

22.10 LICENSED PREMISES POLICY

12/03/2015
GC20

This policy relates to the key focus area of *economic development* and applies to the consideration of all applications for new licensed premises and for the expansion of the licensed area or the extension of the trading hours of existing licensed premises, where a permit is required pursuant to Clause 52.27.

22.10-1 Policy basis

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The City of Stonnington has identified 643 licensed premises in October 2010 that provide an environment for social interaction with live music, food and entertainment within the municipality.

The Municipal Strategic Statement (MSS) recognises the importance of licensed premises in the municipality in contributing to the vibrancy and economic strength of the municipality. It outlines the problems that can accompany licensed premises such as the off-site amenity impacts including noise on other nearby uses and the problems which occur when these uses begin to affect retailing vibrancy and economic viability of an area.

The MSS seeks to address the negative impacts of licensed premises in Clauses 21.04-1 and 21.04-2.

Research indicates that an increase in the number of licensed premises within an inner city suburban area results in additional alcohol-related assaults.

Research also reveals that patron capacity is a contributing factor in calculating the level of risk a licensed premise poses and that late night trading contributes to increased alcohol consumption and increased violence.

Small, well managed licensed premises generally present a low risk of adverse impacts, whereas there is a high risk of adverse impacts on safety and amenity from large licensed premises, operating late at night.

Research reveals that there is an association between violence occurring outside a premise with large numbers of people congregating and competing for resources such as fast food and transport. Congregation spots have been identified and associated with alcohol related harm.

The design of a licensed premise can be an important contributor to anti-social behaviour and violence. Good venue design of licensed premises plays an important role in reducing the opportunity for anti-social behaviour fuelled by alcohol.

According to research, licensed premises that are most likely to be associated with alcohol related harm are licensed hotels, taverns and nightclubs.

22.10-2 Objectives

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- To identify appropriate locations, trading hours and patron numbers for licensed premises.
- To effectively manage the amenity conflicts between licensed premises and other uses.
- To manage the impacts of licensed premises on the diversity of uses and economic viability of activity centres.
- To establish an appropriate mix of licensed premises relative to other commercial, retail and residential uses within activity centres.
- To encourage daytime uses and active frontages within activity centres.
- To provide reasonable commercial opportunities for the trading of licensed premises.

- To strongly encourage good venue design of licensed premises based on the Design Guidelines for Licensed Venues (Department of Justice).

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It is policy that:

General

- The operation of licensed premises should have no unreasonable impact on the amenity and safety of surrounding uses, in relation to noise, hours of operation and car parking demand.
- The location of the licensed premises, its use, nature of surrounding uses and hours of operation, its zoning and the zoning of surrounding land be considered in the determination of the hours of operation of the licensed premise.
- The preferred location for trading after 11:00pm is in principal and major activity centres, subject to compliance with all other aspects of this policy.
- Trading after 11:00pm is discouraged for licensed premises adjacent to a residential zone/use unless the responsible authority is satisfied that the use will not adversely affect the amenity of the area.
- Licensed premises should not be concentrated to the extent that there is an adverse cumulative effect on the area.
- Day-time uses and active frontages are encouraged within activity centres.
- Licensed premises should be located so as to discourage patrons parking in a residential zone.
- Licensed premises should operate in a manner that provides for the safety of patrons, the general public and nearby owners and occupiers of land.
- Light spill should not detract from the amenity of the surrounding area.

Noise

- Noise emissions from licensed premises should comply with the standards specified in the State Environment Protection Policies.
- On-site noise attenuation measures be implemented where amenity impacts on surrounding uses may result from licensed premises.

Residential, Mixed Use and Industrial 3 Zones

New licensed premises and the expansion of the licensed area or extension of the trading hours of existing licensed premises in a residential, Mixed Use or Industrial 3 Zone are discouraged unless the responsible authority is satisfied that the use will not adversely affect the amenity of the area.

Source of Potential Harm Venues in the Chapel Street Precinct Study Area (IPO3 Map Area)

Existing and proposed licensed hotels, taverns and nightclubs within the Chapel Street Precinct Study Area, operating after 12am, are defined as Source of Potential Harm Venues (as specified in the *Late night liquor licence trading in the Chapel Street Precinct: measuring the saturation levels* Research Paper).

