SPECIFIC AMENDMENTS RECOMMENDED

1. MELBOURNE METROPOLITAN PLANNING SCHEME

1.1 Introduce Definition of "Late Trading or Entertainment Premises"

As previously proposed to distinguish such premises from those with no entertainment (exclusion could be made for a single, unamplified instrument or background music below a specified volume level) or ordinary trading hours.

1.2 Amend Clause 7 (1)(d)(iii)

Development Control Clause

To ensure that internal buildings and works that only affect part of a building still require a permit to overcome the problem caused by the ruling in the Wade case.

THIS SHOULD BE DONE URGENTLY

1.3 Amend land uses tables under Clause 7

To enable "L.T.orE. Premises" establish as of right (Column 3) subject to residential separation and other building, parking and amenity requirements requirements in District Centres and otherwise suitable commercial and industrial zones, but otherwise require a permit or prohibit the use.

1.4 Amend Clause 25 to provide a requirement for a permit subject to criteria along the current provision for shops, petrol filling stations etc. Shops within 40 metres of a residential zone must obtain a permit if they wish to trade after 10:00pm of an evening.

1.4 Review parking requirements under Clause 28 because lounges and entertainment areas now attract more people for longer periods that do most public bars.

Hotels are using these provisions to effectively increase the maximum number patrons in hotels.

1.5 Require ongoing operations of existing late trading/entertainment premises to comply within specified period or as may be varied by the Appeals Board.

This should onply apply to premises within 40 metres of residential land.

A provision similar to the brothels could apply over a period of some two years.

It is essential to overcome existing problems.

2. AMEND THE LIQUOR CONTROL ACT

2.1 Include requirement for planning permit as condition precedent to grant or permit or licence as an immediate interim proposal include in the L.C. Act a similar provision to the Building Control Act that requires applicant to obtain planning permission prior to the grant of a permit, licence or variation.

2.2 Include a provision to require applicants to notify specified neighbouring properties for certain specified late trading entertainment or new use permits.

2.3 Specify the provision of entertainment as a variation of premises/licence that require L.C.C. approval and notification within 40 metres of residential premises.

2.4 Include a requirement that entertainment premises satisfy E.P.A. requirements within one year or change format.

2.5 Amend the L.C. Act to enable charges under L.C.Act to be brought before the Commission readily, rather than be deferred until after Magistrates Court actions are finalised.

3. AMEND ENVIRONMENT PROTECTION ACT

3.1 E.P.A. adopt entertainment noise D.N.2 Policy to enable enforcement of requirements by E.P.A., Police or L.C.C.

4. LIQUOR REVIEW

4.1 Generally implement previous M.A.V. Council and E.P.A. submissions on this matter.

4.2 Make submission to Government now by residents, M.A.V. & Councils.

City of Caulfield

ACTION SHEET

Precis of Subject RE: AMENITY CONTROLS

File Number 20/080/00022

PT A Folio 17

Acknowledge

For _____ Committee/Council

For Officer/Committee Action _____

Recorded by Committee Officer / /

Keywords

1. _____
2. _____
3. _____
4. _____
5. _____
6. _____

Date 10.2.87

Action Officer AAA. MHL

ACTION TAKEN OR REQUIRED

AFTER ACTION

(RM5)

MA

City of Sandringham

ALL COMMUNICATIONS TO BE
ADDRESSED TO THE TOWN CLERK
P.O. BOX 27, SANDRINGHAM, 3191
DX 34108 SANDRINGHAM
TELEPHONE: 598 8111
ENQUIRIES TO:

G. Dummett
TP:AE:6

CITY OF CAULFIELD
10 FEB 1987
Officer File
Letter No.

Municipal Offices,
Royal Avenue,
Sandringham, 3191

6th February, 1987

Re: Review of Liquor Control Act
Urgent Need for Amenity Controls

Dear Sir,

I refer to the recent review of the Liquor Control Act.

It is understood the revised Liquor Control Act will be considered by State Cabinet this month.

Recent reports have indicated that the new legislation will streamline procedures, but that Local Government will have a limited role and limited say in determining the amenity aspects of hotel operations.

Recent extensions to the trading hours, the provision of entertainment, the later departure of patrons and frequent incidence of drunken and loutish behaviour, quite apart from noisy music emanating from the premises themselves, have clearly established that such changes to the operations of hotels and licenced premises can be incompatible with the requirement that they cause no undue disturbance to the peace and quiet of residential localities.

