Manly

Development Control Plan for

Late Night Venues 2005

Manly Council
December 2005

Date of Adoption: 19 December 2005
Date of Enforcement: 20 December 2005
Public Exhibition: 28 August 2005—28 September 2005
Updated February 2008

CPS3567/2007

Important Notes

1. Applicants should bear in mind that all development will have an impact on the surrounding area and that the opinions of surrounding neighbours (on planning grounds) will be considered and may lead to changes to their scheme.

   It will be advantageous to consult with adjoining and potentially affected nearby residents prior to submission of a Development Application (DA).

2. All DAs are assessed under the Matters for Consideration' contained in Section 79C of the Environmental Planning and Assessment Act, 1979 (as amended).

3. This Development Control Plan (DCP) is one of the 'Matters of Consideration' taken into account prior to determination of a DA.

4. Applicants should also have regard to the:
   - Statutory controls of the Manly Local Environmental Plan 1988 (as amended) (LEP) – this includes zonings, permitted uses, exempt and complying development, Foreshore Scenic Protection Area, heritage items, conservation area, and other controls.
   - DCP for the Residential Zone.
   - DCP for the Business Zone 1989. (as amended)
   - DCP for Advertising Signs 1993. (as amended)
   - DCP for Energy Efficient Buildings 1998. (as amended)
   - DCP for Access 1996 incorporating the Manly Access Policy. (as amended)
   - Manly After Midnight Policy 2005.
   - Manly Town Centre Urban Design Guidelines 2002. (as amended)
   - Balgowlah Shopping Centre Urban Design Controls 1999. (as amended)
   - Balgowlah Shopping Centre Urban Design Plan 1999. (as amended)
   - Manly Section 94 Contribution Plan 2004.

If you have any questions regarding this DCP, please contact:

Environmental Services Division
on 9976 1500
Monday - Friday 8.30am - 5.00pm

Purpose: This development control plan is to regulate the activities and design of late night venues in Manly.

Definition: Late-night venues includes but is not limited to hotels, clubs, nightclubs, restaurants and premises which have a liquor license, fast food outlets and take away food shops that propose to trade after 10.00pm.

Area to which DCP applies:

The principal area to which this DCP applies is the Entertainment Precinct shown on the map at Appendix 1. However existing hotels and other late night venues outside the proposed Entertainment Precinct boundaries as mapped are also included.

Objectives: The objectives of this DCP are;

- to promote the CBD of Manly as a safe place for all the community late at night.
- to minimize disturbances to the public late in the evening and extending into the early morning hours.
- to have the Entertainment Precinct recognized as a place where people can be safely entertained and socialize without disturbing the peace of the community.
- to achieve an image for Manly as a place of excellence in terms of safety and security while enabling the enjoyment of recreational pursuits.
- to provide for all members of the community to use and enjoy the highly valued natural amenity qualities of the Manly CBD has a place for leisure and entertainment.
- to regulate late night venues to achieve the other objectives of this DCP.

Controls:

Intensity of development

In order to provide diversity it is proposed to limit the number of patrons which attend late-night licensed venues within the Entertainment Precinct.

Within the Entertainment Precinct the total number of patrons capable of being accommodated within Late Night Venues shall not exceed 8000 persons. Exceptions to this will only be granted where Council is satisfied that the existing levels of adverse impact will not be added to nor detract from opportunities to provide a diverse range of alternative entertainment activities.

Hours of operating:

Hotels 5.00am to 2.00am, with a 12.30am restricted entry policy.

Nightclubs 5.00am to 2.00am

Restaurants to 1.00am

Food outlets to 1.00am

Noise Control:

Applications shall be accompanied by evidence that the following requirements will be met:

The La10* noise level emitted from the licensed premises shall not exceed the background of noise level in any Octaves Band Centre Frequency (31.5Hz - 8k Hz inclusive) by more than 5dB between 7.00am and 12 midnight at the boundary of any affected residence.

The La10* noise level emitted from the licensed premises shall not exceed the background noise level in any Octave Band Centre Frequency (31.5Hz - 8k Hz inclusive) between 12 midnight and 7.00am at the boundary of any affected residence.

Notwithstanding compliance with the above, the noise level from the licensed premises shall not be audible within any habitable room in any residential premises between the hours of 12 midnight and 7a.m.

(For the purposes of condition, the Lab can be taken as the average maximum deflection of the noise emission from the licensed premises).

Security:

The proprietor of a Late Night Venue shall enter into arrangements with Council for the provision of late night security of the premises and the adjacent public areas.

