

## DISCLOSURE OF INTEREST

Surname Dorph-Petersen Other Names Lynette Rae  
Office Held Councillor

### Nature of Interest:

Financial ☒ Proximity ☐ Impartiality ☐ Gift ☐ Other ☐

### Extent of Interest:

Similar business

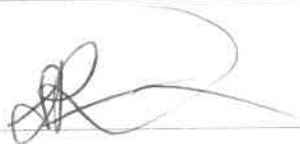
Meeting of: Ordinary Council meeting

Meeting Date: 18/03/2025

Meeting Item No. 10-5

Meeting Item Description: Leonora Village Liquor Licence Application

Signature



Date of disclosure 18/03/2025

### Acknowledgement of Receipt:

Position CEO / President

CEO/President Signature



Election Date 18/3/2025

CEO's approval to add to Financial Interest Register:



Signature

## DISCLOSURE OF INTEREST

<b>Guidance Notes</b>
An <b>Elected Member</b> must disclose the interest in writing given to the CEO before the meeting or at the meeting immediately before the matter is discussed.
An <b>Employee</b> must disclose the nature of the interest when giving the advice or report. If requested by the Council or Committee, the employee must provide the extent of the interest.
An <b>Employee</b> making a disclosure in relation to a delegated power or duty must do so as soon as practicable after becoming aware that he or she has the interest in the matter.
A CEO making a disclosure relating to a gift in a matter where the CEO proposes to give advice or a report must do so in writing prior to giving the advice or report.
A CEO making a disclosure relating to a gift in a matter where another employee proposes to give advice or a report must disclose the interest directly to the Council or committee at the time the advice or report is provided.

<b>Include the following in Minutes of Meeting:</b>		
Point reached in the agenda (Item Number):		
Time at which a disclosing member left the room and returned:	Left	Returned
Decision to allow or disallow a disclosing member to be present or participate in the discussion and decision-making procedures in relation to a matter, together with the extent of any participation allowed:		
Basis for each decision to allow members to participate (e.g., so trivial or insignificant as to be unlikely to influence the disclosing member's conduct in relation to the matter):		
Where the extent of a member's or employee's interest has also been disclosed, the extent of that interest:		
Decision to allow or disallow a disclosing CEO to provide advice or a report in relation to a matter relating to gift:		
Basis for the Minister's decision to allow the CEO to provide advice or a report (where the value of the gift is above \$1,000):		
Where decision to allow an elected member to participate in the discussion and decision-making procedures in relation to a matter where the interest relates to a gift, a description of the gift, the estimated value of the gift, the name and suburb of the address of the person who made the gift, and the reasons for the decision:		
Please attach an extract of Meeting Minutes to be included in Financial Interest Register.		

**ORDINARY COUNCIL MEETING MINUTES**

**18 MARCH 2025**

**10.0 REPORTS**

**10.5 ENVIRONMENTAL HEALTH OFFICER REPORTS**

**10.5.(A) LEONORA VILLAGE LIQUOR LICENCE APPLICATION**

**SUBMISSION TO:** Ordinary Council Meeting  
Meeting Date: 18th March 2025

**AGENDA REFERENCE:** 10.5.(A) MAR 25

**SUBJECT:** Leonora Village Liquor Licence Application

**LOCATION/ADDRESS:** 1B Rochester Street, Leonora

**NAME OF APPLICANT:** Jessica Carcuro

**FILE REFERENCE:** 33.1.0

**AUTHOR, DISCLOSURE OF ANY INTEREST AND DATE OF REPORT**

**NAME:** Kiara Lord

**OFFICER:** Manager Business Services

**INTEREST DISCLOSURE:** Nil

**DATE:** 21st February 2025

**SUPPORTING DOCUMENTS:** Nil

**BACKGROUND**

Outback Parks and Lodges have recently undertaken a major upgrade to the Leonora Caravan Park, now known as Leonora Village. This has included the addition of 110 rooms, laundry facilities, a mess and other infrastructure. The site is nearing completion and as part of the process the operators are seeking a liquor licence to complement their dining services.