The current procedure of objections to the renewal of licences each year and the subsequent hearings by the Liquir Control Commission are costly and do not offer immediate or effective relief to residents.

In two recent cases in Sandringham discotheque operations have destroyed the lifestyle of most nearby residents for over 18 months despite discussions with the proprietors before they assumed the licences. Many residents are elderly and many have lived near the premises for over 20 years without complaint.

In one case the problem commenced in December, 1985, but because of adjournments and injunctions it appears unlikely to be resolved before early 1988 despite support of police, E.P.A. and L.C.C. staff. Even the hotels consultants describe the situation as "unacceptable".

..2

There are no effective Town Planning controls over the hotel's operations (a need recognised by the Nieuwenhuysen report).

The problem is wide spread and problems are increasing. In December 1986, it is understood there were 85 opposed licence renewals, 56 of which were hotels before the commission (involving a range of amenity and legal issues).

It is absurd however that milk bars, service stations and take away food premises are controlled whilst hotels run rampart.

It is essential that something is done immediately. The support of the M.M.A. and your Council for appropriate Amendments to the Planning, Liquor and other controls is required now. It is understood that Cabinet is likely to decide its attitude to the amenity aspects of Liquor Control this month.

A deputation to the Minister for Industry Commerce and Technology and the Minister for Planning is being sought on this issue. The M.M.A. Metropolitan Council will discuss the matter next Wednesday evening, and are re-establishing their working party on this matter.

It would be most appreciated if your Council could support the matters raised in the enclosed submission to your local members of State Parliament and to the Minister for Planning & Environment and Minister for Industry Technology and Resources.

Yours faithfully,

G.C. BARROW
CITY ENGINEER

Town Clerk
(as addressed)

Liquor Control Act Review

the URGENT Need for Amenity Controls

THE PREMIER AND CABINET

PARLIAMENT HOUSE

MELBOURNE 3002

SUMMARY

The City of Sandringham seeks to draw to your attention the desperate need for proper amenity controls in conjunction with any reform of Victorian Liquor Laws.

The City makes this representation after careful review of the Niewenhuysen Report and following local experience with very serious amenity problems associated with licensed premises in residential areas.

The Council seeks a commitment from the Victorian Government to implement the following recommendations of the Nieuwenhuysen report in conjunction with any reform of the Liquor Laws.

1. That a town planning permit be required for all new licensed premises and for all changes of use or operations of existing premises.
2. A town planning permit be a condition precedent to the granting of a licence or permit.
3. That extended hours by permit be subject to planning approval.
4. That additional resources be devoted to dealing with residential amenity problems.

The following submission details the reasons for the above action and highlights the need for proper amenity protection with reference to two case studies in the City of Sandringham.

THE NIEUWENHUYSEN REPORT

In the 1986 Review of the Liquor Control Act (Nieuwenhuysen Report) it is stated:-

"One of the most striking features of submissions to the Review was the intensity and volume of complaints received from many Councils and residents about the problem of local and residential amenity." *Page 526*

"Late trading permits from after 10 or 11 p.m. have been the source of major problems to residential amenity". *P.527*

"Dr. Grant noted ...the continuous nightly disturbances which are experienced by residents in the immediate (less than ½ km) neighbourhood of some licensed premises. The number, type and time of day/night of these disturbances has significantly increased over recent years as the nature of activities in licensed premises has changed and operating hours are longer".
(Municipal Association of Victoria Submission) *P.527*

"Only 30 per cent of Victorians agree that "hotels should be able to stay open past midnight around the weekend" while 59 per cent disagree. Further 66 per cent agree that regulations controlling hotels and discos should be stricter in residential than non residential areas". (The Reviews public opinion survey) *P.530*

"I recommend adoption of the principle that licensed premises be made subject to the same amenity controls as all other industry types and that these controls be enforced in a manner which is as equitable, efficient and inexpensive as possible". P.554

"I recommend that a town planning permit be required for all new licensed premises and for all changes of use or operation of existing premises and that a licensing Act providing that a town planning permit be a condition precedent to the grant of a licence or permit". P.556

THE CURRENT SITUATION

New licenced premises must all obtain permits for land use and development.

Many older hotels, cabarets and licensed premises trade without planning controls and are situated without parking and proper access in or adjacent to residential areas.

