



# Council Policy Manual

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## **CP14.10 Issue of Certificates and Permits under the *Liquor Control Act 1988***

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### **POLICY OBJECTIVE**

To provide for the efficient and prompt issue of certificates of local government and certificates of local planning authority for liquor licensing applications as required by Sections 39 and 40, respectively, of the *Liquor Control Act 1988*.

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### **BACKGROUND**

#### Section 39 – Certificate of Local Government

Section 39 of the *Liquor Control Act 1988* requires applications for the granting or removal of liquor licenses under the *Liquor Control Act 1988* to be accompanied by a certificate from the local government for the district in which the premises to which the application relates are situated, detailing whether or not the premises comply with:

- (i) the *Health (Miscellaneous Provisions) Act 1911*;
- (ia) the *Food Act 2008*;
- (ii) any written law applying to the sewerage or drainage of those premises;
- (iii) the *Local Government Act 1995*; and
- (iv) the *Building Act 2011*;

Where the premises do not comply, the certificate is to state the manner in which the premises could be made to comply or that the premises could not reasonably be made to comply.

#### Section 40 – Certificate of Local Planning Authority

Section 40 of the *Liquor Control Act 1988* requires applications for the granting or removal of liquor licenses, or for a change in the use or condition of any licensed premises under the *Liquor Control Act 1988*, to 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, stating that the proposed use of the premises:

- (a) will comply with the requirements of the written laws relating to planning specified;
- (b) 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
- (c) will not comply with the requirements specified for the reasons specified.



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## CP14.10 Issue of Certificates and Permits Under the Liquor Control Act 1988

### POLICY STATEMENT

1. Section 39 and 40 Certificates as required by the *Liquor Control Act 1988* shall be issued by the Administration without referral to the Council.
2. Section 39 – Certificates of Local Government may be issued by:-
  - Director Community and Commercial Services
  - Manager Health and Activity Approvals
  - Coordinator Environmental Health
  - Senior Environmental Health Officer
3. Section 40 – Certificates of Local Planning Authority may be issued by:-
  - Director Planning and Development
  - Manager Development Approvals
  - Principal Statutory Planner

Document Control Box							
<b>Document Responsibilities:</b>							
<b>Custodian:</b>	Manager Health & Activity Approvals	<b>Custodian Unit:</b>	Health & Activity Approvals				
<b>Decision Maker:</b>	Council						
<b>Compliance Requirements:</b>							
<b>Legislation:</b>	Section 39 and 40 of the <i>Liquor Control Act 1988</i>						
<b>Industry:</b>							
<b>Organisational:</b>							
<b>Document Management:</b>							
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2.	OCM 25/09/18 (Item 13.15)	Amended					