

## 22.08 LICENSED PREMISES POLICY

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C141

This policy applies to all planning permit applications for a new licensed premises or existing licensed premises that require a permit under clause 52.27.

### 22.08-1 Policy Basis

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The City of Maribyrnong has an increasing number of licensed premises. Many of these premises are located in commercial zones in activity centres, with the largest concentration in the Footscray, Seddon, Highpoint and Yarraville activity centres. Some of licensed premises have developed in clusters. A number of licensed premises are also located in, or close to, residential zones .

The Municipal Strategic Statement (MSS) recognises licensed premises contribute to the vitality of an area, streetscape activation, passive surveillance, and the creation of a local ‘identity’ as an entertainment and tourism destination. However, it further recognises that licensed premises can have a negative impact on the amenity of the surrounding area such as impacts relating to street disturbance, noise, anti-social behaviour, violence, litter, and vandalism.

The MSS encourages licensed premises to be located in activity centres and consistent with their role (as follows).

- *Footscray Metropolitan Activity Centre*: Encourage a diversity of licensed premises outlets to provide extended operating hours of activity and further opportunities for entertainment, unless the safety and attractiveness of the area will be unreasonably compromised.
- *Highpoint Activity Centre*: Encourage licensed premises to provide a variety of entertainment uses and extended operating hours unless there is an unreasonable impact on the amenity of the surrounding area.
- *Central West Activity Centre*: Ensure licensed premises respond to the predominant role of the centre as a business and employment based activity centre.
- *Yarraville Activity Centre*: Encourage licensed premises that contribute to building up the cultural and social role of the centre, while ensuring the cumulative effects of licensed premises do not threaten its local convenience role or the amenity of the surrounding residential areas.
- *Seddon Activity Centre*: Encourage licensed premises respond to the predominant local retail and service role of centre and . increase the activity and diversity within the centre and provide for street level activation.
- *West Footscray Activity Centre*: Encourage licensed premises to provide for a mix of businesses that create an active streetscape during the day and night.
- *Edgewater Activity Centre*: Encourage licensed premises to strengthen the café and outdoor eating culture to create places to socialise and complement the convenience retailing role of the centre.

The factors that can influence unreasonable amenity impacts may include the following:

- Venue type
- Internal and external venue design
- Noise
- Operating hours
- Patron numbers
- Location and access
- Clustering of licensed premises

This policy provides guidance on assessing amenity impacts taking into account existing amenity conditions and the role of licensed premises in the City's activity centres.

## 22.08-2

### Objectives

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- To effectively manage amenity conflicts between licensed premises and other uses.
- To ensure licensed premises are located in appropriate locations.
- To ensure licensed premises located in activity centres are appropriate to the role and vision of the centre.
- To ensure licensed premises will not generate unreasonable noise impacts on the surrounding area.
- To ensure the operating hours and patron numbers of licensed premises will not unreasonably impact on the amenity of the surrounding area.
- To ensure good venue design providing a high level of public safety and surveillance.
- To encourage an appropriate mix of licensed premises relative to other commercial, retail, residential and community uses.
- To support reasonable commercial opportunities for licensed premises to trade.

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It is policy to:

#### Design

- Encourage the design of licensed premises to incorporate safe design principles as outlined in the *Design Guidelines for Licensed Venues*.
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- Encourage the design of licensed premises to result in an active street frontage and provide opportunity for surveillance of patrons as they enter and leave the premises .

#### Noise

- Ensure noise emissions from licensed premises (music noise, patron noise and noise from outdoor areas) do not unreasonably impact on the amenity on the surrounding area, taking into account the surrounding context and zoning.
- Ensure noise emissions from licensed premises comply with the standards specified in the State Environmental Protection Policy.
- Ensure on-site attenuation measures are implemented within licensed premises where noise emissions are likely to unreasonably impact on the surrounding area.