Changes to the Liquor Legislation has generally resulted in extended hours and provision of entertainment with little regard for the situation of the premises.

When the M.M.B.W. as the Metropolitan Planning Authority sought to introduce planning controls over "extended hours" hotels in 1982, the A.H.A. was successful in dissuading the M.M.B.W. and Minister for Town Planning from persisting with the proposed planning controls.

This has resulted in the serious situation where licences and permits are granted for the provision of entertainment at cabarets and hotels with late evening trading permits near residential areas.

It is only after the premises have commenced trading, after the proprietor has invested his money in the venture, that the amenity impacts of the operations are promptly assessed.

If Residents, Councils, Police and E.P.A. are unable to persuade the licencee to modify their operations, they can only object to the annual renewal of the licence/permit.

Such objections are understandably extremely expensive if a licence or permit is put in jeopardy in any way. They are also extremely time consuming and may frequently be delayed for over a year on legal grounds.

More over, the question as to whether the premises should have such extended or intensified operations is not addressed, rather it is a matter of the manner in which the premises or the operations can be modified without prejudicing the likelihood and investment of the licencee.

THE QUESTION OF WHETHER LICENSED PREMISES SHOULD BE PERMITTED TO TRADE OF A LATE EVENING WITH ENTERTAINMENT MUST BE DECIDED BEFORE SUCH ACTIVITIES COMMENCE, NOT AFTERWARDS.

WHO SHOULD RESOLVE WHETHER A HOTEL SHOULD BE ABLE TO HAVE ENTERTAINMENT, AND TIMES AND OCCASIONS ON WHICH THE ENTERTAINMENT SHOULD BE PERMITTED ? BASICALLY, IT SHOULD BE THE COUNCIL. AS THE PROBLEMS ARE ESSENTIALLY OF PLANNING. THE MAIN ISSUE BEING THE AMENITY OF LOCAL RESIDENTS

The review of the Liquor Act arrived at the same conclusion as the public, most Councils, the M.A.V., the E.P.A. and most residents who live near licensed premises.

PLANNING PRINCIPLES

A planning scheme provides the framework for achieving the community's (as represented by State and Local Government) objectives and policies. It enables control of land use and development in the planning area.

Any change in use which can affect the amenity of a nearby area should be subject to planning control.

Such is not the case as existing Hotels can trade to whatever extended hours allowed by the Commission without the need to obtain a planning permit.

> *"Consequently there are still no town planning controls over hotels with existing late permit or those wishing to obtain late permits. The extension of trading hours allowed in 1984 is likely to worsen the problem".*
>
> *Nieuwenhuysen Report* *P. 534, 535*

Without effective amenity protection, the current licensing system quite apart from any extensions of trading hours, causes serious and intolerable levels of disturbance to many residents.

Local Government has demonstrated over many years its capability to responsibly administer planning schemes which cover a vast variety of uses and development including the establishment of new licensed premises.

It is essential that both new and existing uses relating to licensed premises be subject to proper amenity control under a planning scheme

TWO CASE STUDIES IN SANDRINGHAM

CASE 1: *"JOSEPHINE NITESPOT" 17 BEACH ROAD, HAMPTON*

In 1979 the "TROIKA" "Cabaret/Restaurant" Converted to "Josephines Discotheque" for 150 persons with 14 parking spaces with trading until 3.00 a.m. on 4 nights per week and 1.00 am on the remaining evenings.

September, 1979	*Council received its first complaints of noise and over crowding and takes the matter up with the licencees.*
April, 1980	*The problem is still occurring. Two seventy year old neighbours are in serious nervous and physical ill-health because of the nuisance.*
	Two months later they are forced to sell their home because of the late evening disturbance.
November, 1980	*Council and residents supported by the E.P.A. object to renewal of licence, Police also object to renewal.*
July, 1981	*Objection hearing results in 10.00 am restaurant licence being revoked, but 3.00 am cabaret licence retained. Licencees disqualified from holding licences and licence is transferred.*
	Objection hearing costs Council $17,000 in legal fees.
1983	*Previous "Josephines" Licencees again hold cabaret licences elsewhere.*

