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LICENSED PREMISES

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

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Policy Basis

The City has over 700 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 in commercial areas have generally developed in clusters. This incidence has increased over the past decade through change in land use patterns across the City.

Licensed premises contribute to the vibrancy and economic strength of the municipality, providing diverse opportunities for social interaction, artistic and cultural activity including live music, food and entertainment, as well as supporting other primary functions.

However, considerable tensions sometimes develop between licensed premises and residential and other commercial land uses. These tensions relate to impacts on the amenity of the area including noise, patron behaviour off the premises and waste management.

There is a higher risk of adverse amenity impacts from licensed premises which operate late at night and encourage vertical drinking by having a low proportion of seating and a limited food offering. Licensed premises, including restaurants and cafes, which have a substantial food focus and a high proportion of seating have a lower risk of adverse amenity impacts.

Larger licensed premises (with a capacity exceeding 200 patrons) are encouraged to locate in Core Entertainment Precincts. These precincts are defined by the Commercial 1 Zone and limited to properties fronting (and with pedestrian access) from the listed main streets. The Core Entertainment Precincts have been selected because of their existing character and their capacity to accommodate future larger licensed venues with supporting infrastructure and services in the activity centres. By encouraging larger licensed premises to locate within these precincts the cumulative impacts on the surrounding area can be better assessed and managed.

This policy seeks to manage potential amenity impacts between licensed venues and other land uses.

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Objectives

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

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

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.

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Policy

It is policy that:

Location and Access

- Licensed premises with a capacity of more than 200 patrons should locate 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

YARRA PLANNING SCHEME

- Smith Street between Gertrude Street and Alexandra Parade
- Brunswick Street between Gertrude Street and Alexandra Parade
- Licensed premises should be located where:
 - The land is not zoned Residential (excluding the Mixed Use Zone).
 - Potential amenity impacts from (but not limited to) patron noise, ingress and egress of patrons, queuing of patrons, smoking areas for patrons, and dispersal of patrons from the site can be appropriately managed or buffered.
 - There is opportunity for a high level of public safety and surveillance of patrons as they enter and leave the premises.
 - The premises would not result in an unreasonable cumulative impact on the amenity of the surrounding area.

Venue Design

- The layout and design of new licensed premises incorporate safe design principles as detailed in the *Design Guidelines for Licensed Venues* (Victorian Commission of Gambling and Liquor Regulation 2017).
- The entry and exits points of a licensed premise and the areas for queuing of patrons are located away from sensitive land uses.
- Waste management and storage is provided on-site, and noise enclosures are provided where bottle crushers are to be used.

Hours of Operation

- Licensed premises in a Residential zone (other than a Mixed Use Zone) should not provide for the sale and consumption of liquor beyond 8pm, unless the responsible authority is satisfied that it will not adversely affect the amenity of the area.
- Licensed premises in a Mixed Use Zone should not provide for the sale and consumption of liquor beyond 10pm, unless the responsible authority is satisfied that it will not adversely affect the amenity of the area.
- Licensed premises within 30 metres of a residential zone should not provide for the sale and consumption of liquor beyond 11pm, unless the responsible authority is satisfied that it will not adversely affect the amenity of the area.
- Licensed premises in a Commercial or Industrial zone should not provide for the sale and consumption of liquor beyond 1am, unless the responsible authority is satisfied that it will not adversely affect the amenity of the area.
- Packaged liquor outlets should not provide for the sale of liquor after 11pm.
- For outdoor areas, including smoking areas, rooftops and open courtyards, the sale and consumption of liquor should not occur after 10pm, unless the responsible authority is satisfied that it will not adversely affect the amenity of the area.
- Licensed premises (including packaged liquor outlets) should not commence the sale and consumption of liquor before 9am.
- Deliveries to and waste collection from a licensed premises should not occur after 10pm on any day, before 7am Monday to Saturday, or before 9am on a Sunday or public holiday except for those allowed under any relevant local law.
- Emptying bottles into bins in outdoor areas should not occur after 10pm on any day, before 7am Monday to Saturday, or before 9am on a Sunday or public holiday.

YARRA PLANNING SCHEME

- An assessment of the impact of the hours of operation on the amenity of nearby properties and the surrounding area must consider:
 - The proposed use and licence type.
 - The zoning of surrounding land.
 - The location of the premises, location of car parking and availability of public transport, taxi ranks and ride sharing.
 - The nature of surrounding uses and hours of operation.
 - Potential noise emissions from the premises.
 - The impact of patrons arriving and leaving the premises, including:
 - for venues operating after 10pm, whether access from the licensed premises to public transport is likely to be through a residential area; and
 - any cumulative impact on the amenity of the area.

Patron Numbers

- The number of patrons should not exceed the safe and amenable operating capacity of the premises. An assessment of the maximum number of patrons that can be physically accommodated within a venue should be based on the *VCGLR Liquor Licensing Fact Sheet – Maximum Patron Capacity (2016)*.
- The number of patrons reflects the strategic and physical context of the site and will not adversely affect the amenity of nearby properties and the surrounding area, including by any unreasonable cumulative impact.