Access to Public spaces:

Frontages to public spaces shall be designed to minimize conflict between customers within the establishments and public using the pubic spaces.

Balconies & Roof Top Areas:

Balconies and outside roof top areas shall be closed to patrons from 10pm until 8.00am.

Social Impact:

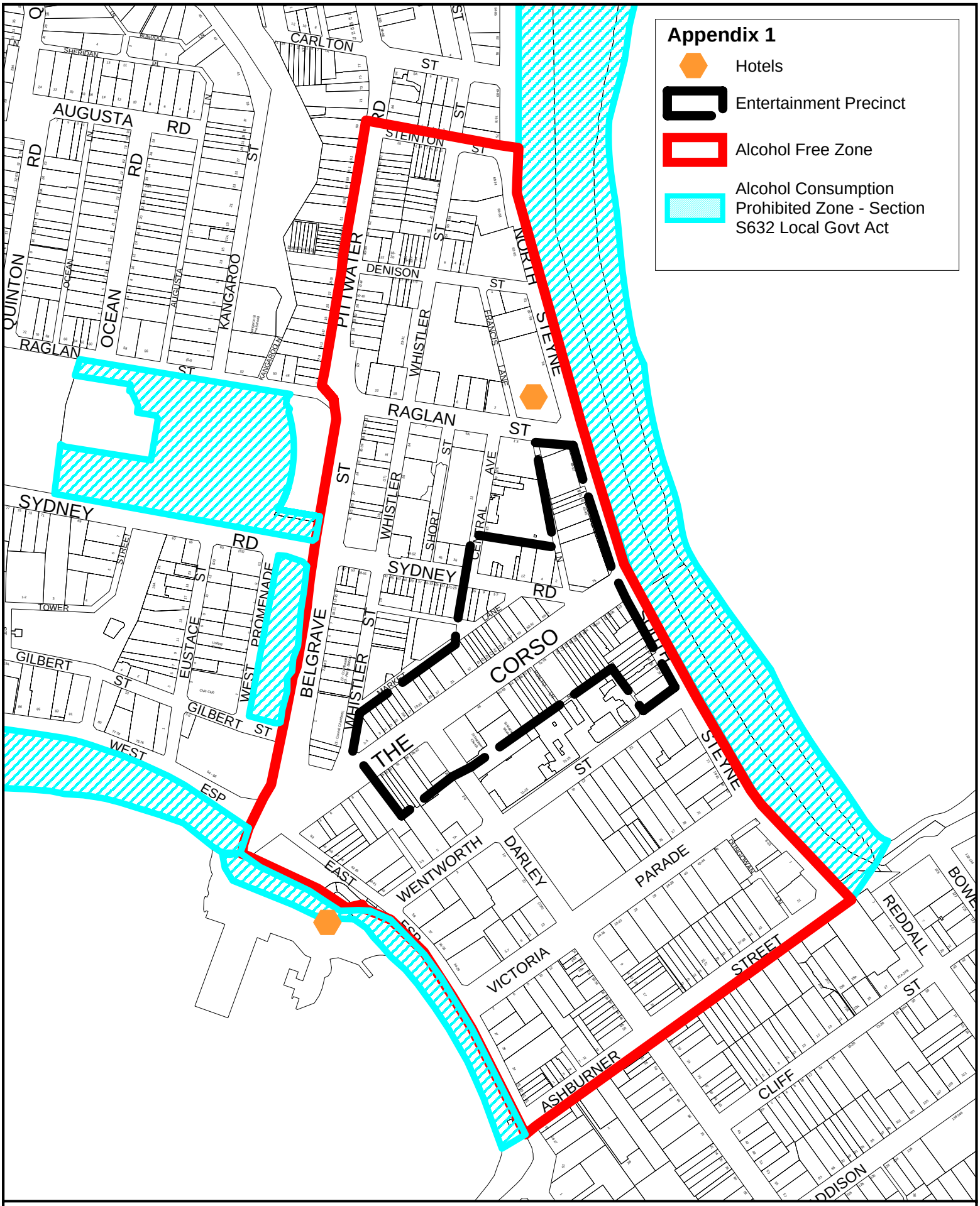
All applications for late night venues must be accompanied by a Social Impact Statement (SIS). The SIS is to demonstrate that the premises will not detract from the safety and security of the Entertainment Precinct and as a place which is acceptable for families.

Liquor Accord:

Proprietors of the licensed premises shall be a financial member of the Manly Liquor Accord and conform to the obligations of that Accord in minimizing anti social behaviour and adverse effects of excessive alcohol consumption.

