

Darwin Waterfront Corporation
Liquor Guidelines
for Developers, Licence Applicants and
other Stakeholders
June 2015

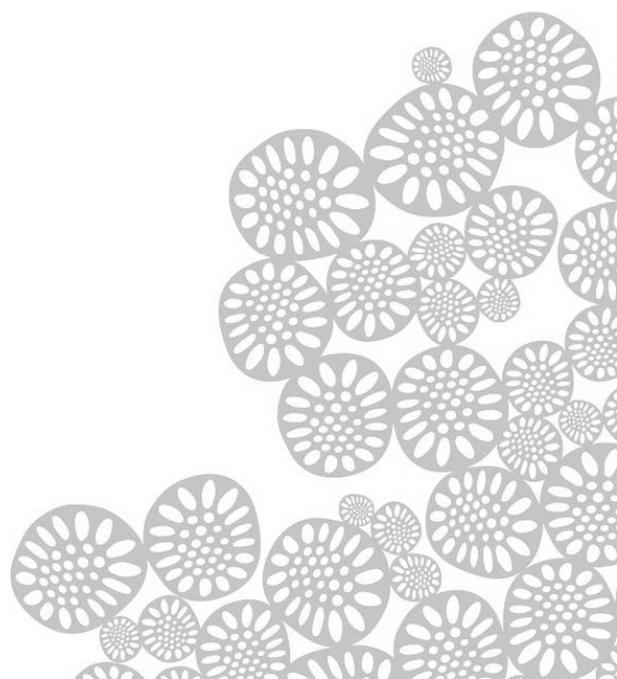


DARWIN WATERFRONT
CORPORATION

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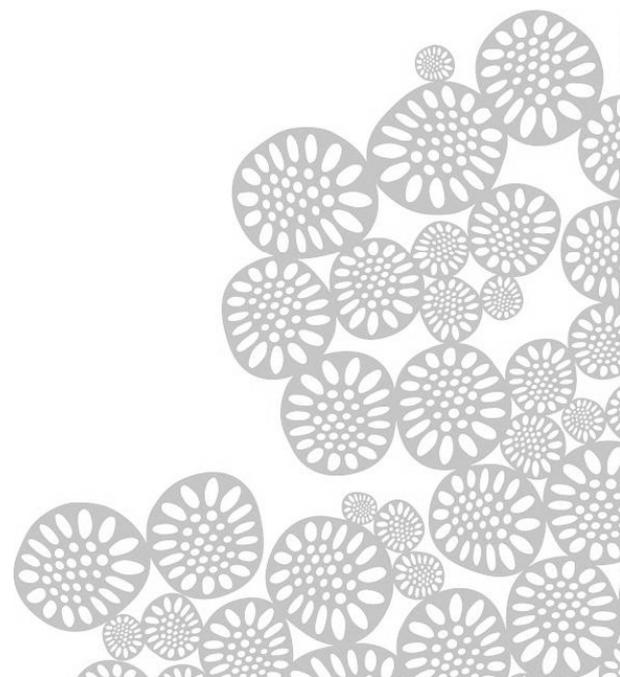
Status of this Guideline Document

These Darwin Waterfront Corporation Liquor Guidelines have been prepared to assist applicants for liquor licenses in preparing their applications, the Northern Territory Director-General of Licensing in considering applications for liquor licenses, and for the benefit of other stakeholders within the Darwin Waterfront Precinct.

The Director-General of Licensing requires these Guidelines to be addressed in liquor license applications. Whilst the Director-General of Licensing is not bound by these Guidelines they will be taken into consideration when assessing applications at the Darwin Waterfront. The Director-General of Licensing may impose additional conditions to these Guidelines.

These Guidelines expand on various provisions of the *Northern Territory Liquor Act* rather than displace them, and focus largely on the operational risks and concerns of the Darwin Waterfront Corporation that must be addressed when making a license application, however applicants need to be aware that there are numerous other requirements in the *Northern Territory Liquor Act* that must also be addressed.

All applications to the Director-General of Licensing will be assessed in accordance with the *Northern Territory Liquor Act*.



Introduction

The Darwin Waterfront Corporation is the statutory authority responsible for overseeing the development of the Darwin Waterfront Precinct, for managing and servicing the Precinct for the benefit of the community, and for promoting the Precinct as a place of residence and business and a venue for public events and entertainment under the *Darwin Waterfront Corporation Act*. The Corporation is managing the staged transformation of 25 hectares of industrial wasteland into a vibrant destination, and is responsible for the development and maintenance of civic amenities, for the preservation of good order in the precinct and for the provision of municipal services.

