

LATE NIGHT ENTERTAINMENT VENUES SERVING ALCOHOL

OBJECTIVE

This policy establishes guidelines for the consideration of development, including extensions to buildings, and uses for late night entertainment venues serving alcohol with specific reference to night-clubs. This policy does not cover restaurant proposals which are dealt with separately¹.

POLICY

1. General Provisions For All Late Night Venues Which Propose To Serve Alcohol

1.1 Location

Due to access and safety issues, any proposal for a late night entertainment venue (serving alcohol), including hotels, night-clubs, jazz and piano bars and performing arts centres, should be located on land adjacent to well-lit through streets to enable adequate safety and access for taxi cabs. Ideally a loading zone or similar shall be located near the entrance to the building to allow for private vehicle drop off and pick up as well as pre-ordered taxi travel. Amenity and safety considerations may preclude narrow or quiet streets from this type of development.

A provision for a queuing area at the entry of the venue is required on site if admission fees or other line up situations are proposed for the venue.

If this is not possible Council may consider a site adjacent to a footpath of 3 metres minimum width (from the kerb to the entrance of the property).

Proximity of proposed late night entertainment facilities (serving alcohol) to residential development shall form a significant part of the assessment of the applications as, in general, Council does not support proposals which may encourage conflict between land uses.

1.2 Application Requirements for Late Night Entertainment Venues Serving Alcohol

Any application for a use/development of a late night entertainment venue (serving alcohol) shall be accompanied by the following details:

- Locality plan showing the closest side streets and allotments, as well as proximity to residential properties,
- Three copies of plans showing floor plans (including any proposed seating areas) and elevations detailing facade treatment (one set to be A3 or A4 size);

¹ Refer to The City of Fremantle Draft Management Plan for Licensed Restaurants

- Floor area and numbers of people to be catered for on the premises in compliance with the Health (Public Buildings) Regulations 1992;
- Description of the use and entertainment to be provided (as any consent shall be specifically tied to this description and variations to this description will require a new application);
- Operating hours of the proposed facility;
- Management/Security Practices (relating to intoxicated patrons, access to taxi or private vehicles from the site with safety in mind, any transport service that is to be offered, proximity to a taxi rank or a direct phone link with a taxi service),
- Parking provision in compliance with the town planning scheme provisions;
- Details on proposed location and details of signage².

and have due consideration to Council policies on Urban Design and Streetscape Guidelines and any other relevant policies (e.g. Fremantle West End Conservation Area Policy).

1.3 Conditions of Approval for Late Night Entertainment Venues proposing to Serve Alcohol

(i) Noise Abatement

The use of late night entertainment facilities (serving alcohol) shall have conditions placed on the approval to ensure noise emanating from the site complies with the provisions of the Environmental Protection Act 1986 and the Noise Abatement (Neighbourhood Annoyance) Regulations 1979. This shall include control of music and noise coming from the venue as well as air conditioning details to remove the need for open doors which may contribute to noise transfer.

(ii) Management Plan

A Management Plan shall be required to be submitted as part of the conditional approval which shall address issues such as security on the site, lighting in and around the site, security of patrons on leaving the venue, compliance and commitment to the Fremantle Accord, sale of alcohol, methods of patron control (including training and surveillance), assistance in departure from the venue (i.e. availability of a direct telephone link to a taxi service or courtesy bus) and noise. Although the issues related to and contained within the Management Plan must be satisfied prior to the issue of an approval the Management Plan shall be approved by Council prior to opening of the venue.

(iii) Hours of operation

² Refer to D.B.H6 Signs and Hoardings and Council's Sign Local Law.

Hours of operation shall form part of the conditions and may vary depending on the particular features of the licensed venue and its proximity to residential, educational and religious uses.

(iv) Floor Area for the Use

The use shall be tied to a definitive floor area which shall govern the number of people who can be accommodated on the site in relation to the proposed numbers within the application and the requirements of the Health (Public Buildings) Regulations 1992.

2. Night-Clubs

2.1 For the purpose of Council assessment a night-club is defined as use/development:

- that complies with the definition of 'cabaret' as defined within the Liquor Licensing Act 1988 and generally operates under a cabaret licence (which prescribes, that during permitted hours, is able to sell liquor on the licensed premises, for consumption on the licensed premises only, ancillary to continuous entertainment provided live by one or more artists present in person performing there or by way of recorded music presented personally by a person employed or engaged by the licensee to do so);
- is proposed to operate beyond the hours of hotels/taverns on a permanent basis;
- which although food may be served and seating provided the main purpose of the premises will be for the performance of live or recorded music/entertainment.

2.2 Need for and Number of Night-Clubs in Fremantle

Council considers that the current demands of the region's population in terms of night-clubs within the municipality has been satisfied. This is due to the small amount of enquiries by developers of new night-clubs and no communication by the public stating the need for greater variety or numbers of night-clubs within the Fremantle area.

An inventory of existing night-club facilities is detailed below.

Name	Address	Floor Area
Go Club	80 High Street	474 m ²
Kit Cat Club	189 High Street	175 m ²
Lombardos	42 Mews Road	460 m ² *
Metropolis	52 South Terrace	1180m ²
The Clink	14 - 16 South Terrace	236 m ²
<i>Total</i>	<i>Five</i>	<i>2,525 m²</i>

* - To be reviewed on completion of current development.

The above table shows the present number of approved night-clubs and the approximate total public areas for each facility.

There is no demonstrated need for any increase in the overall supply of night-club floorspace increase of existing night-club.

The total floorspace for night-club uses within the City of Fremantle shall not exceed 2,525 m².

Council may give consideration to new and additional night-clubs on a case by case basis provided the floor area of any such night-club does not exceed 200 m² and the total does not exceed the 2,525 m² identified above.

Council may give consideration to additional night-clubs on a case by case basis provided the floor area of the new night-club does not exceed 200 m² and the total floor area of all night-clubs does not exceed 2,500 m².

2.3 Location of Night-Clubs.

Night-club proposals shall only be considered within the Central Business zone of the City of Fremantle. A night-club cannot be located on a vessel moored in waters adjacent to the City of Fremantle.

Night-club proposals shall not be considered where primary ground level street frontages will be utilised apart from access/entry purposes to enable retention of commercial uses at the street level within the Central Business zone. Basement and first floor level parts of buildings are more appropriate for this use.

Suggested preference for night-club proposals are South Terrace, High Street (excluding mall areas as this may encourage loitering) and Market Street although other areas may be appropriate depending on individual merits.

Night-clubs should not be located in close proximity to large unpoliced open areas, as this may promote unsupervised gatherings, be a venue for disturbances emanating from the night-club patrons, threaten individuals safety and may discourage other users of open spaces.

In particular, areas adjacent to King's Square, The Esplanade Reserve and Pioneer Reserve, would not be appropriate for night-club activity as the parks do not have adequate security, lighting and safety services in operation.

To ensure adequate protection of residential amenity a night-club shall not be located within 100 metres of a residence unless appropriate conditions are placed on the approval to resolve any concerns of Council in regard to the conflict of uses (in particular noise and patron behaviour) between the night-club and local residents.'

Application requirements are the same as those in section 1.2 of this policy.

Adopted: 22/9/97