

13.07-1L Licenced premises

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Proposed C269yara

Policy application

This policy applies to an application under Clause 52.27 - Licensed premises.

Objectives

To protect the amenity of nearby properties and areas by managing the location, size, operation and hours of licensed premises.

To protect residential and other commercial uses from excess noise, traffic and car parking issues created by licensed premises.

To encourage best practice venue design and venue operation for licensed premises.

To protect the amenity of surrounding sensitive uses from an unreasonable cumulative impact of licensed premises.

Location and access

Strategies

Locate licensed premises where:

- There is opportunity for a high level of public safety and surveillance of patrons as they enter and leave the premises.
- There is convenient access to car parking, public transport, taxi ranks or ride sharing.
- Transport can be accessed through non-residential areas at late hours.

Locate licensed premises with a capacity of more than 200 patrons in the following Core Entertainment Precincts (defined by the Commercial 1 Zone and limited to properties fronting and with pedestrian access from the listed main streets):

- Swan Street west of Church Street.
- Bridge Road west of Burnley Street.
- Victoria Street west of Burnley Street.
- Smith Street between Gertrude Street and Alexandra Parade.
- Brunswick Street between Gertrude Street and Alexandra Parade.

Discourage licensed premises from locating in areas zoned Residential (excluding the Mixed Use Zone).

Policy guidelines

Consider as relevant:

- Whether access from the licensed premises to car parking, public transport, taxi ranks or ride sharing from a premises operating after 10pm is through a residential area.
- The nature and location of uses surrounding the proposed licensed premises including the type of licensed premises in the area, the hours of operation and patron numbers.

Venue design

Strategies

Incorporate safe design principles in the layout and design of licensed premises.

Locate entry and exits points of a licensed premise and the areas for queuing of patrons away from sensitive land uses.

Provide waste management and storage on-site and provide noise enclosures where bottle crushers are to be used.

Design licensed premises to respond to residential properties and other sensitive land uses in close proximity to the premises, including by taking into account the location of their existing doors, windows and open space areas.

Policy guidelines

Consider as relevant:

- The *Design Guidelines for Licensed Venues* (Victorian Commission for Gambling and Liquor Regulation, 2017)

Hours of operation

Strategy

Provide operating hours that:

- Are consistent with the intent of the zoning purpose of the land.
- Respond to the nature of surrounding land uses.
- Will not adversely affect the amenity of the surrounding area

Policy guidelines

Consider as relevant unless the responsible authority is satisfied that the use will not adversely affect the amenity of the area:

- Limiting the sale and consumption of liquor from licensed premises to no later than:
 - 8pm in a residential zone (other than the Mixed Use Zone).
 - 10pm in the Mixed Use Zone,
 - 11pm for licensed premises within 30 metres of a residential zone.
 - 1am in a commercial or industrial zone.
 - 10pm for outdoor areas including smoking areas, rooftops and open courtyards.
- Limiting the sale and consumption of liquor from licensed premises to occur no earlier than 9am.
- Limiting the sale of liquor from packaged liquor outlets to between:
 - 9am and 11pm.
- Limiting deliveries and waste collection (except where allowed under a local law) to between:
 - 7am to 10pm Monday to Saturday.
 - 9am to 10pm Sunday and public holidays.
- Limiting emptying bottles into bins in outdoor areas to between:
 - 7am to 10pm Monday to Saturday.
 - 9am to 10pm Sunday and public holidays.

Venue operation

Strategy

Manage the operation of a licensed premise to minimise adverse amenity impacts on surrounding residential and other sensitive uses.

Policy guidelines

Consider as relevant:

- Operating measures to minimise adverse amenity impacts from licensed premises including adapting:
 - Where alcohol will be sold and consumed.
 - The management of music and entertainment, including frequency and hours.
 - Amplification or speaker systems.
 - The design and location of dance floor areas.
 - The management of on and off-site smoking areas.
 - Provision and hours of food service.

- Seating ratios.
- Security lighting and CCTV surveillance.
- Complaint procedures.
- The management of patrons (including security arrangements) outside the premises, including patron ingress and egress, queues and dispersal after the venue has closed.
- Any other measures to ensure unreasonable amenity impacts are avoided.

Patron numbers

Strategies

Encourage venue size and patron numbers that:

- Provide for a safe and amenable operating venue capacity.
- Reflect the strategic and physical context of the site.

Policy guidelines

Consider as relevant:

- Whether the number of patrons proposed to be accommodated are within the safe and amenable operating capacity of the premises, based on the *Liquor Licensing Fact Sheet - Maximum Patron Capacity* (Victorian Commission for Gambling and Liquor Regulation, 2018).
- An assessment by a building surveyor detailing the patron capacity of the licensed premises where an application proposes an increase in patron numbers or a new licence.
- The number of patrons shall not adversely affect the amenity of nearby properties, including by any unreasonable cumulative impact.

Noise

Strategy

Design, manage or modify licence premises to minimise any unreasonable noise impacts on the amenity of the area.

Policy guidelines

Consider as relevant:

- Whether noise emissions from licensed premises comply with the standards specified in the satisfy *State Environment Protection Policy (SEPP) No.1 - Control of Noise from Commerce Industry and Trade* and *SEPP No.2 - Control of Music Noise from Public Premises* or any other requirement, such as accepted sleep disturbance criteria or relevant Australian Standards (except for an application for a restaurant, including a café, where the preferred hours of operation specified in this policy are met; or any application for a packaged liquor outlet).
- The preparation of an acoustic report (except for cafes but includes restaurants with an open courtyard and restaurants with a residential interface).
- Employing on-site noise attenuation measures to licensed premises where unreasonable amenity impacts may result from proposed activities on the surrounding area.
- The preparation of a Noise and Amenity Action Plan (except for a restaurant, café or packaged liquor outlet) that includes the following information:
 - 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 the Victorian Commission for Gambling and Liquor Regulation.
 - The management and dispersal of patrons, including patrons loitering around the venue after the venue has closed.
 - The management of large group bookings.

- The management of smokers and on an off-site smoking areas (particularly where liquor may not be allowed to be sold and consumed with the smoking area after a particular time).
- The management of external queues.
- How the movement and exit of patrons is to be managed, particularly where there is a requirement to close a different section of the venue at different times.
- Details of the provision of music including the frequency and hours of entertainment provided by livebands and DJs.
- Any other measures to be undertaken to ensure no unreasonable amenity impacts from the licensed premises.

Application to amend an existing permit

Policy guidelines

Consider as relevant:

- Information about the operation of the premises, including any issues or complaints received by relevant authorities.
- Any contravention of a permit condition or liquor licence.
- Whether the conditions on the existing permit regulating the venue design, hours of operation, patron numbers, noise and amenity impacts are adequate.