

Responsible Directorate	Development Services
Responsible Business Unit/s	Statutory Planning
Responsible Officer	Manager Statutory Planning and Compliance
Affected Business Units	Statutory Planning

Objectives

- To provide guidance for the assessment of development applications for licensed premises, through defining those relevant planning matters which relate to a merits based planning assessment;
- To protect and promote good levels of safety and amenity in our community centres;
- Good location, siting, design and interface of licensed premises with surrounding development and public spaces, that do not adversely impact the character of the Shire.

Scope

This Policy applies to any licensed premises' within all zones under TPS2 including, but not limited to:

- Taverns;
- Restaurants;
- Hotels;
- Nightclub;
- Shop;
- Liquor Stores (small or large format including drive throughs);
- Small Bar; and
- Any other premises prescribed by the Department of Racing, Gaming and Liquor (DRGL).

Policy

Merit based development assessments, which involve the exercise of discretion, are to have due regard to the matters listed under Clause 67 of the Deemed Provisions. More specifically, where such matters have the potential to manifest in a detrimental physical impact on amenity, it becomes a relevant consideration to that merits based assessment process.

The purpose of this policy is to provide guidance and assessment principles for licensed premises, to assist in protecting and promoting the intended levels of safety and amenity of localities.



Development Application Requirements

All development applications for licensed premises, together with the requirements under the application form checklist, should include an Operational Management Plan detailing the following:

- How the licensed premises would operate;
- Hours of operation;
- External advertising and signage;
- Information about nearby licensed premises;
- Information about sensitive premises, nearby residents and how these are considered in planning and design.

Provisions

Location

1. Proposals should be located at least 200m from existing or proposed sensitive premises. However, where proposed to be located within 200m, consideration of the following is required:
 - i. Orientation of design and frontage of development;
 - ii. Whether signage and advertising is visible;
 - iii. Whether the development forms part of a broader mixed-use development.
2. Licensed premises should be located in proximity to public transport facilities, and be integrated in respect of such facilities (linked with safe, well-lit footpaths, good signage).

Design

1. Encourage safety in design that:
 - i. Avoid building design that creates unsafe, dark and/or unobserved spaces in the surrounding setting of the building, and in pathways to and from the building;
 - ii. Promotes clear and well defined customer entry and exit points, customer car parking areas, public transport locations, and surrounding pathway;
 - iii. Encourage the food and beverage components of licenced premises as important to bringing a positive effect on the vibrancy of centres, and the creation of public life and enjoyment within centres.
 - iv. Promote building orientation and design to create active street frontages, to help enlivening centres.



2. The form and external appearance of buildings should be responsive to local character.
3. Discourage large expanse of blank walls on important frontages, and instead encourage these buildings to have a public face that is organised for the benefit of the street.
4. Encourage large expanses of glazing at street level and upper levels to promote surveillance of the street, as well as upper level balconies.
5. Access to the building should be from the active frontage and access from back lanes must be avoided. Building edges should provide at least one full active edge to the street, two aesthetic edges and no more than one service (loading/unloading/drive-through/waste management) edge.
6. The location of car parking should not obstruct surveillance of the premises. Car parking areas must be lit and have pedestrian priority designed in their layout and choices for landscaping.
7. Boundary treatments must be visually permeable where there is an urban design imperative for passive surveillance.
8. Outdoor seating areas should be suitably located to manage noise emissions to residential development/sensitive premises, and should seek to be located on the northern aspect of a development, in order to promote year round enjoyment and activity.
9. Bin storage areas should be screened and be inaccessible to the public.
10. Signage should be integrated into the design of the building and be externally illuminated.
11. Drive throughs should be located and designed to prioritise pedestrian movement within the site and be visually integrated and compliment the design of surrounding buildings.

Noise

To address noise impacts from a proposed licensed premises, the Shire may require the submission of an acoustic report, (prepared by a suitably qualified acoustic consultant), demonstrating that the noise likely to be emitted will comply with the *Environmental Protection (Noise) Regulations 1997 (Regulations)*, unless otherwise exempt. The report should indicate the likely noise emissions and what measures will be needed to control noise emissions from the premises, in accordance with the requirements of the *Regulations*.

Noise is considered unreasonable if the allowable levels in the Regulations are exceeded or if deemed to interfere directly or indirectly with the health, welfare, convenience, or comfort of any person in any premises. A noise management plan may also be required to ensure noise impacts on sensitive receivers is managed appropriately. This should contain the recommendations of the acoustic report as deemed necessary.

In addition to any restrictions on trading hours imposed by the DRGL, the Shire may impose further restrictions to trading hours in order to protect residential amenity.



Definitions

‘Sensitive premises’ a premises involving vulnerable people including but not limited to uses such as; schools, youth centres, child minding centres and health care facilities.

Relevant Policies/Council Documents

- Strategic Community Plan 2017 - 2027

Legislation/Local Law Requirements

- *Local Government Act 1995*
- *Planning and Development Act 2005*
- *Planning and Development (Local Planning Schemes) Regulations 2015*

Office Use Only				
Relevant Delegations				
Council Adoption	Date		Resolution #	
Reviewed/Modified	Date		Resolution #	
Reviewed/Modified	Date		Resolution #	