

ATTACHMENT 7 POST EXHIBITION LEICHHARDT DCP 2013 AMENDMENTS

Note: The proposed amendments are shown in red font and post exhibition changes shown in blue

C4.11 LICENSED PREMISES ~~AND SMALL BARS~~

Background

This section applies to all development that is licensed premises under the *Liquor Act 2007*, including a Pub, ~~licensed Hotel with a bar area~~, Registered Club, ~~Small Bar~~ or Restaurant or Café in the area to which the Leichhardt Development Control Plan 2013 applies. ~~Licensed premises are split into "low impact" premises and those that are not low impact.~~

The term 'low impact premises' refers to ~~any of the following premises:~~

- a) a hotel within the meaning of the *Liquor Act 2007* that has a capacity of 120 patrons or less and is designated as a general bar licence;
- b) premises that have a capacity of 120 patrons or less where the primary purpose is the sale or supply of liquor for consumption on the premises;
- c) a development with an on-premise (restaurant) liquor licence (with primary service authorisation) within the meaning of the *Liquor Act 2007*;

Objectives

- O1 To ensure that development, including the cumulative impact of development:
 - a. is compatible with the distinct village character of Leichhardt's centres;
 - b. is of a scale, form and design that is compatible with the character of the neighbourhood;
 - c. ensures a high level of safety and security;
 - d. does not have significant adverse amenity impacts on the neighbourhood, considering:
 - i. location and context of the premises, including proximity to sensitive and residential land uses;
 - ii. primary and secondary uses of the premises and the proposed hours of operation;
 - iii. surrounding business uses and the predominant business hours of the area;
 - iv. size and capacity of the premises;
 - v. operation of the premises during day time hours;
 - vi. strength of the plan of management and its ability to manage potential impacts on surrounding areas;
 - vii. safety, security and crime prevention measures; and
 - viii. public transport arrangements.
 - e. ensures large venues are not concentrated; and
 - f. provides for the development of innovative small bars in appropriate locations that enhance Leichhardt's vibrancy and night-time economy and promote Leichhardt's centres

as unique, innovative, culturally diverse and low impact entertainment destinations of choice.

Controls

C1 Amenity

To ensure that the use does not have significant adverse impacts on the amenity of adjoining sensitive and residential uses by:

- a) keeping all doors and windows on premise's building elevations that face sensitive or residential uses closed after 10pm, other than to allow entry and exit.
- b) if premises have entrances on more than one street frontage only those on the main frontage should be used after 10pm.
- c) ensuring that the premises can be adequately ventilated and provided with the appropriate emergency access in accordance with the Building Code of Australia when restrictions under Parts C1a) & (b) above are operational.

Plans of Management for Low Impact Premises

C2 Any development application for low impact premises that will operate after 10pm must be accompanied by a Plan of Management that demonstrates compliance with the objectives of this part and includes the following information.

a) site

- i. location of the site;
- ii. all primary and secondary uses of the premises;
- iii. summary of surrounding premises that operate up until or beyond midnight;
- iv. plans that show the location of external doors, windows and other openings.
- v. any other relevant site details as determined by Council.

b) operational:

- i. type and number of staff that will be employed on premises;
- ii. the procedures for minimising and managing waste that is generated on site and how and when waste will be collected.
- iii. a description of measures taken to attenuate smell, fumes, vapour, soot, ash, dust, waste water, waste products, grit, oil or otherwise.
- iv. a description of any other measures taken to attenuate possible impacts on amenity that may arise from the operation of the premises.

c) security and safety

- i. details of the measures that are to be employed to ensure the safety of patrons.
- ii. details of measures to manage patron behaviour after 10pm when leaving the premises, and for managing customers in and outside the premises at all times.

d) trading Hours

- i. details of the proposed opening hours for each day of the week;

e) noise

- i. a description of all measures taken to attenuate noise and vibration impacts on adjoining properties and of how such measures will be implemented.

