

**22.04 LICENSED PREMISES POLICY**21/05/2015  
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This policy applies to the consideration of all planning permit applications, where a permit is required pursuant to Clause 52.27.

**22.04-1 Policy Basis**31/10/2013  
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The Municipal Strategic Statement sets out broad strategic directions for licensed premises across the municipality.

There are approximately 250 licensed premises within the City of Moonee Valley which provide diverse opportunities for social interaction, live music, food and entertainment. This includes 16 high risk venues with licenses that allow them to operate beyond 1am.

Licensed premises contribute to the vibrancy and economic strength of the municipality. However, some activities associated with licensed premises can have a negative impact on surrounding residential amenity. These negative impacts can include noise, anti social behaviour, litter, pressure on public transport and taxi services, increased traffic and parking demand.

Research undertaken for the Licensed Premises Policy Background Paper 2012 identified a range of factors which can influence the likelihood and extent of alcohol related harm associated with licensed premises. These factors include:

- Venue type and patron profile.
- Venue operating hours.
- Venue capacity.
- Internal and external venue design.
- The location of the venue and its proximity to sensitive uses and other licensed premises.

The report suggests that it is the relationship between these factors that will determine the likelihood and extent of negative impacts on patrons, residents and the surrounding community.

This policy has been developed to provide guidance around the consideration of new licensed premises and changes to the operation of existing licensed premises in order to minimise the potential for future negative impacts.

**22.04-2 Objectives**31/10/2013  
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- To identify appropriate locations and trading hours for licensed premises.
- To effectively manage the amenity conflicts between licensed premises and other uses.
- To establish an appropriate mix of licensed premises relative to other commercial, retail and residential uses.
- To encourage good venue design for licensed premises.
- To provide reasonable commercial opportunities for the trading of licensed premises.

**22.04-3 Policy**21/05/2015  
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It is policy that:

### **Noise**

- Licensed premises should be designed and operated to ensure that noise emissions from the premises:
  - Will not have an unreasonable impact on the amenity of the surrounding area;
  - Are regulated and monitored, making use of noise limiters where appropriate.
- Noise impacts associated with waste management and bottle crushing should be minimised by incorporating measures such as:
  - On site storage of waste;
  - The use of on-site bottle crushers within noise proof enclosures; and
  - Requiring waste collection to take place after 7am and before 6pm.

### **Patron Numbers**

- The maximum number of patrons permitted in a licensed premises should be limited to manage any unreasonable impact on the amenity of the surrounding area.
- Applications to increase the maximum number of patrons permitted in a licensed premises should not be supported unless the responsible authority is satisfied that the increase will not unreasonably impact on the amenity of the surrounding area.

### **Transport and Dispersal**

- Licensed premises should be discouraged from establishing in areas where existing parking and transport infrastructure cannot adequately service patronage generated by the proposed use.

### **Venue Design**

- The layout and design of new licensed premises should incorporate safe design principles as outlined in the Design Guidelines for Licensed Venues (Department of Justice).
- The layout and design of new licensed premises should provide opportunity for a high level of public safety and surveillance of patrons as they enter and leave the premises.

### **Hours of Operation**

- The preferred location for trading after 11:00pm is in principal or major activity centres, subject to compliance with all other aspects of this policy.
- Applications to extend trading hours beyond those specified within this policy will not be supported unless the responsible authority is satisfied that the use will not unreasonably impact on the amenity of the surrounding area.

### **Residential Zones**

- New licensed premises are discouraged from locating in the Residential Zones.
- Any expansion of the licensed area, extension of trading hours or increase in patron numbers is discouraged in the Residential Zones unless the responsible authority is satisfied that the use will not adversely affect the amenity of the area.
- Outdoor areas, including smoking areas, rooftops and open courtyards are discouraged in the Residential Zones unless it can be demonstrated that there will be no unreasonable impact on the amenity of the surrounding area.

### **Mixed Use Zone**

- New licensed premises are discouraged from locating in the Mixed Use Zone where the predominant surrounding land use is residential.
- Hours of operation of licensed premises in the Mixed Use Zone should be limited to 11:00pm.

- Outdoor areas, including smoking areas, rooftops and open courtyards, should not be occupied past 11:00pm and alcohol should not be consumed in those areas after 10:00pm unless it can be demonstrated that there will be no unreasonable impact on the amenity of the surrounding area

#### **Commercial Zones**

- Hours of operation of licensed premises in the Commercial Zones should be limited to:
  - 11:00pm if the licensed premises is adjacent to a Residential Zone;
  - 1:00am elsewhere (unless it can be demonstrated that there will be no unreasonable impact on the amenity of the surrounding area).
- Outdoor areas, including smoking areas, rooftops and open courtyards, should not be occupied past 1:00am and alcohol should not be consumed in those areas after 11:00pm unless it can be demonstrated that there will be no unreasonable impact on the amenity of the surrounding area.