The applicant is applying to the Director of Liquor Licensing for a Tavern Restricted licence. As part of the application the following information was provided to the Shire:

*Application to open 'Leonora Tavern' for liquor sales strictly only to in-house guests or members of the public who are attending the premises to purchase a meal from Leonora Village commercial kitchen. Trading hours planned to be within the hours of 4pm to 8pm daily to foster a positive community environment for FIFO workers and tourists staying at Leonora Village.*

The original planning application has been fully assessed under the Shire of Leonora Planning Scheme 2 (LPS2) and was approved under delegated authority. LPS2 allows for the construction of workers accommodation if it supports light industry land use. The Shire's planners have confirmed that the use meets all planning requirements.

When an application for a liquor licence is made the applicant must seek a Section 39 Certificate and a Section 40 Certificate under the *Liquor Control Act 1988*. Section 39 requires the local government to state if the application complies with relevant laws such as the *Health (Miscellaneous Provisions) Act 1911* and the *Food Act 2008*. The site has been assessed by the Shire's Environmental Health Officer as complying with all laws pertaining to section 39.

## ORDINARY COUNCIL MEETING MINUTES

Section 40 requires the Shire to confirm if the application complies with the relevant planning laws. LPS2 stipulates that the site is zoned 'light industry'. Workforce accommodation is listed as a 'd' use. Under the scheme 'D' has the following meaning:

*the use is not permitted unless the local government has exercised its discretion by granting development approval;*

Within LPS2 the following definition is provided for workforce accommodation;

*workforce accommodation means premises, which may include modular or relocatable buildings, used — (a) primarily for the accommodation of workers engaged in construction, resource, agricultural or other industries on a temporary basis; and (b) for any associated catering, sporting and recreation facilities for the occupants and authorised visitors.*

A mess can be considered ancillary to the workforce accommodation in that it provides an essential service to guests staying on site. However, within the LPS2 a Tavern is listed as a 'x' use. X has the following definition:

*means that the use is not permitted by this Scheme.*

No differentiation between restricted or unrestricted taverns is made in LPS2.

The applicant states that it is the intent to serve alcohol to guests that are both staying on site, and to members of the public seeking only a meal. The extension of the service of alcohol to non-residential guests moves the facility from a mess providing services to in-house guests to a tavern providing services to the public. A tavern is not permitted under LPS2.

As part of the process an applicant must complete and submit to the Director Liquor Licencing a Public Interest Assessment (PIA). This is a self-assessed process that may be advertised on the Department of Local Government, Sport and Recreation website. There are no mandated requirements for the applicant to consult with either the local government or community during the formulation of the PIA.

The Director Liquor Licencing will consider the following factors when determining whether granting the application is in the public interest, but this list is not exhaustive:

- the harm that might be caused due to the use of alcohol;
- whether there might be a decrease in the amenity, quiet or good order of the locality;
- whether people who live or work nearby might suffer offence, annoyance, disturbance or inconvenience; and
- how it might affect tourism, culture and the community.

## STAKEHOLDER ENGAGEMENT

Stakeholder engagement has occurred around the original development application made for this project, and the applicant has discussed their intent to apply for a liquor licence with relevant stakeholders prior to this application.

## STATUTORY ENVIRONMENT

The Shire of Leonora Local Planning Scheme No. 2 deals with all land use matters within the Shire.

The *Liquor Control Act 1988* makes the following provisions:

**39. Certificate of local government as to whether premises comply with laws**

- (1) *An application made to the licensing authority for the grant or removal of a licence, or for a change in the use or condition of any premises shall be accompanied by a certificate from the local government for the district in which the premises to which the application relates are situated, or are to be situated, unless the licensing authority otherwise determines.*
- (2) *A certificate referred to in subsection (1) shall state —*
  - (a) *whether or not the premises comply with all relevant requirements of —*
    - (i) *the Health (Miscellaneous Provisions) Act 1911; and*
      - (ia) *the Food Act 2008; and*
    - (ii) *any written law applying to the sewerage or drainage of those premises; and*
    - (iii) *the Local Government Act 1995; and*
    - (iv) *the Building Act 2011;**and*
    - (b) *where the premises do not so comply, the manner in which the premises could be made to comply or that the premises could not reasonably be made to comply.*
  - (3) *The licensing authority may, where it is satisfied that it is desirable to do so, impose a condition on a licence relating to the submission, or further submission, to the licensing authority of a certificate referred to in subsection (1).*