September, 1984	*Licencee's son murdered in premises and licence transferred to persons who had to transfer from a hotel where they had received objections to that licence.*
October, 1984	*Premises altered without permits, late evening tourist buses and music disturb residents.*
November, 1984	*Objections to licence again but deferred on basis of undertakings.*
April, 1985	*Objections adjourned on basis of undertakings.*
March, 1986	*Licencee goes bankrupt.*
April 1986	*New proprietor takes over and again modifies premises without permit and again complaints from residents.*
May-June, 1986	*Noise and behaviour complaints from residents.*
July, 1986	*Live Bands.*
September, 1986	*Two "Pub Crawl" buses arrive after midnight to disgorge and pickup intoxicated tourists.*
October, 1986	*"Exotic and Erotic" entertainment provided in these residentially situated premises.*
November, 1986	*Residents still complain to Licencee about disturbances and seek Council support for objection to renewal.*
	Residents and Council object to renewal of the Cabaret on basis of disturbance to amenity of nearby residential area and non compliance with terms of licence and undertakings.

SUMMARY

The Council spent over $17,000 on legal costs to have its objection sustained, but the premises are still operating and causing nuisance to residents. The original licencees are still operating albiet at other premises. The residents continue to be disturbed.

8A

POST SCRIPT - JANUARY 1987

17 BEACH ROAD, HAMPTON

November/December 1986	The licencee removes all fittings from the premises after midnight over 3 evenings and vacated the premises.
December 1986	The L.C.C. staff inspect the premises and consider them unsatisfactory.
	Owner advises the L.C.C. that he intends to resume the licence.
January 1987	Owner places property on the market and seeks to sell it as a restaurant.

CASE 2: "HAMPTON HOTEL" 56 BEACH ROAD, HAMPTON

April, 1985	Prospective licencees discuss with Council staff possible change to Hotel format. Advised and agreed major entertainment and late evening trading would be incompatible with residential situation of hotel. Three page letter by Council confirming discussions.
September, 1985	At licence transfer, licencee agrees to protect residential amenity, and states entertainment will "not be loud but relaxing" and with mainly "food" format, because of the "tranquility" of Hampton.
November, 1985	Discotheque installed in rear Saloon bar. Serious noise problems to residents who complain to Hotel. Hotel applies for "Sunday Bar Trading" permit.
December, 1985	Hotel applies for Extension to Sunday evening trading to 11.30 pm. Entertainment continues to cause problems on 4 evenings per week. Hotel also gets two 3.00 a.m. special occasion permits.
January, 1986	Complaints by Council and 77 residents to Liquor Control Commission about current operations.
15th Jan, 1986	Council requests abatement and compliances with amenity condition licence.
January, 1986	Hotel engages armed guards with dogs to patrol streets to overcome behaviour problems.

February, 1986	Council with E.P.A. serves Health Act Nuisance Notice and asks Liquor control Commission to take action. Health Act Notice ignored. Council requests L.C.C. to revoke after 10.00 p.m. permits.
March, 1986	Health Act action adjourned on undertakings. Hotel's own acoustic consultant describe problem as "massive". Residents complain of continuing noise and behaviour problems.
April, 1986	Supervisor of L.C.C. seeks revocation of after 10.00 p.m. permits. Applications for extensions of trading hours and revocation adjourned.
June, 1986	August listing for case opposed by Hotel as premature.
July, 1986	Police also seek revocation for breaches of L.C.C. Act.
August, 1986	Hearing adjourned twice, for further particulars, then time to answer them.
September, 1986	Revocation hearing again adjourned at request of Hotel's QC because of denial of natural justice because Health Act and Police charges are still outstanding.
	Threat to obtain Writs for denial of natural justice unless revocation hearing against hotel is not adjourned.
	Adjournment granted until after cases heard (Est. March/April, 1987 hearing)

October, 1986	*Police charges dismissed on legal technicalities.*
November, 1986	*Health Act prosecution adjourned because Hotel's QC was not available for case and Hotel would be denied natural justice if case proceeds.*
	Objections to renewal of Hotel licence lodged by Police, Residents and Council.
	Hotel threatens Writ of prohibition if case proceeds, but agrees to plead guilty if case is not heard before planning appeal is determined.

SUMMARY

Despite the support of Council, E.P.A. and the Police the disturbance continues over a year after it commenced and the licencee uses legal tactics to frustrate hearings into revocation of the licence/permits.