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#### **Application Requirements**

All applications for the establishment of a new licensed premises, the expansion of the licensed area, the extension of trading hours or an increase in patron numbers should include the following information, as appropriate:

- Site context plan showing:
  - The nature and location of uses surrounding the proposed licensed premises and their hours of operation.
  - The location of footpaths, laneways, parks, public spaces and any other known congregation points.
  - The location of all licensed venues within 500 metres of the subject site.
  - The location and layout of all on and off street car parking including details of any restrictions.
  - The proximity of the premises to residential properties, including details of doors, windows, and open space areas of all residential uses and accommodation in close proximity to the site.
- Site and floor plans showing:
  - The existing and proposed floor plans of all levels of the building and site.
  - The proposed use and capacity of all areas within the building and site including outdoor areas and areas adjacent to the boundaries of the site used in association with the licensed premises (i.e kerbside dining, car parking).
  - Identification of 'active areas' (ie. loud parts of the room, queuing area, location of music performance areas, dance floor and speakers).
  - The proposed maximum number of patrons allocated to all identified areas, including outdoor areas.
  - The location of waste storage areas.
- A written submission including the following information:
  - A description of the proposed uses on the site including type of uses, type of liquor license, hours of operation, provision and hours of food service and type of music/entertainment.
  - A written description of the site context.
  - A detailed assessment of all potential off-site impacts including identification of ways in which such impacts will be managed and mitigated.

- An assessment by a registered building surveyor detailing the patron capacity of the licensed premises where an application proposes an increase in patron numbers or a new use.
- Details of proposed management of the premises including emergency procedures, crowd control, responsible service of alcohol, waste management, external smoking/dining areas and queuing areas.
- All applications for a tavern, hotel, nightclub and/or any application involving a licensed premises operating after 11pm should also include a Noise and Amenity Action Plan, which should include the following:
  - The identification of all noise sources associated with the licensed premises (including, but not limited to, music noise, external areas allocated for smokers, queuing lines, external congregation points and entries and exits to the premises).
  - Measures to be undertaken to address all noise sources identified, including on and off-site noise attenuation measures such as noise limiters, airlocks and acoustic screens to minimise the impact on the amenity of the surrounding area.
  - Hours of operation for all parts of the premises.
  - Details of the provision of music including the frequency and hours of entertainment provided by live bands and DJs.
  - The identification of noise sensitive areas including residential uses and accommodation within close proximity to the premises.
  - Details of staffing arrangements including numbers and working hours of all security staff.
  - Standard procedures to be undertaken by staff in the event of a complaint by a member of the public, the Victoria Police, an authorised officer of the responsible authority or an officer of the liquor licensing authority.
  - Location of lighting within the boundaries of the site, security lighting outside the licensed premises and details of how overspill of lighting into surrounding properties will be minimised.
  - Details of waste management plan including storage and hours of collection for general rubbish and bottles, and delivery times associated with the licensed premises.
  - Any other measures to be undertaken to ensure minimal amenity impacts from the licensed premises.

If, in the opinion of the responsible authority, an application requirement is not relevant to the evaluation of an application, the responsible authority may waive or reduce that requirement.

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### Decision Guidelines

Before deciding on an application, the responsible authority must consider, as appropriate:

#### All Applications

- The zoning and use of the land.
- The zoning, nature and use of surrounding land including:
  - Proximity of the site to sensitive uses.
  - Proximity of the site to other licensed premises including details of the nature of the licensed premises, their hours of operation and maximum patron numbers.

- Proximity of the site to residential uses and accommodation.
- The potential impact of the use on the amenity of the surrounding area.
- The adequacy of measures proposed in the Noise and Amenity Action Plan.
- The adequacy of existing parking and transport infrastructure to service patronage generated by the proposed use.
- The impact of the proposed licensed premises on the mix of uses located within the activity centre as well its ongoing vitality and viability.
- How the location and design of outdoor areas to be used in association with the licensed premises will minimise impacts on the amenity of the surrounding area.
- The impact of proposed hours of operation, patron capacity and venue type.
- Whether the application addresses relevant elements outlined in the Design Guidelines for Licensed Venues (Department of Justice).
- The views of the Victoria Police.

**Extensions to existing licensed premises**

- In addition to the above, for applications to extend the licensed area, trading hours and/or increase patron numbers of existing licensed premises, regard shall be given to the following:
  - Any relevant information regarding the operation of the premises including complaints received by Council and breaches of planning or liquor license permit conditions.
  - The adequacy of the conditions on the existing liquor license or planning permit controlling noise, security, patron numbers and hours of operation.