Noise

- Noise from the operation of the licensed premises should not have an unreasonable impact on the amenity of the area.
- Noise emissions from licensed premises should comply with the standards specified in the State Environmental Protection Policy or any other relevant requirement such as accepted sleep disturbance criteria or relevant Australian Standards.
- On-site noise attenuation measures should be applied for licensed premises where unreasonable amenity impacts on the surrounding area may result from the proposed activities.
- Where required, a licensed premise must be designed and managed in accordance with an acoustic report approved by the responsible authority.

Noise and Amenity Action Plan

- Where required, licensed premises are managed in accordance with a Noise and Amenity Action Plan (NAAP).

Application to amend an existing permit

An assessment of an application to vary or extend an existing permit for a licensed premises, must consider:

- Any relevant information about the previous and current operation of the premises including, but not limited to complaints received by relevant authorities such as the Yarra City Council, Victoria Police, and the Victorian Commission for Gambling and Liquor Regulation.
- 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, and noise and amenity impacts are adequate.

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Application requirements

An application must be accompanied by the following information:

A site analysis plan detailing:

- The proximity of the licensed premises to residential properties and other sensitive land uses, 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 including the type of licensed premises in the area, the hours of operation and patron numbers.
- The location of off street car parks within the locality of the subject site, including the nature of any time restrictions.
- The location and hours of operation of any transport services including rail, tram, bus, taxis and ride sharing.

Site and floor plans detailing:

- Existing floor plans of all levels of the building(s) and outdoor areas on the site.
- Proposed floor plans of all levels of the building(s) and outdoor areas on the site including a calculation of floor areas in square metres, the use and patron capacity of all areas to be licensed, waste storage area, security lighting and any amplification or speaker system. Where applicable, the location of queuing areas, CCTV surveillance, areas where live performance is to occur, dance floor areas and smoking areas.
- A 'red-line plan' showing the public areas where alcohol will be sold and consumed. For packaged liquor, a 'red-line plan' is required showing where alcohol will be displayed for sale and where it will be sold.

A written submission including the following information:

- A description of the proposed use(s), the type of licence(s) sought, hours of operation, provision and hours of food service, seating ratios and the type of music and/or entertainment to be offered.
- 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.
- Details of waste management (including storage and hours of collection for general rubbish and bottles associated with the licensed premise), bottle crushers, and delivery times associated with the licensed premise.
- An assessment of all potential off-site impacts including identification of ways in which such impacts will be managed and mitigated.
- Where relevant, the views of the Victoria Police.

Where required, A Noise and Amenity Plan (NAAP) which must include 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 and off-site smoking areas (particularly where liquor may not be allowed to be sold and consumed within 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 different sections of the venue at different times.
- Details of the provision of music including the frequency and hours of entertainment provided by live bands and DJs.
- Any other measures to be undertaken to ensure no unreasonable amenity impacts from the licensed premises.
A NAAP is not required for an application for a restaurant (including a café) or a packaged liquor outlet.

Where required, an acoustic report prepared by a suitably qualified and experienced acoustician which must specify details of:

- All noise sources and methods to be undertaken to control noise emissions to 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.
An acoustic report is not required for an application for a packaged liquor outlet (any hours) or a restaurant (including a café) where the preferred hours of operation specified in this policy are met.

Where required, a written report which must demonstrate how each of the design elements of the *Design Guidelines for Licensed Venues* have been addressed in the layout, development and management plans for the premises.

- A written report is not required for an application for a restaurant (including a café) or a packaged liquor outlet.

Where required, a cumulative impact assessment, being either:

- An assessment against the guidelines specified in Planning Practice Note 61: *Licensed Premises: Assessing Cumulative Impact* where the site is identified within a “cluster” of licensed premises; or
- A statement explaining why a cumulative impact assessment is not required having regard to those sections of Practice Note 61: *Licensed Premises: Assessing Cumulative Impact* titled “When to use the guidelines” and “What is a cluster?”
- A cumulative impact assessment is not required for an application for a restaurant (including a café) (any hours) or a packaged liquor outlet where the preferred hours of operation specified in this policy are met.

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Reference documents

Public Place (2015) *Licensed Premises Policy - Background Document*

Department of Environment, Land, Water and Planning (2015) Planning Practice Note 61 - *Licensed premises: Assessing cumulative impact*

Victorian Commission of Gambling and Liquor Regulation (2017) *Design Guidelines for Licensed Venues*

Victorian Commission for Gambling and Liquor Regulation (2016) *Liquor Licensing Fact Sheet - Maximum Patron Capacity*

Department of Health (2012) *Reducing the alcohol and drug toll: Victoria's plan 2013-2017*

Inner City Entertainment Precincts Taskforce (2005) ‘*A good night for all' - options for improving safety and amenity in inner city entertainment precincts*

Council Plan 2017-2021