- ii. Identification of 'active areas' adjacent to, but outside the boundaries of the premises used for associated activities such as outdoor seating, footway dining, patron queuing and parking;
- iii. Identification of the primary pedestrian routes to and from the premises.
- iv. Transfer of waste, particularly glass, to outdoor garbage/recycling facilities must not occur after 10pm if the premises are within 50m of residential or sensitive land uses.

C3 Plans of Management for Non-low Impact Premises

A development application for a licensed premises which is not defined as a 'low impact premises' ~~new licensed premises or an addition to an existing licensed premises~~ is to be supported by a Plan of Management that demonstrates compliance with the objectives of this part and includes the following information:

- a. site
 - i. location of the site;
 - ii. all primary and secondary uses of the premises;
 - iii. summary of surrounding premises that operate up until or beyond midnight;
 - iv. plans that show the location of external doors, windows and other openings.
 - v. any other relevant site details as determined by Council.
- b. operational
 - i. the number and type of staff that will be employed on the premises;
 - ii. methods employed to meet responsible service of alcohol (RSA) requirements as set by the Office of Liquor, Gaming and Racing;
 - iii. a copy of a house policy that describes the measures to minimise harm associated with alcohol consumption to ensure the responsible service of alcohol;
 - iv. description of appropriate signage to be erected, including an external sign with a 24 hour contact number for management for the use of members of the public concerned about operation of the premises;
 - v. food service arrangements;
 - vi. waste management procedures, including location of all *waste storage* and disposal areas, hours of cleaning and similar activities.
 - vii. description of any cleaning and other after hours activities.
 - viii. identification of 'active areas' adjacent to, but outside the boundaries of the premises used for associated activities such as outdoor seating, footway dining, patron queuing and parking; and
 - ix. identification of the primary pedestrian routes to and from the premises.

- c. security and safety
 - i. details of the measures that are to be employed to ensure the safety of patrons and methods to ensure the orderly behaviour of patrons both in and outside the subject premises, including:
 - o crowd control procedures;
 - o emergency procedures;
 - o monitoring of patrons;
 - o security patrol routes;
 - o security lighting details;
 - o surveillance;
 - o queue locations and management procedures;
 - o 'wind down' and closure procedures, including procedures for closure of outdoor areas; and
 - o any other relevant security or safety procedures or measures;
 - I. number and location of security personnel to be employed;
 - II. the designation of a member of staff to be responsible for security at all times; and
 - III. details of where an Incident Book will be kept and how and when it will be filled out.
- d. trading hours
 - i. details of the proposed opening hours for each day of the week; and
 - ii. for existing premises, details of current trading hours for each day of the week.
- e. noise
 - i. details of all measures used to attenuate noise and vibration created as a result of operation of the premises including:
 - o a noise complaints process and noise control strategies that will be implemented to minimise the potential for complaints (for example liaison arrangements with neighbours and local police, maintaining a complaint register etc)
 - o for minimising noise from outdoor areas such as rooftops, courtyards, balconies; and
 - o for noise limiting devices to be installed.

Note that L10 may be taken as the average maximum deflection on a sound level meter.

- f. transport
 - i. details of measures to be taken to ensure the availability of public transport or other alternative modes of transport to patrons leaving the premises at closing times.

~~Note: Council may reduce the reporting requirements of a Plan of Management in certain circumstances for lower impact uses.~~

