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LICENSED PREMISES POLICY

This policy applies to all planning permit applications pursuant to clause 52.27.

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Policy Basis

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 licensed premises have developed in clusters. A number of licensed premises are also located in, or close to, residential zones.

The MSS encourages licensed premises to be located in activity centres where the use is consistent with their role.

Licensed premises contribute to the vitality of an area, streetscape activation, passive surveillance, entertainment opportunities and the creation of a local ‘identity’ as an entertainment and tourism destination. However, they can have an adverse impact on the amenity of the surrounding area such as impacts relating to street disturbance, noise, anti-social behaviour, violence, litter, and vandalism.

This policy has a focus on assessing amenity impacts taking into account existing amenity conditions and the role of licensed premises in the city’s activity centres. Larger, late night venues and clusters of venues, particularly in or near residential areas, pose a greater risk of adverse impacts than smaller premises, ‘food-based’ cafes and restaurants or packaged liquor outlets.

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Objectives

- To effectively manage amenity conflicts between licensed premises and other uses.
- To ensure licensed premises are appropriate to their locations.
- To ensure licensed premises located in activity centres are appropriate to the role and vision of the centre.
- To encourage an appropriate mix of licensed premises relative to other commercial, retail, residential and community uses.
- 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 encourage good venue design providing a high level of public safety and surveillance.
- To support reasonable opportunities for licensed premises to trade.

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Policy

It is policy to:

Location

- Encourage licensed premises that complement the objectives and strategies for the following activity centres:
 - Footscray
 - Highpoint
 - Central West
 - Yarraville
 - Seddon

- West Footscray
- Edgewater
- Consider the proximity of licensed premises to residential uses and the need for noise attenuation and other design or management measures.
- In locations in or near residential zones, discourage any expansion of an existing licensed premises, extension of operating hours or increase in patron numbers unless the responsible authority is satisfied the use will not unreasonably impact the amenity of the surrounding area.
- Encourage licensed premises to be located in areas where parking, public transport and availability of taxis adequately service patronage of the premises.

Clustering and Late Night Premises

- Only allow licensed premises trading beyond 11pm where the responsible authority is satisfied that:
 - the use will not unreasonably impact on the amenity of the surrounding area,
 - the cumulative adverse impacts of clusters of late night premises will not have unreasonable impacts on the area.
- Encourage licensed premises operating beyond 11pm to locate in Activity Centres where the use is consistent with the role of the centre.
- In locations in or near to residential zones:
 - Discourage new licensed premises trading after 11pm.
 - Ensure outdoor areas of licensed premises do not trade beyond 11pm, unless the responsible authority is satisfied the use will not unreasonably affect the amenity of the surrounding area.

Design

- Incorporate safe design principles outlined in the *Design Guidelines for Licensed Venues*.
- 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

- Consider the need for noise attenuation or other design measures having regard to the site context.
- 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, and
 - comply with the standards specified in the State Environmental Protection Policy.
- Ensure on-site acoustic attenuation measures are implemented where noise emissions are likely to unreasonably impact on 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.

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Applications for licensed premises should include the following information, unless the responsible authority waives or reduces a requirement it considers is not relevant to determining the application:

- A site context plan detailing:
 - the location, nature and hours of operation of uses surrounding the site;
 - details of doors, windows and open space areas on residential properties within 30 metres of the proposed licensed premises.
- ‘Clustering’ of licensed premises, being:
 - three or more licensed premises (including the proposed premises) within a radius of 100 metres from the subject land; or
 - 15 or more licensed premises (including the proposed premises) within a radius of 500 metres from the subject land.
- A site and licenced premises layout plan detailing:
 - all areas to be used by patrons of the premises, including outdoor seating, public spaces, footpaths and car parking areas;
 - waste storage areas;
 - non-patron areas;
 - outdoor smoking or uncovered patron areas.
- A written submission detailing:
 - 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;
 - the site context;
 - public transport and car parking in the locality during operating hours of the licensed premises;
 - all potential off-site impacts and how impacts will be managed and effectively mitigated;
 - proposed management of the premises including emergency procedures, crowd control, responsible service of alcohol, waste management, external smoking/dining areas and queuing areas.

Large and late night venues

Applications for venues with a capacity of more than 200 patrons or operating after 11pm should include:

- A Noise Impact Assessment which details:
 - 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);
 - on and off-site noise measures to effectively mitigate impacts from noise sources on the amenity of the surrounding area. Attenuation measures may include noise limiters, airlocks and acoustic screens.
- A Management Plan which details:
 - the style of operation of the venue, hours of operation for all parts of the premises and staffing arrangements including the number and working hours of security staff;

- 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 complaints;
- any other measures to ensure no unreasonable amenity impacts from the licensed premises on the surrounding area.

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Decision Guidelines

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 and policies in this clause.
- The role of the activity centre.
- The proximity of the licensed premises to surrounding residential zones and residential uses and the reasonable amenity expectations of those uses.
- Whether the application addresses the *Design Guidelines for Licensed Venues*
- The availability of transport options during operating times of the licensed premises.

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Policy Reference

Maribyrnong City Council Managing the Impact of Licensed Premises, 2015

Design Guidelines for Licensed Venues, Department of Justice, 2009