement or why that has been triggered as a result of the liquor licensing application.

*Should consultation on planning and liquor licence applications occur at the same time?*

Potentially – however the requirements for public consultation under the *Development Act 1993* and *Development Regulations 208* are specific and may make combining the processes complicated. As both consultation processes deal with different matters combining them could cause confusion and make consideration of the issues raised difficult.

If the consultation periods were to be combined consideration would need to be given to the associated administrative impacts (i.e. which organisation would be responsible for co-ordinating the public consultation including advertising, which organisation responds to third parties and are third parties invited to hearings by both the council and the liquor licensing commission? Etc.).

*Should local councils have the right to intervene in a liquor licence application having already approved the development application?*

Unlikely to be necessary provided the venue / activity has the relevant land use approvals and appropriate and consultation with the local council and community has occurred. This ensures

Council has an opportunity to comment on the proposal (including where that comment is outside of the development application process) but does not have the power to intervene.

*At what point in the process should a member of the public be able to voice their concerns? How?*

Through any consultation process associated with the land use approvals system and through the consultation process required as part of the liquor licensing application. Both processes deal with separate issues and therefore it is appropriate to have two separate consultation processes. Whether or not these processes occur at the same time requires further consideration (refer previous comment above).

*Should appeals against decisions where there are both elements of liquor and planning be heard together?*

Again there may be potential for this to occur but both processes deal with separate matters. Development applications under the planning system consider matters such as land use, noise, amenity impacts, infrastructure etc. Applications under the liquor licensing system can deal with issues such as the number of venues within an area, security personnel etc. Such matters are not relevant planning considerations and therefore, given the different issues considered it may be difficult and inappropriate to combine these processes.

*Should local councils have the power to declare short-term dry areas?*

Yes. It may be entirely appropriate for a local council to declare a short-term dry area for local events such as street parties, local fairs, farm shows etc. Such events are increasing in their frequency and councils need to have the ability to consider the implications of alcohol on these events and to introduce short term dry zones if necessary for the protection of the amenity and safety of the community.

## **Conclusion**

The Council is appreciative of the opportunity to comment on the discussion paper and is generally supportive of a review of the system to ensure it is operating as effectively and efficiently as possible.

Once proposals for legislative and system changes are developed Council would appreciate the opportunity to again be consulted to ensure all relevant matters are given due consideration.

If any further information is required in relation to this submission please contact me via the details below.

Kind regards,  
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We acknowledge the Ngarrindjeri people as the traditional owners of this land on which we meet and work. We respect and acknowledge their spiritual connection as the custodians of this land and that their cultural heritage beliefs are still important to the living people today.