Trading hours and trial periods for all licensed premises

- C4 Development applications will be considered against the provisions in Council's Live Music Venues Good Neighbour Policy.
- C2 Trading hours outside 'late night trading areas' as identified in Appendix F – Late night trading maps of this Development Control Plan are limited to the following:
- a. for restaurants and cafes:
 - 8am till 10pm. Trading outside these hours will be considered on their merits.
 - b. for all other licenced venues, ~~including small bars, hotels and nightclubs~~:
 - 10am till 10pm. Trading outside these hours will be considered on their merits,
- Note: Liquor licensing requirements may specify more stringent or lenient trading hours. Restrictions on liquor licenses do not override trading hours outlined on Development Consents issued by Council.*
- C3 Trading hours within '**late night trading areas**' as identified in Appendix F – Late night trading maps of this Development Control Plan are limited to the following:
- a. for restaurants and cafes:
 - 7am to 12 midnight, Thursday, Friday and Saturday;
 - 7am till 11pm Sunday, Monday, Tuesday and Wednesday;
 - Trading outside these hours will be considered on their merits.
 - b. for all other licenced venues, ~~including small bars, hotels and nightclubs~~:
 - 10am to 12 midnight, Monday, Tuesday, Wednesday and Sunday;
 - 10am to 1am (the following morning), Thursday, Friday and Saturday;
 - Trading outside these hours will be considered on their merits.
- C4 Note: Liquor licensing requirements may specify more stringent or lenient trading hours. Restrictions on liquor licenses do not override trading hours outlined on Development Consents issued by Council ~~despite C2 and C3 above.~~
- C5 Where premises are within 50m of residential properties, any outdoor seating area should cease trading and use by 10pm except where the seating is fronting a main commercial street. Outdoor seating areas should not be used for functions at any time and music, live or amplified should not be audible outside the premises.
- C6 Council may consider extended trading hours beyond the times specified in **C2 and C3** above on Thursday, Friday and Saturday nights where it is demonstrated the proposed hours will not have an adverse impact on the amenity of the surrounding area.
- C7 Licensed premises seeking extended trading hours will be subject to a trial period of 12 months, after which a further application is required to be submitted to Council to assess whether extended trading hours can be approved for a five year period, for a further trial or are not supported.

- C8 If Council determines a trial period to be satisfactory, the licensed premises must lodge a DA every 5 years to renew the extended trading hours.
- C9 If Council determines a trial period to be unsatisfactory, trading hours for the licensed premises will revert back to the trading hours specified in C2 and C3 of this part (depending on the sites location), or the trading hours approved for the premises prior to the commencement of this Development Control Plan.
- C10 A renewal or extension of extended trading hours will only be permitted if Council is satisfied that the Licensed premises has complied with a Plan of Management and has demonstrated satisfactory management and safety practices following the completion of a trial period.

C1.11.1 General Vehicle Parking Rates

Note: When calculating parking spaces numbers, you are to use the next whole number (i.e. if the parking rate for a land use is calculated to be 2.3 spaces, the physical number of spaces to provide in a development is 3 spaces).

Table C1: General vehicle parking rates

Parking Rates				
Land Use	Residents		Visitors	
	Minimum	Maximum	Minimum	Maximum
Residential				
Single dwelling house	Nil	2 spaces per dwelling house	Nil	Nil
Bed-sit / Studio	Nil	0.5 space per dwelling	1 space per 11 dwellings	0.125 spaces per dwelling
1 bedroom unit	1 space per 3 dwellings	0.5 space per dwelling	1 space per 11 dwellings	0.125 spaces per dwelling
2 bedroom unit	1 space per 2 dwellings	1 space per dwelling	1 space per 11 dwellings	0.125 spaces per dwelling
3+ bedrooms unit	1 space per dwelling	1.2 spaces per dwelling	1 space per 11 dwellings	0.125 spaces dwelling
Land Use	Staff		Visitors	
	Minimum	Maximum	Minimum	Maximum
Amusement centre	Nil	0.4 spaces per staff 0	Nil	0.2 spaces per machine plus 1 space per pool/snooker table
Hotel or motel accommodation	1 space per 5 staff	1 space per 4 staff	1 space per 5 bedrooms	1 space per 4 bedrooms
Service station	1 space per 4 vehicle repair bays for staff	1 space per 3 vehicle repair bays	1 space per 80m ² for ancillary retail	1 space per 50m ² for ancillary retail
Land Use	Pick up/ drop off (minimum)	Loading zone / visitors (minimum)	Staff parking (minimum)	
Child care centre (Refer to note 1)	2 spaces (Refer to note 2)	1 space	1 space per 30 children	
Land Use	Staff & Visitors Combined			
	Minimum		Maximum	
Bulky goods premises	1 space per 125m ²		1 space per 100m ² GFA	
Business premises	1 space per 100m ²		1 space per 60m ²	
Office premises	1 space per 100m ²		1 space per 80m ²	
Health consulting rooms	2 spaces per 3 consulting rooms		2 parking spaces for every consulting room	