#### Operating Hours

- Licensed premises operating beyond 11pm are encouraged to locate in Activity Centres where the use is consistent with role of the centre.
- Ensure licensed premises trading beyond 11pm are only allowed where the responsible authority is satisfied that the operation of the use will not unreasonably impact on the amenity of the surrounding area.
- Discourage licensed premises in residential zones or within close proximity to residential zones from trading beyond 11pm unless the responsible authority is satisfied the use will not unreasonably affect the amenity of the surrounding area.
- Ensure outdoor areas of licensed premises located in, or close to residential zones do not trade beyond 11pm, unless the responsible authority is satisfied the use will not unreasonably affect the amenity of the surrounding area.

#### Patron Numbers

- Ensure the number of patrons does not unreasonably affect the amenity of the surrounding area.
- Encourage venue size (and patron numbers) that appropriately respond to the role of the Activity Centre or zone .

#### **Access**

- Encourage licensed premises to be located in areas where parking, public transport and availability of taxis adequately service patronage of the premises.

#### **Location**

- Encourage licensed premises that are complementary to the role of activity centres
- Discourage newlicensed premises (trading after 11pm) from locating in residential zones.
- Consider the proximity of licensed premises to residential uses and the need for noise attenuation or other design measures.
- Discourage any expansion of an existing licensed premises, extension of operating hours or increase in patron numbers in or close to residential zones unless the responsible authority is satisfied the use will not unreasonably impact the amenity of the surrounding area.

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#### **Application Requirements**

All applications for licensed premises under Clause 52.27 should include the following information, as appropriate:

- A site context plan detailing:
  - the proximity of the licensed premises to residential properties, including details of doors, windows and open space areas on all residential properties adjacent to the site, and
  - the nature and location of other uses surrounding the proposed licensed premises including their hours of operation.
- A site layout plan of the licensed premises detailing:
  - all areas to be used by patrons of the premises, including outdoor seating, public spaces, footpaths and car parking areas, and
  - waste storage areas.
  - Non patron areas.
  - Outdoor smoking or uncovered patron areas
- A written submission detailing:
  - 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 written description of public transport and car parking in the locality during operating hours of the licensed premises,
  - A detailed assessment of all potential off-site impacts including identifying ways in which such impacts will be managed and effectively mitigated.
  - 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.

- Noise impact assessment in relation to large venues with a capacity of more than 200 patrons or late night venues (after 11pm) such as tavern, bars and nightclubs. The assessment must include:
  - Identifying all noise sources associated with the licensed premises (e.g. music noise, outdoor areas, queuing areas, congregation areas and entries and exits to the premises), and
  - Measures to be undertaken to effectively address relevant noise sources, including on and off-site noise attenuation measures. Measure may include noise limiters, airlocks and acoustic screens to minimise the impact on the amenity of the surrounding area.
  
- Management Plan in relation to large venues with a capacity of more than 200 patrons or late night venues such as tavern, bars and nightclubs or for other licensed premises as considered necessary by the Responsible Authority. The Management Plan is to include:
  - A description of the style of operation of the venue.
  - Hours of operation for all parts of the premises.
  - Details of staffing arrangements including numbers and working hours of all security staff.
  - Details of proposed management of the premises including emergency procedures, crowd control, , waste management, external smoking/dining areas and queuing areas.
  - A contact person in the event of a complaint and provision for a register of compliants.
  - Any other measures to be undertaken to ensure no unreasonable amenity impacts from the licensed premises on the surrounding area.

The responsible authority may waive or reduce the above requirements if the responsible authority considers the application requirement is not relevant to determining the application.

## 22.08-5 Decision Guidelines

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Before deciding on an application and in addition to the requirements of Clauses 52.27 and 65, the responsible authority must consider as appropriate:

- The objectives of this policy.
- The role of the Activity Centre set out in this policy.
- The proximity of the licensed premises to surrounding residential zones and residential uses and the reasonable amenity expectations of these uses.
- Whether the application addresses the *Design Guidelines for Licensed Venues* and *Practice Note 61 – Licensed Premises: Assessing Cumulative Impact*.
- The availability of public transport during operating times of the licensed premises.

## 22.08-6 Policy Reference

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*Maribyrnong City Council Managing the Impact of Licensed Premises, 2015*

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

*Practice Note 61 – Licensed Premises: Assessing Cumulative Impact*