11A

POST SCRIPT - JANUARY 1987

HAMPTON HOTEL 56 BEACH ROAD, HAMPTON

10-22 December 1986	Hotel lodges late appeal and seeks adjournment on basis of one resident's complaint about lack of notice. Planning Appeals Board proceeds with case hearing strong evidence of complaints from residents. On second day Hotel obtains a Supreme Court injunction that delays the hearing for half a day. The Hotel's acoustic expert testifies the Hotel has not complied with Health Act undertakings to reduce music noise and that continuing problem is serious in absence of works. The Hotel's town planning witness describes the situation as "unacceptable". Hotel is unable to extend hearing time to conclude appeal. Hearing is adjourned uncompleted to March 1987. During hearing Mr Hooper invites Board to resume in January 1987 and expresses view that L.C.C. could hear matter in January 1987 in view of the Health Act agreement.
16 December 1986	At the L.C.C. call-over, the Hotel asked for referral to the March callover. The residents, Police, Licensing Supervisor and Council all asked for an early hearing. The Commission set it down for two weeks after 5th January 1987.
19 December 1986	The Hotel obtained an order in the Supreme Court restraining the Police and the L.C.C. from hearing both the revocation and the objections to the renewal until after the Town Planning Appeal and all outstanding Health and Police matters were resolved. The Hotel's solicitors claim their legal representatives and consultants were not available in January and rely on the outstanding Health Act and Police matters to argue a denial of natural justice if hearing proceeds.
23 December 1986	The Hotel serves the order on the Police & Commission, but not the Council or residents as it is not a party to the action. The exhibits to the affidavit are lodged at the solicitor's office which then closes for the renovations and the legal vacation. The L.C.C. removes the hearings from their lists.
January 1987) February 1987)	The music and behaviour nuisances continue.

Hampton Hotel noisier but residents quieter

by Duffy

The Hampton Hotel is still in trouble over noise coming from it, but the residents in the area seem to be getting used to the new look 'nuisance hotel'.

The recent hearing by the Liquor Control Commission into an application by the Police Licensing Inspectors to have the Hotel's late evening trading permits revoked has been adjourned to a date to be fixed.

The hearing, which lasted one and a half days, consisted entirely of legal arguments as to whether the case should proceed. The hearing was adjourned to enable outstanding prosecution for alleged offences to be dealt with by the Magistrates' Court, before the Commission proceeded to hear a request for revocation.

The Council has an outstanding prosecution against the nominee of the hotel, Susan Stewart, for contravention of the Health Act. This matter has been listed for hearing in November whilst the Police actions against the Hotel have been listed for October, 1986.

Hotel blues

Hampton Hotel is still in the hot seat over noise complaints with various court and planning actions pending. However, the residents we spoke too this week seemed to have calmed down somewhat since the furore first flared last year. There are still a few who are unhappy and can't get to sleep, but on the whole most have learnt to live with it.

Even so, surely it is the right of homeowners to have a reasonable level of quiteness in their own home? If there is only one complaint about noise from the Hotel then something should be done to make it quieter.

'Noisy revellers' draw complaint

by DENISE GADD

USED condoms in gardens, empty stubbies on the nature strip and noisy revellers disturbing the peace in the early hours of the morning are upsetting residents of Orlando St. Hampton.

The problems are alleged to stem from Josephines By The Beach, a disco in Beach Rd. which gets into full swing on Thursdays, Fridays and Saturdays until 3 a.m.

Friday, when the disco runs an exotic and erotic night which includes a lingerie parade and a $100 prize for the best erotic outfit, is particularly busy.

Mr Graeme Disney, who lives next door, told The Advertiser on some occasions the "melody, tune and DJ" were clearly audible in his home.

At other times he could hear the bass thumping through the walls.

The present operators have been running Josephines since May.

Mr Disney said he had rung them many times to complain and while they were always very apologetic, the noise problem had not improved.

"I don't want to see them close down but I believe they should insulate the place properly so we can't hear anything in our homes, or they should relocate," said Mr Disney.

He said he was hoping to call a meeting with the proprietors and nearby residents to see if they could settle the problems amicably.

The proprietors have tried to stir patrons' consciences by putting up large signs on the front door urging them to be quiet when entering and leaving the premises.

This is not the first time that Mr Disney's peace has been shattered by the disco.

About 18 months ago he had to move his son out of his bedroom because he could not sleep through the noise.

Mr Disney said the residents of Orlando St. had a real problem.