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All applications for the establishment of a new licensed premise or the expansion of the licensed area or extension of the trading hours of an existing licensed premise should include the following information, as appropriate:

- Site and floor plans showing:
 - The existing and proposed floor plans of all levels of the building and site.
 - The proposed use of all areas within the building and site including outdoor dining areas and areas adjacent to the boundaries of the site used in association with the licensed premise (i.e. outdoor seating, public spaces, kerbside dining, and car parking areas).
 - Identification of 'active areas' - loud parts of room, queuing area, location of music performance areas or speakers.
 - Location of all external doors and windows.
 - The proposed maximum number of patrons allocated to identified areas.
 - The location of waste storage areas.
- Site context plan showing:
 - The nature and location of uses surrounding the proposed licensed premise and their hours of operation.
 - 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.
- A written submission including the following information:
 - A description of the proposed use including type of uses, hours of operation, and type of music/entertainment.
 - A written description of the site context.
 - A detailed impact assessment of potential off-site impacts of the establishment and operation of the proposed licensed premise or the expansion of the licensed area or extension of the trading hours of an existing licensed premise.
 - An assessment by a registered building surveyor detailing the patron capacity of the licensed premise.
 - Details of proposed management of the premise including emergency procedure management plan, crowd control, responsible serving of alcohol, external areas allocated for smokers and waste management plan.
- A Noise and Amenity Action Plan which addresses any issues identified in the site context plan and contains the following information:
 - The identification of all noise sources associated with the licensed premise (including, but not limited to, music noise, external areas allocated for smokers, queuing lines, entries and exits to the premises and courtyards).
 - Hours of operation for all parts of the premise.
 - 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 in close proximity to the licensed premise.
 - Measures to be undertaken to address all noise sources identified, including on and off-site noise attenuation measures.
 - 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 premise and any overspill of lighting.
- Details of waste management plan including storage and hours of collection for general rubbish and bottles, and delivery times associated with the licensed premise.
- Details of any measures to work with neighbours or other residents in the immediate area to address complaints and general operational issues.
- Any other measures to be undertaken to ensure minimal amenity impacts from the licensed premise.
- Location and operation of air-conditioning, exhaust fan systems and security alarms.

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 the requirement.

Additional requirement for applications for Source of Potential Harm Venues in the Chapel Street Precinct Study Area (IPO3 Map Area)

A written submission of how the application addresses the relevant elements outlined in the Design Guidelines for Licensed Venues (Department of Justice).

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Decision guidelines

Before deciding on an application, the following matters should be considered in addition to the decision guidelines at Clause 65:

All applications

- The zoning of the land and the zoning of surrounding land.
- The location of the proposed licensed premise, the nature of its use, and proposed hours of operation.
- The nature of surrounding uses and their hours of operation.
- The existing uses of the land.
- The potential effect of the use on the amenity of the surrounding area.
- The proximity of the proposed licensed premise to residential uses and accommodation.
- If adjacent to a residential zone/use, the impact of the licensed premise after 11:00pm caused by the operation of the use including noise emissions, patrons leaving the premise and the availability and location of car parking.
- The impact of the proposed licensed premise on the mix of uses located within the activity centre and the vitality and viability of the activity centre during the day and at night.
- The impact of the proposed licensed premise on the activity centre.
- The adequacy of management of the licensed premise including security.
- The adequacy of measures proposed in the Noise and Amenity Action Plan.
- The availability and location of sufficient car parking for the use.
- The impact of the proposed licensed premise on the local traffic network and car parking availability in the area.
- The views of the Victoria Police.
- Any other relevant matter.

Additional decision guidelines for applications to expand the licensed area or extend the trading hours of existing licensed premises

- The adequacy of existing management of the licensed premise having regard to:
 - The views of the Victoria Police.
 - Relevant information available to the responsible authority including records of attendances, complaints and/or problems with the premises, and breaches of planning permit or liquor licence conditions.
 - The conditions of the existing liquor licence or planning permit controlling noise, security, patron numbers and hours of operation.
- Any other relevant matter.

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Reference Documents

City of Stonnington Municipal Public Health Plan 2009-2013.

Design Guidelines for Licensed Venues, Department of Justice, 2009.

Late night liquor licence trading in the Chapel Street Precinct: measuring the saturation levels Research Paper, April 2010.