

**22.22**11/11/2010  
C141**POLICY FOR LICENSED PREMISES THAT REQUIRE A PLANNING PERMIT**

This policy applies to the consideration of all planning permit applications and amendments to permits that involve the sale and consumption of liquor in the municipality. The policy applies where a permit is triggered under Clause 52.27 of the Melbourne Planning Scheme or where a permit for a tavern, hotel or nightclub in the Capital City Zone and Docklands Zone is required.

**22.22-1**11/11/2010  
C141**Policy basis**

The City of Melbourne has approximately 1600 licensed premises across the municipality that provide opportunities for social interaction in the municipality and a vital night-time economy providing music, food and entertainment.

The Municipal Strategic Statement acknowledges that licensed premises contribute to the vibrancy and economic strength of the municipality. The Municipal Strategic Statement (at Clause 21.08-1) also acknowledges that some parts of the municipality (especially the Central City) are encouraged to develop as a “24 hour” precinct where a range of activities, including licensed premises are supported.

Well managed licensed premises contribute positively to the activity, appearance, character, and image of the area. Small licensed premises are particularly important to the vitality of the Central City as a 24 hour city.

The purpose of this policy is to provide guidance for new licensed premises and where existing licensed premises change their operation.

**22.22-2**11/11/2010  
C141**Objectives**

- To identify appropriate locations and trading hours for licensed premises.
- To manage the operation of licensed premises to minimise adverse impacts on the amenity of the area and maintain the positive character, image and function of the city.
- To ensure that the cumulative impacts of licensed premises are assessed where venues are clustered in the one location.

**22.22-3**11/11/2010  
C141**Policy**

It is policy that:

**Noise**

- The licensed premises should be operated to ensure that noise emissions from the premises:
  - will not have an unreasonable impact on the amenity of the surrounding area;
  - comply with the standards as specified in the State Environmental Protection Policies; and
  - are regulated and monitored, making use of noise limiters where appropriate.
- Where noise attenuation measures are required, ie. Limiters, these should be installed by a suitably qualified person to prevent the attenuation measures being easily tampered with or altered.
- Noise impacts associated with waste management and bottle crushing should be minimised by incorporating measures such as:
  - On site storage of waste;
  - The use of on-site bottle crushers within noise proof enclosures; and
  - Limiting waste collection before 7am and after 9pm or earlier when licensed premises is closed.

### **Patron numbers**

The maximum number of patrons permitted in a licensed premise should be limited to manage any unreasonable impact on the amenity of the surrounding uses and area and the maximum occupancy capacity of the premises, as determined by the Building Act 1993.

### **Hours of Operation**

Applications to extend operating hours beyond the hours otherwise specified for indoor and outdoor areas within this policy will only be supported where the further extension of hours will not unreasonably impact on the amenity of the surrounding area.

### **Capital City Zone and Docklands Zone**

- Taverns, hotels and nightclubs which accommodate less than 100 patrons and which have appropriate noise attenuation will be encouraged throughout the Capital City Zone and Docklands Zone.
- Hours of operation of taverns, hotels and nightclubs in the Capital City Zone and Docklands Zone should be limited to 1am
- Outdoor areas, including smoking areas, rooftops and open courtyards, should not be occupied past 1am and in noise sensitive areas alcohol should not be consumed in those areas after 11pm.

### **Residential 1 and 2 Zones**

- New licensed premises are discouraged from locating in the Residential 1 Zone.
- Operating hours beyond normal business hours (9am – 6pm) for licensed premises in the Residential 1 Zone beyond will be discouraged.

### **Mixed Use Zone**

- New licensed premises are discouraged in the Mixed Use Zone where the predominant surrounding land use is residential.
- Hours of operation of licensed premises in the Mixed Use Zone should be limited to 11pm.

### **Business Zones**

- Hours of operation of licensed premises in the Business Zones should be limited to:
  - 11pm if the licensed premise is within 30 metres of a residential zone;
  - 1am elsewhere.
- Outdoor areas, including smoking areas, rooftops and open courtyards, should not be occupied past 1am and in noise sensitive areas alcohol should not be consumed in those areas after 11pm.

## **22.22-4**

11/11/2010  
C141

### **Application Requirements**

An application for the establishment of a new licensed premise or the extension of existing licensed premises should be accompanied by the following information, as appropriate:

#### **Plans**

- Location plan showing the proximity of the premises to other licensed premises.
- Location Plan showing the location of properties used for sensitive uses in direct line of sight and within 100m of the site. Details of doors, windows and open space areas should be shown.
- Site plan showing all areas likely to be used by patrons including areas outside the boundaries of the site i.e. public spaces or footpaths.
- Site plan showing car parking layout (if parking is to be provided).
- Plan showing the existing and proposed internal layout of the premises.

- Plan showing the locations of all doors and windows within the premises.
- Plan showing the total numbers of patrons to be accommodated on the premises and the allocation of these patrons to identified areas.

**Written Submission**

- Licensed premises operating after 11pm are required to demonstrate how amenity impacts would be addressed, including the potential for cumulative impacts where there are existing late night venues in the locality.
- Applications for a tavern, hotel and/or nightclub should provide a Management Plan, which should include the following:
  - Hours of operation for all parts of the premises.
  - Details of the provision of music.
  - Security arrangements including hours of operation and management to minimise queues outside the venue.
  - Entry and exit locations.
  - Pass-out arrangements.
  - Training of staff in the management of patron behaviour.
  - A complaint management process.
  - Management of any outdoor areas to minimise impacts on the amenity of nearby properties.
  - Management of patrons who are smoking.
  - Lighting within the boundaries of the site.
  - Security lighting outside the premises.
  - General rubbish storage and removal arrangements, including hours of pick up.
  - Bottle storage and removal arrangements, including hours of pick up.
  - Noise attenuation measures including the use of noise limiters.

**22.22-5**

11/11/2010  
C141

**Decision Guidelines**

Before deciding on an application, the responsible authority must consider, as appropriate:

**All applications**

- Zoning and use of the land.
- Site characteristics.
- Nature and use of surrounding land including;
  - Proximity of the site to sensitive uses.
  - Proximity of the site to other licensed premises including details of the nature of licensed premises, their hours of operation and maximum patron numbers.
- The location of doorways, windows and other noise sources on the premises with respect to nearby residential properties.
- Location of outdoor areas to be used in association with the licensed premises, including outdoor smoking areas, beer gardens and terraces.
- Specific nature of the proposed use including details of activities and entertainment to be provided.

## MELBOURNE PLANNING SCHEME

- Proposed hours of operation.
- The number of patrons likely to be on the premises at any time.
- Potential effect of the use on the amenity of the surrounding area including the ability to comply with relevant noise standards and whether noise attenuation measures are required.
- Whether bottles and waste are able to be stored within the premises until 7.00am and the adequacy of removal arrangements.
- Availability of sufficient car parking.
- Proximity of or access to public transport and taxis.
- The cumulative impact of any existing and the proposed liquor license, the hours of operation and number of patrons, on the amenity of the area.

### **Extensions to existing licensed premises**

- For applications to extend the licensed area and/or trading hours of existing licensed premises, regard shall also be given to the following:
  - The views of relevant authorities.
  - Relevant information including complaints and problems with the premises, breach of planning or liquor license permit conditions.
  - The conditions of the existing liquor license or planning permit controlling noise, security, patron numbers and hours of operation.