

# SECTION 40 – LIQUOR LICENCE

## Planning Information Sheet

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### WHAT IS A SECTION 40 CERTIFICATE?

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Section 40 of the Liquor Control Act 1988 (“the Act”) requires a certificate from the local planning authority to be submitted for the grant or removal of a licence, or for a change in the use or condition of any premises, unless otherwise determined.

A section 40 certificate shall state that the proposed use of the premises –

- will comply with the requirements of the written laws relating to planning specified;
- 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
- will not comply with the requirements specified for the reasons specified.

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### HOW DO I OBTAIN APPROVAL?

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In order to provide a Section 40 Certificate to applicant, the City must ascertain whether the proposed liquor licence is consistent with the relevant planning legislation. In most instances, the premises will have been issued planning approval for a use which is consistent with the type of liquor licence proposed. If planning approval has not been issued or if the proposed Liquor Licence will result in non-compliance of any conditions of a planning approval, a Section 40 Certificate may not be able to be issued.

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### HOW TO APPLY FOR A SECTION 40

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#### Information Required

The following additional information is required to be submitted to the City of Cockburn:

- Section 40 pro-forma application form (attached) and clearly identify the class of liquor licence being sought in relation to the premises;
- Application fee (Planning Fees and Charges);
- A copy of the planning approval relevant to the use of the site;
- The proposed hours of operation;
- Whether liquor to be available without the requirement for a substantial meal;
- Whether the premises includes a "bar" facility and enable drinking on the premises in a manner similar to hotel, small bar or tavern premises?
- Who will be the clientele?
- Whether liquor be sold for consumption on the licensed premises or be available for take-away customers in packaged form?
- Any other matters which may affect the amenity of the locality in which the premises is situated (i.e sufficient parking).

# LIQUOR LICENSING ACT 1988

## CERTIFICATE OF LOCAL PLANNING AUTHORITY – SECTION 40

**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:

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

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

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(b) What trading hours are sought?

Monday:	.....	am	to	.....	pm
Tuesday:	.....	am	to	.....	pm
Wednesday:	.....	am	to	.....	pm
Thursday	.....	am	to	.....	pm
Friday	.....	am	to	.....	pm
Saturday	.....	am	to	.....	pm
Sunday	.....	am	to	.....	pm

(c) Is approval sought to sell and supply liquor on:-  
Christmas Day                  Good Friday                  Anzac Day

(d) Is approval sought to sell liquor for consumption off the licensed premises?  
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(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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