

Licensed Premises & Entertainment Venues

Who should read this guide?

Anyone required to lodge a development application for a licensed premise or entertainment venue.

Introduction

Licensed premises such as restaurants, cafés, bars and nightclubs contribute to the vibrancy of the city for residents and visitors.

These premises are encouraged in a number of key areas of the city but should be carefully managed to ensure their compatibility with sensitive land uses such as housing. The most common problems associated with licensed premises are noise, inappropriate patron behaviour and hours of operation.

There are two approval processes required for licensed premises:

1. Approval of the land use and any associated building works. This requires the lodging of a development application to Council.
2. Approval of the liquor licence. This requires the lodging of an application with the Office of Consumer and Business Services (Liquor and Gambling Commission).

The Development Application

If a new licensed premises is being established in a new building or if a change in land use in an existing building is proposed (e.g. from an office

to a restaurant), a development approval must be granted by Council.

The Council assesses the proposed development against the Adelaide (City) Development Plan, which contains planning guidelines that seek to balance the impacts of a new development with the amenity of existing sites.

The following considerations are taken into account when assessing a development application for a licensed premise.

The Zone or Policy Area in which the site is located

Licensed premises are desired in some parts of the city but not all.

Within the Capital City Zone, City Frame Zone and Main Street Zones, licensed premises are assessed 'on their merit'.

However, in the City Living Zone, Mixed Use (Melbourne West) Zone, Adelaide Historic (Conservation) Zone and North Adelaide Historic (Conservation) Zone (except on Tynte

Street frontage in the Tynte Street Policy Area 4), licensed premises are identified as 'non-complying' and are discouraged due to their potential negative impact on nearby residents.

The proposed hours of operation of the development

Licensed premises should operate in a way that reinforces the desired character of their locality and encourages the appropriate behaviour of their patrons within and around their premises. Council's Liquor Licensing Policy outlines its position on the supply of alcohol throughout the city.

The proposed development's likely noise and nuisance impacts on surrounding developments

Noise emanating from licensed premises and associated with patrons arriving/leaving venues must be carefully considered. Music and entertainment within the venue itself, as well as noise associated with patrons walking through the surrounding area to their vehicles/transport late at night, can have significant impact on the amenity of nearby residents. There is also often a correlation between late closing hours of licensed premises and anti-social behaviour in surrounding areas.

Limiting the hours of operation, even within different parts of a venue, as well as incorporating noise attenuation measures such as sound proofed walls, double glazed windows and music limiting

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devices inside can help minimise the venue's impacts on the surrounding areas. Council may require a detailed report from an acoustic engineer to accompany a development application for licensed premises where it is anticipated that there will be potential for unreasonable noise impact. The size and scale of the licensed premises is also taken into account in assessing the potential noise impact.

Depending on the nature of the application, Council may require the preparation of a management plan that addresses matters such as patron behaviour and techniques that may be used to minimise disturbance of nearby properties.

As part of the assessment of this type of development application, Council's Liquor Licensing Officer will give advice about the proposal's consistency with Council's Liquor Licensing Policy and Operating Guidelines. These Council documents provide additional details about issues such as appropriate hours of operation, crowd control, and other management related matters associated with licensed premises.

Where refuse will be stored and collected on site

A designated area within the site must be provided for the storage of refuse, such as bottles and food scraps. It is not appropriate for waste to be stored on Council land (i.e. rear laneway) and should be stored on the subject land.

The collection of refuse should take place at times when the noise will have the least impact on nearby sensitive land uses such as residences. Waste collection must be arranged by the owner/occupier of the business (Council does not collect commercial waste).

Licensing and Consumer Business Services

Consumer Business Services (CBS) requires all necessary planning and building consents to be obtained before issuing a liquor licence.

Useful Definitions

The Liquor Licensing Act 1997 provides a number of useful definitions:

'Entertainment' means:

- (a) a dance, performance, exhibition or event (including a sporting contest) calculated to attract and entertain members of the public

OR

- (b) a visual display but not if provided by means of a television screen not exceeding dimensions fixed under the regulations.

'Live entertainment' means:

- (a) a dance or other similar event at which a person is employed or engaged to play music (live or pre-recorded)

OR

- (b) a performance at which the performers, or at least some of them, are present in person.
- (c) a performance of a kind declared by regulation to be live entertainment.