**40. Certificate of planning authority as to whether use of premises complies with planning laws**

- (1) *An application made to the licensing authority for the grant or removal of a licence, or for a change in the use or condition of any premises must be supported by a certificate from the authority responsible for planning matters in the district in which the premises to which the application relates are situated, or are to be situated, unless the licensing authority otherwise determines.*
- (2A) *The certificate referred to in subsection (1) is not required to be provided at the same time as the application, but the application cannot be granted until the certificate has been provided to the licensing authority, unless the licensing authority otherwise determines.*
- (2) *A certificate referred to in subsection (1) shall state that the proposed use of the premises —*
  - (a) *will comply with the requirements of the written laws relating to planning specified; or*
  - (b) *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*
  - (c) *will not comply with the requirements specified for the reasons specified.*

## ORDINARY COUNCIL MEETING MINUTES

- (3) *In this section —  
specified means specified in the planning certificate.*
- (4) *The licensing authority may, where it is satisfied that it is desirable to do so, impose a condition on a licence relating to the submission, or further submission, to the licensing authority of a certificate referred to in subsection (1).*

### POLICY IMPLICATIONS

There are no policy implications resulting from the recommendation of this report.

### FINANCIAL IMPLICATIONS

There are no financial implications resulting from the recommendation of this report.

### STRATEGIC IMPLICATIONS

There are no strategic implications resulting from the recommendation of this report.

### RISK MANAGEMENT

Recognising that the decision to approve the application is not one that Council makes, a risk assessment has been made based on Councils decision to support or not support the application. The identified risk relates to potential reputational consequences.

The level of risk has been assessed at 'minor'. Minor, when applied to reputational risk is defined as "Minor damage to reputation to a small audience, complaint from a large group of people."

Council may be at risk from businesses that are seeking to expand the tourism industry within Leonora if Council objects. Equally, reputational damage might arise in supporting the application, from the local community and allied health bodies who seek to minimise alcohol harm.

Objections from nearby residents may also be made however this is considered negligible as permanent non-workforce accommodation residences are not permitted within light industrial areas.

The likelihood of the consequence has been assessed as possible providing a risk rating of 'medium'. Should Council not support the application then the major reputational damage will be with the proponent and is not likely to be widespread. In accordance with the Risk Management Strategy planned action is required. Upon Councils resolution administration will develop a planned action to mitigate the consequence. This will be focused on stakeholder engagement.

**ORDINARY COUNCIL MEETING MINUTES**

18 MARCH 2025

**RECOMMENDATIONS**

That Council;

1. authorise the CEO to issue a 40 certificate to the applicant in preparation for their licence application to the Western Australian Department of Racing and Gaming;
2. instruct the CEO to stipulate that compliance with local planning laws is contingent on the sale and service of alcohol being restricted to in house guests;
3. authorise the CEO to issue a Certificate 39 to the applicant preparation for their licence application to the Western Australian Department of Racing and Gaming; and
4. request the CEO provide a submission to the Director of Liquor Licencing outlining that, in Councils opinion, the issuance of a licence allowing service and sale of alcohol to members of the public does not support the efforts of the reduction of alcohol related harm withing Leonora and is therefore not in the public interest.

**VOTING REQUIREMENT**

Simple Majority

**SIGNATURE**

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Manager of Business Services

**COUNCIL DECISION**

**Moved:** Cr AE Taylor

**Seconded:** Cr RM Cotterill

That Council;

1. authorise the CEO to issue a 40 certificate to the applicant in preparation for their licence application to the Western Australian Department of Racing and Gaming;
2. instruct the CEO to stipulate that compliance with local planning laws is contingent on the sale and service of alcohol being restricted to in house guests;
3. authorise the CEO to issue a Certificate 39 to the applicant preparation for their licence application to the Western Australian Department of Racing and Gaming; and
4. request the CEO provide a submission to the Director of Liquor Licencing outlining that, in Councils opinion, the issuance of a licence allowing service and sale of alcohol to members of the public does not support the efforts of the reduction of alcohol related harm withing Leonora and is therefore not in the public interest.

**NOT CARRIED (2 VOTES TO 4)**

*For; Cr PJ Craig, Cr AE Taylor,*

*Against, Cr RA Norrie, Cr RM Cotterill, Cr TM Nardone, Cr F Harris*

*AT 11:53AM Cr. RA Norrie and Apathail Kumpat, member of the public, leave the chambers.*

*AT 11:53AM Cr. RA Norrie and Cr. LR Petersen return to the chambers..*