Design:

Applications shall demonstrate how the design and operation of licensed venue has taken into account the “Alcohol & Licensed Premises: Best Practice in Policing” manual, especially, those relating to physical environment of licensed premises – see tables 3.1 & 3.2. in Appendix 2. Licensed Drinking Environments: Physical and Regulatory Issues “ (*Doherty & Roche, 2003*).



Entertainment Precinct within Alcohol Free Zone Manly CBD

Appendix 2 - Licensed Drinking Environments: Physical and Regulatory Issues.

Table 3.1: Internal and External Factors of the Physical and Social Environment of Licensed Premises that Impact on Alcohol-Related Harms

	Physical Environment Factors	Regulatory Factors
Internal	Crowding Entertainment Lighting Seating Bar placement Drinks containers Bar size Ventilation Air-conditioning Entrances and exits Cleanliness Physical hazards Provision of food	Intoxication Drinks promotions Social mix Patron type (age, gender) Permissive attitudes Attitudes re drunken deportment Licensed venue policies and practices Crowd controller/door staff behaviour and practices Bar staff behaviour and practices Management practices and policies Police activities and responses Enforcement of legislation
External	Road design Rubbish bins Location of public phones Location of amenities Location of cab ranks Location of bus facilities Number of taxi ranks Cleanliness of environment Design of city, town or entertainment centre Number of licensed venues Density of licensed venues Number and type of other businesses Operating hours of licensed venues Lighting CCTV Location of fast food outlets Proximity of licensed premises to domestic premises	Visibility of police Communication between security personnel and police Behaviour of licensed premises security staff Behaviour of police Enforcement activities of police Dry zone Type of licensed premises (mix) Enforcement of legislation

Table 3.2: Reducing Alcohol-Related Harms Associated with the Physical Environment of Licensed Premises

Issue	Response
Crowding	• consider design of licensed premises when determining maximum patron numbers • comply with patron numbers as per liquor licence to reduce crowding • design/re-design of premises to assist traffic flow and prevent congestion in high traffic areas • set and adhere to minimum staff to patron ratios for bar, management and security staff • monitor patron numbers and limit or eliminate pass outs to assist compliance with patron numbers • remove or limit physical barriers such as seats and tables in high traffic flow areas

	• display signage regarding maximum capacity • incorporate monitored CCTV surveillance into licensed premises design to identify problems and assist investigation of serious offences • seek planning opinions from local council, health and other providers
Lighting	• ensure visibility of all areas and patrons • balance lighting so bright light will not act as an irritant and low light will not encourage offending
Ventilation	• ventilate premises to remove smoke • use effective climate control to prevent premises from becoming too hot • limit smoking to well ventilated areas (or eliminate smoking inside licensed premises)
Bars	• ensure accessibility • ensure placement does not interfere with passage of traffic • raise bar areas so staff can view patron behaviour to minimise risk of harm • increase size or number of bar areas to limit congestion • replace traditional glassware with tempered glass
Staffing	• ensure availability of sufficient staff to manage the number of patrons • establish communication systems to help staff seek and provide assistance with problems • establish communication systems to enable communication of problems and potential problems to police and nearby licensees
Cleanliness	• ensure toilets are clean, accessible and regularly monitored by security staff • ensure cleanliness of bathroom, food preparation areas, eating facilities and bars
Physical hazards	• remove obstacles such as stairs to bathroom facilities and between bars • eliminate seating in high traffic areas such as around bars, on or near dance floors • provide areas for patrons to relax • ensure seating does not interfere with walkway and dance areas • ensure placement of street furniture does not create a hazard • provide and highlight emergency exits • provide drink containers that minimise risk of harms in violent and disorderly incidents
Urban design	• design roads and footpaths to reduce risk of pedestrian injuries • provide public phones to enable calls for assistance, for example to emergency services, relatives/friends or for transport • provide toilets in well-lit and monitored areas • locate taxi ranks and bus stops close to licensed premises to assist crowd dispersal and reduce chances of victimisation, pedestrian accidents and drink driving • reduce density of licensed premises to limit 'pub-hopping' • consider proximity of licensed venues to residential premises, businesses and restaurants and their impact on economic viability and potential for harm and discomfort amongst users of these areas • ensure lighting deters congregation and builds a sense of personal safety incorporate monitored CCTV to deter offending • ensure fast food outlets do not become a congregating place for intoxicated people • ensure operating hours do not adversely affect residential comfort and safety

Source: *Alcohol & Licensed Premises: Best Practice in Policing* (Doherty & Roche, 2003)