An 'entertainment venue' is a place that:

- sells alcoholic beverages for consumption on the licensed premises at a time when live entertainment is provided

AND

- sells alcoholic beverages for consumption in a designated dining area with or ancillary to a meal

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Extended Area of Trading

If licensees wish to trade in an area adjacent to their licensed premises (e.g. drinking and/or dining on the footpath adjacent) they must make an application to the Licensing Authority for an Extension of Trading Area .

In their assessment the Licensing Authority will consider the potential effect that noise and other disturbances may have on those who live, work or worship near the licensed premises. For this reason the Licensing Authority may, when determining an application, impose conditions . Licensees also have an obligation to minimise the impact of noise emanating from their licensed premises or from the behaviour of patrons making their way to or from the premises.

Additionally, licensees will also be required to make an application to the City of Adelaide for an Outdoor Dining Permit.

The application may be made by email to outdoordining@cityofadelaide.com.au Council takes into consideration the following when making an assessment for an Outdoor Dining Permit:

Location

Appropriate outdoor dining locations are those directly outside the premises and are not needed for existing or proposed public use

Area to be used

The footpath must include a minimum pedestrian zone (area required for pedestrian movement) of two (2) metres. A pedestrian zone of less than two (2) metres may also be considered but this would depend upon factors including but not limited to:

- Street type
- Street traffic speed
- Potential risks
- Pedestrian volumes
- Public transport waiting areas.
- Safety of patrons

Entertainment on Licensed Premises

There is no longer a requirement to obtain the Licensing Authority's consent for entertainment between the hours of midnight and 11:00 am. However, consent is still required for prescribed entertainment.

Prescribed entertainment means:

- Entertainment of a sexually explicit nature; or
- A professional or public boxing or martial art event within the meaning of the Boxing and Martial Arts Act 2000; or
- Any other entertainment prescribed by the regulations for the purpose of the definition of prescribed entertainment.

Advertisement of Licence Applications

Liquor licence applicants are no longer required to notify Council or neighbours of their intention regarding a licence. Members of the public will now be informed by way of a notice attached to a licenced premises or land proposed to be used as a licenced premises.

Whilst automatic notification is no longer required, notices of licence applications will continue to be published online at <https://www.cbs.sa.gov.au>

Under the Liquor Licensing Act 1997 (the Act), Council may take the following action :

The right of intervention – Council may intervene on an application to the Licensing Authority for the purpose of making representations or introducing evidence. For example, Council may require an applicant to lodge a development application for change of permitted land use or require further information in order to make informed decisions about any application before the licensing authority.

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If an event, noise or people moving to and from license premises is:

- offensive;
- annoying;
- disturbing; or
- inconvenient;

to a person who lives, works or worships within the same location of the licensed premises, Council may lodge a complaint with the Licensing Commissioner.

Limited Licences

A Limited licence is a short term licence usually granted for a specific event such as a wedding or a series of specific events such as the Adelaide Fringe. These licences are usually only granted for a period of one (1) month unless the Licensing Authority is of the view that a longer period of time is justified.

Limited licences are generally provided to Council for review and to ensure the event is in line with Council's liquor licensing policy, guidelines and relevant building and urban planning legislation.

Transfer of Licences

If an application involves a liquor licence being transferred and there are no proposed changes to any of the licence conditions or

any planning or building changes to the premises (including renovations or extensions), then Council will seek to ensure that the standards contained in Council's Liquor Licensing Policy and guidelines are applied by the Licensing Authority on the transferred licence. Club and Limited licences are not transferrable.

Other Resources

- Consumer and Business Services
www.cbs.sa.gov.au
- Liquor Licensing Policy
[www.cityofadelaide.com.au/assets/ Policies-Papers/docs/policy-liquor-licensing. pdf](http://www.cityofadelaide.com.au/assets/Policies-Papers/docs/policy-liquor-licensing.pdf)
- Late Night Trading Code of Practice
[www.cbs.sa.gov.au/licensing-and- registration/ liquor/codes-of-practice-2/](http://www.cbs.sa.gov.au/licensing-and-registration/liquor/codes-of-practice-2/)

Additional relevant Development Information Guides:

- Change in Land Use
- Noise Generating Development
- Noise Sensitive Development

Further Information

For further information or to discuss your specific requirements, please contact Council's

Development Assessment team on **08 8203 7185** or

d.planner@cityofadelaide.com.au