From January 2015 the Darwin Waterfront Corporation is also responsible for the operation of Stokes Hill Wharf. The by-laws and regulations for the Precinct were formally gazetted on 1 July 2010 and these by-laws and regulations apply to the whole of the designated Precinct including Stokes Hill Wharf; and are independent of the City of Darwin by-laws which do not apply to the Precinct.

Guideline Objectives

- To achieve a balance of tourist, recreational, residential and commercial facilities with an overriding requirement to ensure that developments do not contribute to anti-social behaviour in this family friendly environment.
- To maintain the amenity for residents who may be in close proximity to proposed licensed premises.
- To encourage specific uses to be proposed in the most appropriate location for that use for example any bar or tavern is not considered appropriate immediately below residential buildings but could be acceptable where the development master plan has a predominantly commercial use.
- To preserve good order and maintain visitor safety.
- To encourage developer's and potential businesses seeking a liquor licence to use this document as a guide when determining locations suitable for licence applications and licensed premises.
- To support the Director-General of Licensing in making decisions.

Guidelines

Applications

Applications for licensed premises within the Darwin Waterfront must be prepared in accordance with the requirements of the *Northern Territory Liquor Act*. The Corporation is likely to object to license applications that impact adversely on the Darwin Waterfront Corporation's objective of achieving a balance of tourist, recreation, residential and commercial facilities.

Under the *Northern Territory Liquor Act* it is illegal to consume alcohol within 2km of a licensed premises therefore the consumption of alcohol within the public domain is prohibited.

Master Plan

- All applications should address the current master plan to ensure the proposed use is located in the most appropriate location having regard to proximity to residential, location of retail/commercial, and public spaces.
- These Guidelines apply to liquor licence applications both within the Darwin Waterfront redevelopment and at Stokes Hill Wharf.
- The Corporation may amend the Guidelines from time to time in light of further details of future development stages and further experience gained in the operation of the Precinct. The current master plan is included as Attachment A. Refer also to the website www.waterfront.nt.gov.au

Residential Amenity

- Current residential units (and most likely those in the future) have been specifically designed as indoor/outdoor living spaces. This means that the majority of residents will have balcony windows fully open for extended periods and are thus significantly more exposed to noise, smoke, and nuisance issues for the same time period when licenses are in operation.

The significance of this is that the usual noise sensitive location of a bedroom with its windows closed is not the appropriate benchmark for any noise assessment made.

- Proponents must address potentially negative impacts at façades and balconies with a criteria being that balcony doors are open.

Access

- Access to licensed premises within the Precinct will generally involve patrons traversing the public domain pathways and parklands which adjoin the structured car park, beach, Recreation Lagoon and Wave Lagoon. Refer to plan at Attachment A. Applicants must address safety, security, and minimisation of anti-social behaviour by patrons while in the public domain areas including the structured car park.
- Any proposed alfresco areas, courtyards, or the like must not extend into the access easements along the façade of the buildings and shall not impede access to adjoining doorways including access to the building foyers. Areas affected by the easement can be ascertained by title search or by obtaining a plan from the Corporation.
- Any premises that are assessed as a contributor to high risk behaviour will be expected to extend their security to the boundary of the public domain.

Patron Numbers

- The maximum number of patrons should be appropriate to the location of the premises, its use, the nature of surrounding uses including their level of patronage, and the zoning of the site and surrounding land.
- Licensed premises which accommodate less than 200 patrons and which have appropriate noise attenuation to prevent the escape of noise from the premises are preferred.
- Licensed premises with more than 200 persons and those with alfresco areas or courtyards should only be located where impacts on the amenity of neighbouring residential and community properties and public safety can be effectively managed by the licensee.
- The Darwin Waterfront Corporation and Director-General of Licensing are more likely to make an objective assessment of appropriate numbers rather than rely on the safe evacuation number required by the Northern Territory Fire and Rescue Service. The approved number will often be less than the safe evacuation number.

Hours of Operation

- The hours of operation of licensed premises should be appropriate to the location of the premises, its use, the nature of the surrounding uses and their hours of operation, the zoning of the site and that of the adjoining land, and accordingly the maximum operating times within the mixed use Precinct vary.
- In buildings that accommodate residential apartments the preferred maximum operating time of licensed premises is limited to 11.30 pm. Outdoor areas within the boundary of the premises including verandas, alfresco areas, and smoking areas should not be occupied after 11.30 pm.

