

Planning Information Sheet

Section 40 - Certificate of Local Planning Authority

What is a Liquor Licence and why must one be obtained?

A Liquor Licence from the Department of Local Government, Sport and Cultural Industries is required to be obtained for the sale of liquor from a premises. Local government certification is required to be submitted with the application.

Prior to submitting an application for a Liquor Licence, the applicant must seek a Section 40 Certificate from the relevant local government.

Section 40 certificates are required for all new liquor licensing applications and applications for any alterations to existing licensed premises, including hotels, taverns, cabarets, liquor stores, special facility licenses, restaurants and club licenses. Additional detailed information on how to apply for a liquor license is available from the Department website <https://www.dlgsc.wa.gov.au/racing-gaming-and-liquor>.

Section 40 Certificate (Local Planning Approval)

A Section 40 certificate issued by a local government under the *Liquor Control Act 1988* confirms that the premises or proposed premises complies with the local government's Local Planning Scheme. Local governments are able to condition Section 40 certificates, if the premises can only be made to comply with the planning laws, through the imposition of specified trading restrictions. Usually, any trading restrictions specified by a local government would be imposed by the Liquor Licensing Authority as conditions on any license issued. For example, such restrictions could include noise levels or hours of operation.

Submitting a Section 40 Application

To obtain a Section 40 Certificate the applicant must submit the following information to the City of Canning:

- A City of Canning Section 40 Application Form;
- Department of Local Government, Sport and Cultural Industries Certificate of Local Planning Authority – Section 40 (LLD/15) forms (applicant to complete attached);
- Site plan – showing street and lot numbers (to scale);
- Floor plan – identification of area proposed to be used as part of license including alfresco areas;
- Management plan – describing the nature of the business being undertaken and the trading hours proposed and addresses issues such as security on the site, lighting in and around the site, security of patrons leaving the venue, methods of patron control, assistance in departing the venue (availability of direct telephone link to taxi service or public transport location) and noise control; and
- Fee for Section 40 Certificate

Applicants should ensure that requests for Section 40 certificates are lodged promptly to ensure that the local government has sufficient time to process the application.

Updated September 2020 (V2)
HPRM D14/84658

LIQUOR CONTROL ACT 1988 CERTIFICATE OF LOCAL PLANNING AUTHORITY – SECTION 40

Reverse side to be completed by applicant BEFORE SUBMISSION TO THE LOCAL AUTHORITY

THIS SECTION TO BE COMPLETED BY THE LOCAL AUTHORITY

I, (full name).....

being the

(Title)

for the

(Name of Local Planning Authority)

with respect to an application by

(Name of applicant)

hereby certify that the premises known as.....

and situated at

.....Post Code.....

will comply with all relevant planning laws, namely;

.....

OR

would comply with the relevant planning laws if consent were to be given by the following authority;

.....

(i) It is not known whether the authority will give their consent; or

(ii) It is known that the authority will give that consent subject to the following probable condition/restrictions;

.....

.....

OR

will not comply with the relevant planning laws for the following reasons:-

.....

.....

Dated theday of

Signature of Authorised Officer

**THIS SECTION MUST BE COMPLETED BY THE APPLICANT
BEFORE SUBMISSION TO THE LOCAL AUTHORITY**

APPLICATION DETAILS

Category and Type of Licence:

Nature of application and an outline of proposed use of the premises:.....

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In the case of a *SPECIAL FACILITY LICENCE* application:-

(a) For what purpose is the licence sought? (Refer to Regulation 9A of the *Liquor Control Regulations 1989*)

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(b) What trading hours are sought?

Monday: am/pm to am/pm

Tuesday: am/pm to am/pm

Wednesday: am/pm to am/pm

Thursday am/pm to am/pm

Friday am/pm to am/pm

Saturday am/pm to am/pm

Sunday am/pm to am/pm

(c) Is approval sought to sell and supply liquor on:-

Christmas Day YES NO Good Friday YES NO Anzac Day YES NO

(d) Is approval sought to sell liquor for consumption off the licensed premises? YES NO

(e) Please detail the trading conditions sought and provide an outline on how it is proposed the premises will operate (attach separate submission if necessary):

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