"One man told me he finds used condoms on his path and empty stubbies and cans all over the nature strip," he said.

"Then there are the noisy revellers who come out of the place at 3 a.m. I've seen people pull up early in the evening, get some beer out of the boot and sit and drink it before going in.

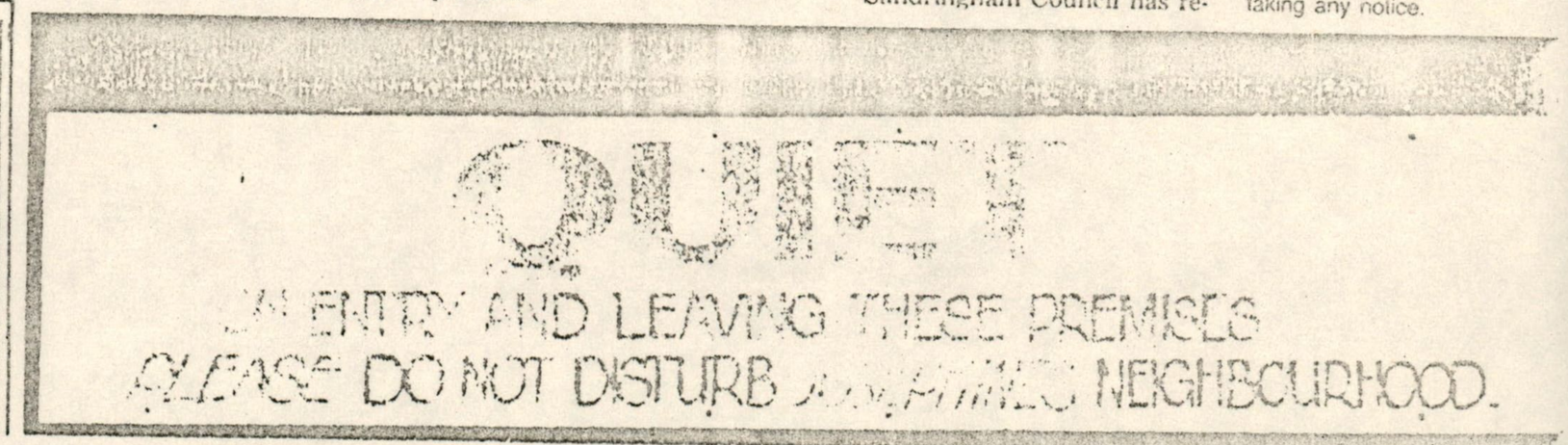
Mr Disney said he would much rather settle the matter privately with the proprietors rather than before the Liquor Control Commission by opposing the operator's liquor licence.

Sandringham Council has received a number of lett complaint relating to the and has decided to suppo move by the residents to to a renewal of the liquor li on the following grounds.

- The applicant has fail comply with the condition licence by allowing noise t turb the peace and quiet neighborhood.
- The premises in qu are not suitable maintain
- The applicant is not and proper person to h licence.

If the residents decide n object, council will rais issue with the operators a Liquor Control Commiss try and seek a resolutio negotiation.

- BELOW: THE signs are but according to residents, not taking any notice.



City of Caulfield

ACTION SHEET

File Number 20/080/00022

Precis of Subject MEETING - RE LIQUOR CONTROL WORKING PARTY

PT A Folio 16

Acknowledge

For _____ Committee/Council

For Officer/Committee Action _____

Recorded by Committee Officer / /

Keywords

1. _____
2. _____
3. _____
4. _____
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Date 28/7/86.

Action Officer CM.

ACTION TAKEN OR REQUIRED

AFTER ACTION

(RM5)

12 copies

MUNICIPAL ASSOCIATION OF VICTORIA

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DX 30569 SOUTH MELBOURNE

PHONE (03) 267 5266
P.O. BOX 7092
416 ST. KILDA ROAD
MELBOURNE 3004

CITY OF CAULFIELD
28 JUL 1986
Officer File
Letter No

0437P

LIQUOR CONTROL WORKING PARTY

Notes of Meeting held at 12.00 p.m.,
15th July 1986, at 468 St. Kilda Road, Melbourne.

Present

Crs. P. Dahan (chair), D. Habicht, W. Phelan and M. Quinn, and Messrs. B. Boyle, G. Buchan, T. Joyce, S.Lardner, D.Larkin and H. Parsons.

