

Fact Sheet

Development Information Guide

Liquor Licensing

Council's role

The Liquor Licensing Act 1997 provides Councils with specific powers in relation to processing licence applications and lodging complaints.

Council's right

There are three means by which Council can exercise its rights under the Liquor Licensing Act:

- **Rights of Intervention**
Councils are given a specific right to intervene in proceedings before the Licensing Authority to introduce evidence or make representations.
- **General Right of Objection**
The Act provides that when an application is advertised, any person may object to the application.
- **Complaints**
Councils can lodge complaints with the Liquor Licensing Authority regarding the operation of a licensed premise.

New or existing licences

An application for a new Liquor Licence may constitute a Change in Use of the land and therefore require Development Approval (refer to The Barossa Council's Development Approval Development Information Guide). When considering such an application, a number of issues will be taken into account, including:

- hours of operation
- noise
- on-site storage of refuse
- treatment and disposal of liquid wastes
- car parking provisions.

Changes to existing planning or liquor licence conditions may require an additional Development Approval. Many liquor-licensed premises have planning conditions related to their operation, such as trading hours and entertainment consents. Before submitting an application to the Liquor Licensing Authority for a change to a condition, it is advisable to contact Council's Development and Environmental Services Section to find out whether a planning consent is required.

Transfer of licence

Regarding an application where a Liquor Licence is to be transferred and there are no proposed changes to any licence conditions, or planning and building changes to the premises, such as renovations or extensions, Council would not generally seek to intervene in application proceedings before the Licensing Authority.



Change of licence type

If it is proposed to change the type of licence for a premise, it is prudent in terms of both time and money for the applicant to enquire as to whether there would be any Development Plan or Building Rules Consents implications.

Producer's licence

An application for a Producer's Licence will require Council approval. Council will require a copy of the plans and details submitted to the Office of the Liquor and Gambling Commissioner. In some circumstances the applicant may obtain and operate a producer's licence in accordance with the definition of a Home Activity (refer to The Barossa Council's Home Activity Development Information Guide). However, in certain circumstances it will be necessary to lodge a Development Application with Council to obtain land use approval prior to the licence being granted.

Please note: wineries and associated activities are non-complying in certain zones.

Direct sales/wholesale merchant's licence

A Direct Sales Licence or a Liquor Merchant's Licence will require Council approval. Council will require a copy of the plans and details submitted to the Office of the Liquor and Gambling Commissioner. Such Licences will allow the applicant to sell liquor to clients, without allowing such persons to visit the licensed premises. Generally a wine storage area will be associated with such licences.

Please note: a warehouse (for wine storage) is a non-complying form of development in some zones.

Residential/restaurant licence

A Residential or Restaurant Licence will require Council approval. Council will require a copy of the plans and details submitted to the Office of the Liquor and Gambling Commissioner. Such licences are generally associated with bed and breakfast accommodation and food premises.

Limited licence

An application for a limited licence must be accompanied by Council approval. Such an approval, if granted, would have had regard to a number of issues including:

- noise
- patron behaviour
- disposal of refuse and liquid wastes
- security arrangements
- general amenity of the area.

Application for entertainment consent

An application for an Entertainment Consent may have Development Plan Consent and Building Rules Consent implications and consequently applicants should enquire whether the granting of an Entertainment Consent would constitute a change of use or change of building classification.

Outdoor cafes

Council may, under the Local Government Act 1999, grant an outdoor cafe licence permitting the use of a portion of a public street, road or place for the supply of food and drink, and placement of tables and chairs. The granting of such a licence does not constitute Council approval for a Liquor Licensee to serve liquor to an outdoor cafe area.

Further information

Further information is available from the web www.barossa.sa.gov.au or by contacting Council's Development and Environmental Services Section or the Office of the Liquor and Gambling Commissioner on (08) 8226 8550.