Noise

- The nature of any proposed licensed facility together with the proposed hours of operation must take into account the context of the location of the premises in the Precinct which is a predominantly residential setting. This includes addressing noise emanating from the premises when open including ambient noise and music, noise outside opening hours such as loading and unloading of stock and waste, and noise caused by anti-social behaviour by patrons both within the premises and outside the premises.

In particular, noise from conversation between patrons utilising alfresco areas will need careful consideration for impact on neighbouring residential apartments.

- Applications that propose amplified or loud music inside premises that are open fronted, or in alfresco areas, will not be supported by the Corporation.
- Alfresco areas, courtyards and the like must be roofed in a manner that provides effective noise attenuation to the building levels above.
- The Development Permit for Wharf One requires appropriate acoustic protection for residences from the lower level commercial development and alfresco dining areas. The following noise criteria at the façade of residential buildings were recommended to satisfy the acoustic conditions of the Development Permit for the Wharf One development.
Day-time (7a.m. – 10:00p.m.) L Aeq,15min 53dBA
Night-time (After 10:00p.m.) L Aeq,15min 49dBA
Applications shall take these noise levels into account.

Security and Safety

- An effective permanent barrier must be installed at the perimeter of any licensed area, including any smoking area, which adjoins the public domain to discourage patrons from conveying glass and alcohol into the public domain and consuming alcohol there. Barriers may be of any appropriate type including but not limited to glass balustrades, metal/wire balustrades, planter boxes or other means approved by the Corporation.
- The Corporation will want to see other specific controls or management solutions by the licensee to address the risk of patrons conveying glass and alcohol into the public domain and particularly in or near the wave lagoon, recreation lagoon, and beach areas. The discovery and removal of broken glass from the wave lagoon and public beach gives rise to serious safety concerns. As such, licensed premises within the Darwin Waterfront should implement precautions at the highest level to avoid the possibility of broken glass entering these public recreational areas.

- Appropriate controls or management solutions are required to be implemented by the licensee to deal with noise and anti-social behaviour, including vandalism of community infrastructure and landscaping, by patrons who have left the premises including the period after closing time when patrons are dispersing.
This could include coordinated (by a licensee or licensees) roving security at critical times and in addition to normal “front door” security. Management solutions must not rely on any security arrangements the Corporation may have in place for its own purposes.
- Applicants are to agree a security and surveillance plan with the Corporation including installation of closed circuit television as appropriate.
- Public car parking at the Waterfront is primarily off street controlled parking. Vehicular access by the public to the Kitchener Drive multi level car park is available between the hours of 7 am and 10 pm and egress is available 24 hours. The Stokes Hill Road and Deckchair Cinema facilities are available to the public at all times and controlled parking is monitored from 7 am to 10 pm. Arrangements may need to be made to accommodate the dispersal of patrons taking into account the operation of car parks within the Waterfront and the risks of vandalism within the car parking areas some hours after the closing time of the licensed premises.
- Deliveries to licensed premises and storage and removal of waste including empty kegs must be undertaken in a manner that does not impact on public safety or amenity. Deliveries shall be undertaken using designated loading zones only.
- Kegs, pallets, garbage bins and the like shall not be placed within a road reserve, verge or footpath except at the brief time of delivery or collection. The licensee shall effectively manage deliveries to maintain public safety at all times.
- Other than at the time of delivery and collection kegs, pallets, garbage bins and the like shall not be stored or placed outside of licensed premises in view of the public.
- Controls or management solutions must be maintained throughout the term of the license and failure to effectively address security and safety requirements will put the ongoing licence at risk.

Applications for a Temporary Variation of Existing License Conditions

The Corporation receives periodic requests from the Director-General of Licensing to comment on various applications for temporary variation of existing license conditions.

The table below is included to inform potential licensees of the Corporation’s position on common types of applications to temporarily vary licence conditions.

The Corporation will object to any application that is designated “No” in the table or where it considers that the variation is not consistent with the objectives of the Guidelines. Applicants should be aware that in the case of restaurants any activity contemplated in a proposed variation that is not consistent with restaurant use in a residential setting, and/or is related to typical Tavern use is likely to result in an objection from the Corporation.