Medical centre	2 spaces per 3 consulting rooms	2 parking spaces for every consulting room
Licensed Hotel, Pub or Registered Club	1 space per 6 staff and 1 space per 30 patrons	1 space per 3 staff and 1 space per 10 patrons
Industry	1 space per 250m ² Note: Retailing associated with industrial developments will be assessed at the same rate as “shops” (i.e. 1 space per 50 m ² (min) and 1 space per 50 m ² (max))	1 space per 150m ²
Vehicle sales or hire premises	1 spaces per 300m ² <i>site area</i>	1 space per 200m ² <i>site area</i>
Place of public worship	1 space per 50m ²	1 space per 40m ²
Small Bars, Restaurants or cafes	1 space per 80m ² . If the premises are located on a “ <i>Recognised Shopping Street</i> ” the first 50m ² are exempt from parking provision. (Refer to note 3)	1 space per 50m ²
Educational establishment (non-tertiary)	1 space per 4 staff and pickup/drop off facility for parents/carers	1 space per 2 staff and pickup/drop off facility for parents/carers
Educational establishment (tertiary)	1 space per 4 staff for staff + 1 space per 25 full-time students for students	1 space per staff + 1 space per 15 full-time students
Shops / supermarkets	1 space per 50m ² If the premises are located on a “ <i>Recognised Shopping Street</i> ” the first 50m ² are exempt from parking provision (Refer to note 3)	1 space per 50m ²
Take away food or drink premises	1 space per 100m ² If the premises are located on a “ <i>Recognised Shopping Street</i> ” the first 50m ² are exempt from parking provision (Refer to note 3)	1 space per 100m ²
Warehouse or distribution centre	1 space per 300m ²	1 space per 250m ²
Entertainment facility	Car parking will be calculated on the specific characteristics of the facility/venue and hours of operation.	

Notes in relation to table C4: General vehicle parking rates

1. A parking study is required when more or less parking spaces (than the minimum required number) are proposed;

2. *Drop-off/pick up facilities for Child Care Centres may be located kerbside subject to appropriately satisfying the following:*
 - a. *suitable kerbside availability at times relevant to the child care centre;*
 - b. *being located immediately adjacent to the child care centre and on the same side of the street as the centre;*
 - c. *a suitable safe footpath is available between the spaces and the centre;*
 - d. *traffic activity on the subject street does not create an unsafe environment for drop-off/pick-up activity;*
 - e. *the spaces represent best practice in parking design and placement including reference to Safety by Design principles including sightlines, accessibility and opportunities for passive surveillance.*
 - f. *spaces may be timed (i.e. 15 minute parking) at peak movement times of the day.*
3. *Several specific land uses within recognised shopping streets have an exemption applied for the first 50 m² in the “minimum” category. The exemption is based on an assumption that 50 m² represents a minimum basic space in a main street premise, such as a shop or café, and is aimed at recognising the walk-up potential of the locations. Refer to ~~Control No. 15~~ section C1.11.7 within this section of the Development Control Plan.*

(“Recognised shopping streets” are: Norton and Marion Streets Leichhardt, Darling Street and Balmain Road Rozelle, Darling Street Balmain, Johnston and Booth Streets Annandale, Parramatta Road Leichhardt and Annandale).
4. *The ‘maximum’ parking rates are provided in Table C4 to provide limits as a move towards reducing private car dependency.*
5. *Occupants of new developments in existing Parking Permit Areas will not be eligible for resident or business parking permits.*
6. *Floor space is calculated as Gross Floor Area (GFA) unless otherwise specified.*
7. *Clause C23 above requires 5% of the above requirements to be provided as motor bike parking.*