

Rescission of the Liquor Licensing Policy

Strategic Alignment - Our Places

Public

Tuesday, 4 February 2025

**City Planning, Development
and Business Affairs
Committee**

Program Contact:

Sarah Gilmour, Associate
Director Park Lands, Policy &
Sustainability

Approving Officer:

Ilia Houridis, Director City
Shaping

EXECUTIVE SUMMARY

The purpose of this report is to seek approval to rescind the City of Adelaide's *Liquor Licensing Policy 2013* (the Policy) ([Link 1](#)) and the associated *Liquor Licensing Operating Guidelines 2013* (the Operating Guidelines) ([Link 2v](#)) approved by Council on 12 November 2013.

Since the Policy was adopted in 2013, the City of Adelaide's roles, responsibilities, and influence regarding liquor licences have changed under the *Planning, Development and Infrastructure Act, 2016* (SA), and the *Liquor Licensing Act 1997* (SA).

There is no longer a mechanism for the City of Adelaide to place conditions on liquor licences, nor can it refer to the Policy during development assessment.

There are limits as to how the City of Adelaide can implement the requirements set out in the current and any future Liquor Licensing Policy.

To support development proponents and the community with information about applications for licensed premises and liquor licences, the existing Development Information Guide for Licensed Premises ([Link 3](#)) has been updated (**Attachment A**). It sets out general guidance on key issues related to licensed premises applications. This Development Information Guide replaces the Policy and the Operating Guidelines.

RECOMMENDATION

The following recommendation will be presented to Council on 11 February 2025 for consideration

THAT THE CITY PLANNING, DEVELOPMENT AND BUSINESS AFFAIRS COMMITTEE RECOMMENDS
TO COUNCIL

THAT COUNCIL

1. Approves the rescission of the Liquor Licensing Policy dated 12 November 2013.
 2. Approves the rescission of the Liquor Licensing Operating Guidelines 2013.
 3. Notes the updated Development Information Guide for Licensed Premises and Liquor Licences as contained in Attachment A to Item 7.5 on the Agenda for the meeting of the City Planning, Development and Business Affairs Committee held on 4 February 2025 to be finalised by the Chief Executive Officer or delegate.
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IMPLICATIONS AND FINANCIALS

City of Adelaide 2024-2028 Strategic Plan	Strategic Alignment – Our Places Create safe, inclusive and healthy places for our community
Policy	This report recommends that the Liquor Licensing Policy and associated Operating Guidelines be rescinded as significant changes to the relevant legislation, by-laws and internal policy and processes have occurred since the adoption of the Policy in 2013. The Policy is no longer enforceable.
Consultation	Internal consultation occurred as part of the review of the Policy and the drafting of the updated Development Information Guide for Licensed Premises and Liquor Licences.
Resource	Not as a result of this report
Risk / Legal / Legislative	The report recommends the Policy and the associated Operating Guidelines be rescinded to align with current liquor licensing legislation, including the <i>Planning, Development and Infrastructure Act, 2016</i> (SA), and the <i>Liquor Licensing Act 1997</i> (SA).
Opportunities	The Development Information Guide for Licensed Premises has been updated to set out general guidance on key issues related to licensed premises and Liquor Licences applications (Attachment A).
24/25 Budget Allocation	The review was undertaken within existing operating resources.
Proposed 25/26 Budget Allocation	Not as a result of this report
Life of Project, Service, Initiative or (Expectancy of) Asset	Not as a result of this report
24/25 Budget Reconsideration (if applicable)	Not as a result of this report
Ongoing Costs (eg maintenance cost)	Not as a result of this report
Other Funding Sources	Not as a result of this report

DISCUSSION

Background

1. The purpose of this report is to seek approval to rescind the *Liquor License Policy 2013* (the Policy) ([Link 1](#)) and the associated *Liquor Licensing Operating Guidelines 2013* (the Operating Guidelines) ([Link 2](#)).
2. The objectives of the Policy are to:
 - 2.1. Assist the City of Adelaide to enhance safety and vibrancy by advocating for responsible alcohol sale and consumption and high standards in alcohol trading practices.
 - 2.2. Define the City of Adelaide's policy position on liquor licensing matters.
 - 2.3. Support the application of the Development Plan (superseded by the Planning and Design Code) in maintaining and enhancing the desired character of city places.
3. The Policy includes a series of statements regarding the location and operating hours for licenced premises.
4. The Operating Guidelines set out standard conditions for liquor licences, including desired opening hours for precincts throughout the city, noise requirements and refers to queuing permits.
5. Since the Policy was adopted in 2013, the City of Adelaide's roles, responsibilities, and influence regarding liquor licences have changed under the *Planning, Development and Infrastructure Act, 2016* (SA), and the *Liquor Licensing Act 1997* (SA).