Proposed Variation	Type of License	
	Restaurant with On License	Tavern
Stand up function within license area including corporate function, cocktail party and the like	Will be assessed on particulars of the event but will only be considered on the basis of one-off events	Yes
Stand up function outside license area	Will be assessed on particulars of the event but will only be considered on the basis of one-off events	No
Stand up function not under a canopy providing effective noise attenuation	No	No
Sit down function with food and alcohol outside license area	Will be assessed on particulars of the event	No
Sale of alcohol outside license hours and dates	No	No
Short duration live music in alfresco area associated with festive or infrequent cultural events	Will be assessed on particulars of the event	Will be assessed on particulars of the event
Live music in alfresco area other than above	No	No
Sale of alcohol from 10am on the following days for those licenses that commence at a later time: Melbourne Cup Day, Darwin Cup Day, Australia Day, ANZAC Day and Saint Patrick’s Day	Yes Note this concession does not apply to any other day	Yes Note this concession does not apply to any other day
Amplified music in alfresco area	No	No

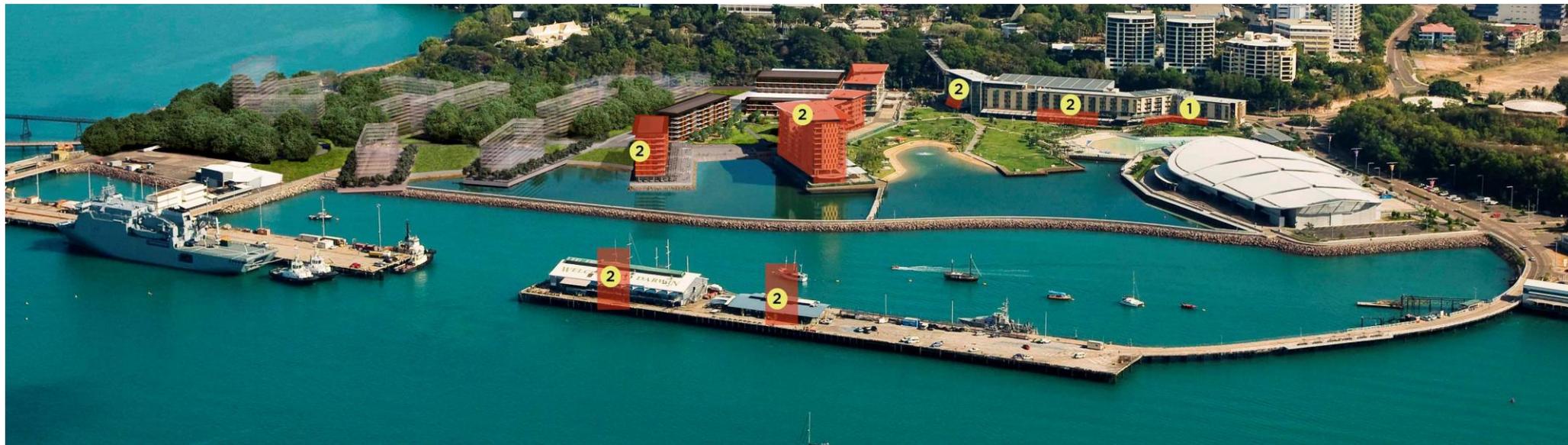
Other activities that are inconsistent with the nature of the premises	No	No
Use of public address system	Will be assessed on particulars of the event but will only be considered in exceptional circumstances	Will be assessed on particulars of the event but will only be considered in exceptional circumstances

Events

A special license is required from the Director-General of Licensing for events where alcohol is proposed to be sold or consumed and this requires the prior consent of the land owner. The Corporation may in its absolute discretion provide such consent or not, to an applicant in relation to proposed consumption of alcohol within the public domain during special events, held by licensees, other members of the public, or businesses, such as a dinner or wine tasting, subject to the following;

- Applications to hold special events within the public domain where alcohol is proposed to be served or consumed are to be made in writing to the Corporation. Once approval has been granted in writing by the Corporation the applicant may proceed to apply to the Director-General of Licensing for a special license. Any approval by the Corporation to hold an event does not imply that an application to the Director-General of Licensing for a special license will be successful.
- The perimeter of any area(s) in which alcohol is to be served and consumed shall be defined with a temporary barrier of a standard acceptable to the Corporation. Areas which adjoin the water or beach will not be approved by the Corporation.
- Crowd controllers who are registered under the *Private Security Act* shall be employed by the applicant during the event and until the patrons have fully dispersed from the adjoining public areas. The Corporation will require that adequate numbers are proposed before it will consider granting approval for any event.
- No glass or alcohol is to be allowed outside of the defined perimeter and the applicant is to ensure that all glass is removed from within the event area on conclusion of the event.
- To obtain/apply for a special license, applicants will need to first have obtained the relevant permit from the Corporation as required under the Darwin Waterfront Corporation by-laws.

Current Masterplan



LEGEND

- 1 Existing Tavern License
- 2 Suitable for Licensed Restaurants