

## What is the definition of the 'Hotel' land use?

The City's *Local Planning Scheme No. 17* provides the following definition for a 'Hotel' land use.

*"Hotel means premises providing accommodation the subject of a hotel licence under the Liquor Control Act 1988, and may include a betting agency on those premises, but does not include a tavern or motel"*

The *Liquor Control Act 1988* provides the following definition for a 'Hotel Licence'.

*"hotel licence means a licence granted under section 41, which may be granted without restriction, as a hotel restricted licence, as a tavern licence or tavern restricted licence or as a small bar licence"*

NOTE - Section 41 of the *Liquor Control Act 1988* is over the page for your information.

## What is the definition of the 'Betting Agency' land use?

The City's *Local Planning Scheme No. 17* provides the following definition for a 'Betting Agency' land use.

*"Betting agency means an office or totalisator agency established under the Racing and Wagering Western Australia Act 2003"*

The *Racing and Wagering Western Australia Act 2003* provides the following definition for a 'Totalisator Agency'.

*"Totalisator agency means any totalisator agency established and operated under this Act, and includes any premises on which wagers may be made on a race or event through or with RWWA"*

Property Address of land subject to this Planning Application: \_\_\_\_\_

Prior to submitting your application, please ensure that you have included all of the following information and indicate this by ticking the corresponding box below.

**NOTE – Incomplete applications will NOT BE LODGED and will be returned to applicant immediately.**

	Applicant Use Only	Council Use Only
1. Completed <i>Hotel &amp;/or Betting Agency Planning Application Questionnaire</i>	<input type="checkbox"/>	<input type="checkbox"/>
2. City of Swan Planning Application Form (Correct owners consent)	<input type="checkbox"/>	<input type="checkbox"/>
3. Metropolitan Region Scheme Form 1	<input type="checkbox"/>	<input type="checkbox"/>
4. Current copy of the property's Certificate of Title (no more than 3 months old)	<input type="checkbox"/>	<input type="checkbox"/>
5. Three (3) copies of a Site Feature Survey prepared by a qualified surveyor of the land prior to the proposed works	<input type="checkbox"/>	<input type="checkbox"/>
6. Three (3) copies of a Site Plan drawn to an appropriate scale	<input type="checkbox"/>	<input type="checkbox"/>
7. Three (3) copies of a Floor Plan drawn to an appropriate scale	<input type="checkbox"/>	<input type="checkbox"/>
8. Three (3) copies of a Elevation Plan drawn to an appropriate scale	<input type="checkbox"/>	<input type="checkbox"/>
9. Three (3) copies of a Stormwater Drainage Layout Plan	<input type="checkbox"/>	<input type="checkbox"/>
10. A compact disc (CD) of the proposal	<input type="checkbox"/>	<input type="checkbox"/>

### Further Information

If you need further information about planning in Swan:

**Visit our website:** [www.swan.wa.gov.au/Planning, Building, & Engineering/Planning](http://www.swan.wa.gov.au/Planning, Building, & Engineering/Planning)

**Call us:** 9267 9267 (between 8:00am and 5:00pm, Monday to Friday)

**Visit us:** 2 Morrison Rd, Midland (between 8:00am and 4:30pm, Monday to Friday)

1. Please describe the proposed activity/business that is intended to operate from the proposed building?  
\_\_\_\_\_

2. Complete the table below by indicating the proposed operation hours of the subject business/activity?

	Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
Opening Time:							
Closing Time:							

3. What is the maximum number of staff onsite at any one time? \_\_\_\_\_

4. What is the maximum number of customers onsite at any one time? \_\_\_\_\_

5. Indicate the total number of amenities provided on the property by completing the following table?

	Female	Male	Universal Access (Disabled)
No. of Toilet(s):			
No. of Urinal(s):	NA		NA
Length of Urinal(s):	NA	_____ mm	NA
No. of Wash Basin(s):			

6. Is guest accommodation provided on the subject property?  Yes  No

7. If Yes, how many bedrooms is the facility proposed to have? \_\_\_\_\_

8. Please indicate in the tables below the floor area of each respective room?

Room Type	Floor Area (m <sup>2</sup> )
Bar Room(s):	
Lounge Room(s):	

Room Type	Floor Area (m <sup>2</sup> )
Restaurant(s):	
Other areas open to the general public:	

9. Will meals be provided to guests staying in the accommodation facility on the subject property?  Yes  No

10. Is the proposed activity/business intended to sell alcohol?  Yes  No

- a) If Yes, how will alcohol be sold on the subject property?
- Packaged liquor for consumption off the licensed premises
  - For consumption on the licensed premises without a meal
  - For consumption on the licensed premises with a meal

11. What type of Liquor Licence is likely to be sought from the Department of Racing, Gaming & Liquor?

(Refer to Dept of Racing, Gaming & Liquor website for the definition of each licence  
<http://www.rgl.wa.gov.au/Default.aspx?NodeId=85>) \_\_\_\_\_

12. Will any food be prepared &/or served on the subject property?  Yes  No

13. If Yes, provide a detailed description of what will be made and how it will be made? \_\_\_\_\_

14. Will wager be made on races or event through or with Racing & Wagering WA?  Yes  No

15. How many car bays are being provided to service the proposed development? \_\_\_\_\_

16. Do the number of car bays provided comply with the City's *Building & Development Vehicle Parking Standard Policy (POL-TP-129)*?  Yes  No

a) If No, please explain why not? \_\_\_\_\_

17. Will delivery vehicles be accessing the site?  Yes  No

a) If Yes, Indicate the maximum number of service vehicles likely to visit the subject property per day in the table below?

	Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
No of Vehicles:							

18. Is the property connected to sewer?  Yes  No

19. If No, does the proposal comply with the Government Sewerage Policy?  Yes  No

[http://www.public.health.wa.gov.au/cproot/1355/2/Government\\_Sewerage\\_Policy-Perth\\_Metropolitan\\_Region.pdf](http://www.public.health.wa.gov.au/cproot/1355/2/Government_Sewerage_Policy-Perth_Metropolitan_Region.pdf)

**This is excerpt from the *Liquor Control Act 1988* and therefore may be incorrect.  
Please refer to the State Law Publishers website for a copy of the complete Act.**

41. *Hotel licences*

(1aa) *For the purposes of this Act, where a hotel licence is not subject to any condition referred to in subsection (4) and is subject to —*

- (a) *a condition prohibiting the sale of packaged liquor; and*
- (b) *a condition limiting the number of persons who may be on the licensed premises to a maximum of 120,*

*it is to be referred to as a **small bar licence**, and an application may be made for a small bar licence if the applicant does not seek another kind of hotel licence.*

(1) *For the purposes of this Act —*

- (a) *where a **hotel licence** is not subject to any condition referred to in subsection (4) and is not a small bar licence it shall be referred to as a **tavern licence**; and*
- (b) *where a hotel licence is subject to a condition —*
  - (i) *prohibiting the sale of packaged liquor to persons other than lodgers; and*
  - (ii) *restricting the sale of liquor to be consumed on the licensed premises,**it shall be referred to as a **hotel restricted licence**; and*
- (c) *where a tavern licence is subject to a condition —*
  - (i) *prohibiting the sale of packaged liquor; and*
  - (ii) *restricting the sale of liquor to be consumed on the licensed premises,**it shall be referred to as a **tavern restricted licence**,*

*and an application may be made for a tavern licence or a tavern restricted licence if the applicant does not seek a licence for a hotel offering accommodation, or for a hotel restricted licence only.*

(2) *Subject to this Act, during permitted hours the licensee of a hotel licence is authorised to keep open the licensed premises, or part of those premises, and, while those premises are open —*

- (a) *may sell liquor on the premises to any person for consumption on the premises; and*
- (b) *may, unless the licence is a small bar licence or a hotel restricted licence, sell packaged liquor on and from the premises to any person.*

(3) *At a time when a sale of packaged liquor to any other person would not be within permitted hours, the authority to sell packaged liquor to a lodger extends only to such quantities as might reasonably be consumed by the lodger on that day.*

(4) *Unless it is a small bar licence or a tavern licence, a **hotel licence** —*

- (a) *subject to subsection (5) and to any variation under subsection (6), is subject to the condition that the licensee provides guest accommodation for any person; and*
- (b) *subject to subsection (5) and without limiting section 64, is subject to any condition imposed by the licensing authority requiring meals to be provided to lodgers.*

(5) *A licensee is not required to comply with a condition of the kind referred to in subsection (4) if —*

- (a) *the person seeking the guest accommodation or, if applicable, the meal, is a person who may be refused entry to the licensed premises by the licensee under section 115(4); or*
- (b) *the licensee has no available accommodation, or can not provide a meal, by reason of prior bookings; or*
- (c) *some other proper reason exists.*

(6) *Where the licensing authority is satisfied —*

- (a) *that there is not, at any time or during any specific period, a significant need for guest accommodation in the locality;*
- (b) *that, notwithstanding the existence of such a need, adequate guest accommodation is available to the public; or*
- (c) *that circumstances that would justify a temporary removal of the licence or redefinition of the licensed premises exist,*

*and that in consequence no useful purpose will be served by the continuance, or the continuance during that period, of a requirement to provide guest accommodation, the licensing authority may, on application, vary the conditions of a hotel licence so as to reduce the extent of the accommodation required or the times at which it is to be provided or may order that, either permanently or at specified times, the licence shall have effect as a tavern licence or a tavern restricted licence.*

(7) *Where the licensing authority is satisfied that, at any time or during any specific period, there is no significant need to provide for the sale of packaged liquor to persons other than lodgers it may, on application, vary the conditions of a hotel licence so that it has effect as a **hotel restricted licence**.*