

22.09 LICENSED PREMISES13/08/2009
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This policy applies to all applications for new licensed premises and for the extension (including the extension of hours and the extension of patron numbers) of existing licensed premises.

For the purpose of this policy, licensed premises include food and drink premises and places of assembly used or to be used in conjunction with a liquor licence.

22.09-1 Policy Basis13/08/2009
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The City has over 500 licensed premises. The majority of these premises are in commercially zoned areas. However, a large number of licensed premises are also in residential areas or are adjacent to residential areas. Licensed premises within retail and commercial areas have generally developed in clusters. This incidence has increased over the past decade through change in land use patterns across the City.

Considerable tensions have developed between licensed premises and residential and other commercial land uses. These tensions relate to impacts on the amenity of the area – noise, hours of operation and car parking – as well as patron behaviour off the premises and waste management. The MSS seeks to achieve a reduction in the incidence of tension between business and residential activities and to minimise amenity impacts of retail, entertainment and arts uses on nearby residential properties and areas.

22.09-2 Objectives13/08/2009
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- To effectively manage the location, operation and hours of trade of licensed premises, in order to protect the amenity of nearby properties and areas.
- To protect residential and other commercial uses from excess noise, traffic and car parking issues.
- To provide for daytime trade and active street frontages in retail strips, while providing reasonable commercial opportunities for the trading of licensed premises.

22.09-3 Policy13/08/2009
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It is policy that:

22.09-3.1 Location and Access13/08/2009
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New licensed premises should be located such that:

- they are not in Residential, or Mixed Use zones
- premises that are closed at ground floor level during the day do not unduly interrupt continuous active retail frontage in activity centres
- there is appropriate opportunity to manage or buffer potential amenity impacts including ingress by queuing patrons, egress of those who have consumed alcohol on the premises, anti-social behaviour, in relation to more sensitive uses and, in particular, residential use
- there is opportunity for a high level of public safety and surveillance of patrons as they enter and leave the premises
- there is adequate infrastructure including space for smokers, public toilets in the vicinity.

22.09-3.2 Hours of Operation

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- Assessment of the impact of the hours of operation on the amenity of the surrounding area consider:
 - The proposed use.
 - The zoning of surrounding land.
 - The location of the premises and location of car parking.
 - The nature of surrounding uses and hours of operation.
 - Potential noise emissions from the premises.
 - The impact of patrons arriving and leaving the premises.
- Licensed premises in a Residential or Mixed Use Zone or within 30 metres of a residential area not trade beyond 11pm on any night unless the responsible authority is satisfied that the use will not adversely affect the amenity of the area.
- Licensed premises in a Business or Industrial Zone not trade beyond 1am, unless the responsible authority is satisfied that the use will not adversely affect the amenity of the area.

22.09-3.3 Patron Numbers

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- The number of patrons not exceed the safe and amenable operating capacity of the premises.
- The number of patrons not adversely affect the amenity of the surrounding area.

22.09-3.4 Noise

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- The operation of licensed premises have minimal impact on the amenity of the area, in relation to noise.
- Noise emissions from licensed premises comply with the standards specified in the State Environmental Protection Policy.
- On-site noise attenuation measures be considered for licensed premises where amenity impacts on the surrounding area may result from the proposed activities.

22.09-3.5 Car Parking

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- Car parking for licensed premises not detrimentally impact on the functioning of local traffic networks and car parking availability.
- Car parking be managed to discourage patrons parking in front of residential properties or in residential areas.
- Car parking from new licensed premises not adversely impact on residential areas by way of on-street, over-flow parking or vehicles accessing off-street car parking.

22.09-3.6 Noise and Amenity Plan

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- Licensed premises be managed in accordance with a Noise and Amenity Plan.

NOTE: A condition will be included on permits requiring management in conformity with the noise and amenity plan.

22.09-4 Application Requirements

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Permit applications must be accompanied by the following information:

22.09-4.1 Plans

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A site analysis plan detailing:

- the proximity of the licensed premises to residential properties, including details of doors, windows and open space areas on all residential properties in close proximity to the site; and
- the nature and location of uses surrounding the proposed licensed premises and their hours of operation.

A site plan detailing all areas to be used by patrons of the premises, including areas adjacent to the boundaries of the site used in association with the licensed premises – that is, outdoor seating, public spaces, footpaths and car parking areas.

Plans detailing the existing and proposed layout of the premises, including all external windows and doors, the total number of patrons to be accommodated on the premises, the allocation of patrons to identified areas, and the location of waste storage areas.

22.09-4.2 Written Submission

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Details of the proposed hours of operation of the premises.

Details of bicycle parking and car parking to be provided, including an empirical assessment of car parking demand, the availability of car parking in the locality and public transport in the locality.

An assessment by a registered building or surveyor detailing the patron capacity of the premises.

Where relevant, the views of the Victoria Police, including police records of attendances and problems with the premises.

22.09-4.3 Noise and Amenity Action Plan

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A Noise and Amenity Action Plan (NAAP) detailing the following information:

- The location, type and details of existing licensed premises in the locality.
- The identification of all noise sources associated with the premises (including, but not limited to, music noise, entries and exits to the premises and courtyards) likely to impact on nearby residential property.
- Measures to be undertaken to address all noise sources identified, including on and off-site noise attenuation measures.
- Procedures to be undertaken by staff in the event of complaints by a member of the public, the Victoria Police, an 'authorised officer' of Council or an officer of Liquor Licensing Victoria.
- Details of staffing arrangements including numbers and working hours of all security staff, bar staff, waiters, on-premises manager, and other staff.
- Details of training provided for bar staff in the responsible serving of alcohol.
- Hours of operation for all parts of the premises.
- Lighting within the boundaries of the premises.
- Security lighting outside the premises.

- Details of the provision of music including the frequency and hours of entertainment provided by live bands and DJs.
- Details of waste management plan including storage and hours of collection for general rubbish and bottles associated with the licensed premises.
- Any other measures to be undertaken to ensure minimal amenity impacts from the licensed use.

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Policy Reference

Yarra Residential Interface Study, 2001.