Apologies

Crs. J. Grant and J. Laidlaw.

Cr. Dahan welcomed two representatives of the Australian Hotels Association, Don Larkin (Executive Director) and Tony Joyce (solicitor).

Harry Parsons outlined the history of the working party and indicated that the Building and Planning Policy Standing Committee had requested it to:

1. consider the issue of additional costs to municipalities (if any) if the Nieuwenhuysen Report recommendations were implemented;

2. prepare a letter to Mr. Hopkinson, who is receiving submissions on the Report for the Government;

3. meet with the AHA.

Messrs. Larkin and Joyce discussed the AHA's position regarding the Nieuwenhuysen Report. Their points included:

- a central licensing authority responsible for the issuing of liquor permits to licensed premises should be retained. In the event of a dispute the authority would have power to call the parties involved to a compulsory conference. If the dispute cannot be resolved, final arbitration powers would lie with the authority. One member of the authority should be a person with town planning expertise.

- councils would incur increased administration costs if the recommendations transferring planning control of licensed premises to local government were implemented.

- the AHA had suggested that all premises presently granted extended trading hours should continue to have such rights, and not be required to apply for a planning permit to remain open beyond 11.00 p.m.

- the standards applied to other premises were not appropriate for hotels and other licenced premises, because hotels dealt with a product with social implications.

- the liquor licensing system should be streamlined, and in particular the number of licence categories should be reduced.

- if responsibility for licence control were to pass to local government there would be a lack of uniform standards across the state.

- the AHA would support the establishment of a permanent advisory body with representation from industry, local government, unions and other interested bodies to canvass ongoing issues.

In subsequent discussion, the following points were made by Council and MAV representatives:

- councils were generally pleased that the Report had recommended that local government be responsible for controlling planning and amenity matters as part of the licensing process. In the past councils had been frustrated by having to deal with a separate agency and would welcome the incorporation of these issues into the regular planning permit system. Disputes could be heard at the Planning Appeals Board in the normal manner. If necessary a person with specific expertise in liquor control could be appointed to the PAB.

- councils did not accept that hotels were sufficiently different to other forms of land use so as to require a separate system of control.

- there would be little extra work or costs involved to local government in accepting the additional responsibilities.

- councils would not object to the requirement that licensed premises presently trading past 11.00 p.m. apply for a planning permit to retain extended trading rights.

- it was necessary to develop definitions of types of hotels in land use planning terms.

- anomalies and duplication existed in the present system, especially where licensed premises changed their style of operation or carried out alterations/extensions.

- the problem of lack of uniform standards for liquor control across the state if permits were issued by local councils would be minimized by a provision in the new Planning Bill allowing appeal to the PAB if planning permit conditions set by one council differed significantly or unfairly to those applying in nearby areas.

- the AHA proposal for an ongoing advisory body (not in the form of the present Commission) to monitor progress of the new legislation deserved support.

It was agreed that the MAV would communicate with the AHA regarding an advisory body. The matter of any additional administration costs to local government likely to be created by the Nieuwenhuysen recommendations could be addressed on the technical grounds:

a) Councils, as Responsible Authorities have to conduct planning investigations with hotels at present, in order to (attempt to) maintain and enhance local amenity against unwanted changes in the land use impact of hotel proposals. By bringing these matters clearly under the control of the Responsible Authority the issues are made more clear and the proposed introduction of planning application fees in the proposed new Planning and Environment Act will improve the situation from the present in control cost terms for councils;

b) the registration fees proposed in the Nieuwenhuysen report could improve the position for councils in the general costs experienced in the surveillance and control of licensed premises;

c) building approval fees in respect of licensed premises will be paid to councils, offsetting the costs of building controls.

d) the general issue of the cost of building health and planning controls should be reviewed by the MAV and a report prepared for submission to the councils.

20/080/00022.

Ref. No.: WP.333b

MEMO TO: MANAGER HEALTH & LEGISLATION

FROM: CITY MANAGER

SUBJECT: RESPONSE TO MAYORAL CORRESPONDENCE

DATE: 13TH JUNE, 1986.

The attached letter from Brian Ward & Partners has been received by the Mayor. Would you please draft a reply to be signed by the Mayor and return it to this office for final printing and submission to the Mayor for signature.

D.R. AYLEN
CITY MANAGER

Attach.