***What is a Liquor Licence?***

**FAQ – Section 40 Certificate of Local Planning Authority**

A Liquor Licence is issued by the Department of Local Government, Sport and Cultural Industries (Department) and is required to be obtained before the sale or consumption of liquor from a premises.

Additional detailed information on how to apply for a liquor licence and understand the different types of licenses can be accessed on the Department’s website at <https://www.dlgsc.wa.gov.au/racing-gaming-and-liquor/liquor/liquor-licensing/forms-and-checklists>.

***What is a Section 40 certificate?***

Section 40 of the *Liquor Control Act 1988* requires a certificate from the local planning authority to be submitted to support a liquor licence application lodged with Department. This is referred to a “Section 40 certificate”. It confirms the proposed liquor licence is consistent with the planning approval granted on the site. In some cases, conditions are included (such as restrictions for noise levels or hours of operation) in order to meet the planning framework.

***How do I apply?***

To obtain a section 40 certificate, you will need to submit the following to the City’s Planning Services:

* Department of Local Government, Sport and Cultural Industries Certificate of Planning Authority [Form LLD15 Section 40 certificate of local planning authority](https://www.dlgsc.wa.gov.au/docs/default-source/racing-gaming-and-liquor/liquor/forms/lld15-section-40-ceritificate-of-local-planning-authority.docx?sfvrsn=d1341b6b_24)
* Site plan & floor plan which identifies the area proposed to be used as part of the licence; and
* Copy of Development Approval.

You can apply via the City’s online enquiry portal or provide a hard copy at the City’s Customer Service counter.

***How much does it cost?***

Please see the [Schedule of Fees](https://nedlands.wa.gov.au/council/rates-fees-and-charges/citys-fees-and-charges.aspx).

***How long does it take to issue a Section 40 Certificate?***

There is no statutory timeframe for the City to review and issue a Section 40 certificate, however, the City will endeavour to process the application as soon as reasonably possible with an aim for a maximum of 6 weeks post lodgement. Applicants must ensure that all information required by the Section 40 Certificate application form is provided to facilitate the most efficient assessment timeframes (including a copy of previous approvals and associated plans).

***What happens if I don’t have the required planning approvals?***

If the City identifies that the premises does not have the appropriate planning approvals, the applicant will be advised that an application for development approval will be required to be submitted to the City. A Liquor License cannot be issued by the City until the appropriate planning approvals are granted by the City for the site.

***What is the difference between a Section 39 & Section 40 Certificate?***

A Section 39 Certificate is assessed and issued by the City’s Environmental Health Department. This section of the Act relates to the environmental health and building legislation and is also required by the Department to support the liquor licence application. For further information, please contact the City’s Environmental Health Services.

***Need further assistance?***

Feel free to contact the City’s Urban Planning team:

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| Envelope with solid fill | Lodge an enquiry through the online portal on the City’s website |
| Receiver with solid fill | (08) 9273 3500 |
| Man with solid fill | 71 Stirling Highway, Nedlands (corner of Smyth Road) 8:30am – 5pm |

*Disclaimer: This information sheet is provided as generalised information. While we aim to keep the content of this document current and accurate but accept no responsibility or warranties for actions based on the information provided. The City encourages you to seek professional advice before acting on any information contained in this document. Please contact the City if you wish to comment on the forms provided and information contained within.*