Legislative Changes

6. In November 2019, the final stage of legislative amendments to the *Liquor Licensing Act 1997* (SA) came into effect resulting in:
 - 6.1. The *Liquor Licensing Act 1997* (SA) precluding local governments from intervening in licensing decisions on planning matters covered under the *Planning, Development and Infrastructure Act 2016* (SA).
 - 6.2. The City of Adelaide no longer being able to undertake enforcement action.
 - 6.3. No avenues within the legislative framework for the City of Adelaide to be a party to applications and legal proceedings in relation to liquor licences.
7. The reforms removed the Administration's ability to influence liquor licenses, and its ability to require conditions on licenses.
8. Administration can work with the Commissioner in the assessment of an application for a liquor licence, by providing the Commissioner with the following information:
 - 8.1. Confirmation as to whether an Applicant has been granted Development Authorisation for the proposed licensed premises.
 - 8.2. Confirmation that a Development Authorisations has any planning conditions imposed that are associated with trading hours or capacity.
 - 8.3. That the Development Authorisation is not outdated.
 - 8.4. Assessment of concerns identified by the City of Adelaide, including complaints made to the City of Adelaide about the premises.
9. The City of Adelaide can also lodge a complaint to the Commissioner about noise emanating from, or the behaviour of persons making their way to or from, licensed premises is unduly offensive, annoying, disturbing or inconvenient to people who live, work or worship in the vicinity of the licensed premises.
10. Consumer and Business Services SA (CBS) acts as a delegate of the Liquor and Gambling Commissioner which is a licensing authority under the *Liquor Licensing Act 1997* (SA).
 - 10.1. CBS places conditions of approval on liquor licences. These conditions typically refer to opening hours and occupant numbers. When determining liquor licences, CBS may confer with the Administration to ensure that the prescribed use and opening hours are allowable under relevant Development Authorisations.
 - 10.2. CBS typically imposes conditions on liquor licences that align with the hours of operation approved in relevant Development Authorisation. In cases where no specific conditions exist, such as with older existing use rights, CBS may set their own conditions regarding hours of operation or patron numbers.
 - 10.3. CBS is not mandated or required to apply the conditions requested by the City of Adelaide.

11. The State Government's Planning and Design Code (the Code) is used to assess development proposals.
 - 11.1. The Code contains policies to assess licensed premises.
 - 11.2. The Code guides the development of licensed premises and includes some provisions to address noise. However, it does not include specific policy regarding opening hours or patron numbers and has limited provisions to address issues regarding noise from licensed premises.
 - 11.3. In assessing a licensed premises development application, Administration requires an acoustic report, which recommends noise mitigation measures and hours of operation. The report is independently reviewed, and any hours of operation of licensed premises are determined based on both the acoustic assessment and the planning review of the local area. Hours of operation are then included as conditions in the Development Authorisation.
 - 11.4. The Code does not refer to the Policy, so it cannot be referred to when determining an application, nor when placing conditions on an approval.

Review Findings

Challenges

12. There is no longer a mechanism for the City of Adelaide to place conditions on liquor licences. Legal advice on this matter has confirmed that a Liquor License Policy cannot be referred to for decision-making during development assessment.
13. There are limits as to how the City of Adelaide can implement the requirements set out in the current and any future Liquor Licensing Policy.
14. The Policy may cause uncertainty for the community who ask the City of Adelaide to enforce a policy that is no longer relevant or enforceable due to legislative changes.

Opportunities

15. An updated Licensed Premises Development Information Guide was identified as an opportunity to communicate the City of Adelaide's role in licensed premises and liquor licence applications.
16. The updated Development Information Guide for Licensed Premises and Liquor Licences has been prepared (**Attachment A**) that:
 - 16.1. Provides information about roles and responsibilities for liquor licensing and relevant policies in the Code.
 - 16.2. Whilst advisory in nature and not enforceable, refers to the existing regulatory role and functions of the City of Adelaide where appropriate, including relevant permits and permissions required (such as outdoor dining).
17. A marked version showing changes to the Development Information Guide is provided ([Link 4](#)).

Next Steps

18. Pending Council's decision on the Policy and Operating Guidelines, they will be rescinded and removed from the Policy Register and the City of Adelaide's website.
19. The updated Development Information Guide (**Attachment A**) will be publicly available on the City of Adelaide's website.

DATA AND SUPPORTING INFORMATION

Link 1 – City of Adelaide Liquor License Policy 2013

Link 2 – City of Adelaide Liquor Licensing Operating Guidelines 2013

Link 3 – Existing [City of Adelaide Licensed Premises Development Information Guide](#)

Link 4 – Marked version showing changes to the Licensed Premises Development Information Guide

ATTACHMENTS

Attachment A–Development Information Guide for Licensed Premises and Liquor Licences

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