

**Corporate and Community Planning**  
City of Stonnington

# **Late night liquor licence trading in the Chapel Street Precinct**

**Measuring the saturation levels**  
**RESEARCH PAPER**



April 2010

## Executive Summary

The City of Stonnington is well known for its Chapel Street Precinct and values the economic and cultural contribution it makes. This contribution, while largely positive, does have some negative impacts when it comes to late night activity, specifically alcohol-related impacts. There is a growing concern with the wider social issue of the misuse of alcohol and this has been recognised at each level of government. In recent years, we have seen significant policy directions taken by the Federal and State Government with the aim of long-term social change.

In particular, there has been a focus on alcohol-related violence in and around late night venues. Previous attempts to address this issue have focused on existing venues in inner Melbourne, such as the 2am lockout trial. This approach, while well intended, damaged relationships between late night traders, State Government, Police and Council. While the focus was on 'venue-hoppers', it overlooked a now widely accepted fact that the majority of violence and anti-social behaviour occurs outside venues.

Another approach has been to measure the cumulative impact of a new or amended liquor licensed premises on the conditions already existing in a particular area. This has assisted in opening up consideration for a range of impacts, not just the concept of cumulative impact.

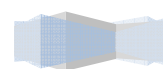
For the City of Stonnington, Clause 22.10 Licensed Premises of the Planning Scheme aims to:

- Minimise the amenity impacts associated with licensed premises.
- Identify preferred locations for licensed premises.
- Ensure licensed premises do not adversely impact on activity centres.

Council has been actively using Clause 22.10 since May 2009. In that time, there have been 19 applications for licensed premises. This demonstrates the on-going influx of these types of applications.

Assessing a range of potential impacts and bringing the concept of 'cumulative impact' into the assessment of these applications has raised questions on whether there is room for incremental increases of licensed premises within the Chapel Street Precinct or whether the Precinct is saturated with this type of use. Clause 22.10 and Clause 52.27 are currently the leading policy guides Council uses in addressing the issue of alcohol-related harm in the Chapel Street Precinct.

This paper aims to support the policy direction set out in the Stonnington Planning Scheme and show that, without significant action, alcohol related harms will increase. Most significantly, this paper will show that the Chapel Street Precinct is saturated with late night licensed premises. Contributing to this saturation level are a number of factors that not only impact negatively on our residents and business community, but also the many thousands of visitors that come to the Chapel Street Precinct each night.



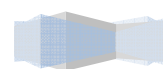
The key findings of the report are:

- There are key saturation points to consider when assessing planning permit applications for licensed premises. They are:

- Venue Type
- *Venues most likely to be associated with ‘alcohol-related harms’ (e.g. hotels, bars and nightclubs operating after 12am) will be defined as Source of Potential Harm Venues (SPH).*
- Outlet Density
- *Chapel Street is an entertainment precinct at saturation. It is Council’s view that 50 SPH operating after 1.00 am in the Chapel Street Precinct is the saturation limit for this area.*

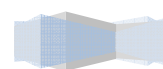
In determining any future planning applications for SPHs in this precinct the following is Council’s policy position.

- Operating Hours
- *That there be no more planning permits issued for premises operating after 1am.*
- Patron Capacity
- *That no more planning permits be issued for new premises where the patron number is more than 200 patrons.*
  - *That there be no additional planning permits issued increasing patrons numbers to more than 200 patrons.*
- Congregation
- *That no more planning permits are issued for premises operating in identified congregation spots after 1.00am*
- Venue Design
- *That planning permit applications must address relevant elements outlined in the Guidelines for Licensed Venues.*
- Clauses 22.10 and 52.27 of the Stonnington Planning Scheme must continue to be applied to licensed premises planning permit applications.
  - The Social Impact Assessment approach should continue to be applied to licensed premises planning permit applications.

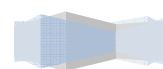


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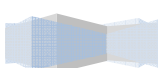
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## Introduction

### Aim of this paper

- To determine whether the Chapel Street Precinct is at saturation level.
- To provide a basis on which to reduce and prevent alcohol-related harm associated with licensed premises.
- To provide a statutory planning method to assist in the control of alcohol-related harm in the Chapel Street Precinct.
- To provide support to the implementation of Clauses 22.10 and 52.27.

### Methodology

The licensed premises and venues discussed in this document only include late night traders, that is venues with a closing time after (but not including) 12.00am.

In preparing this report, the following was undertaken:

- Literature review
- Council records review
  - Planning permit applications and amendments
  - Compliance and response data
- Data collection and analysis
- Observation of the precinct late at night
- Random audit of late night licensed venues
- Consultation

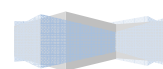
*Refer to Appendix 1 for references.*

*Refer to Appendix 2 for further details on the methodology.*

*Refer to Appendix 3 for further details on consultation.*

### Limitations

All attempts have been made to ensure data is up to date and accurate. Data analysis occurred from October 2009 to February 2010. The date in the footer of this document reflects the date when the final report was compiled.



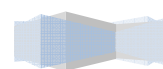
## Description of the precinct

The study area defined for this research is generally in accordance with the Chapel Vision Structure Plan subject area. This includes South Yarra, Prahran and Windsor and extends for 2 kilometres along Chapel Street. The study area is intersected by Commercial and Malvern Roads, Greville and High Streets and incorporates approximately 1 kilometre of Toorak Road.

The study area forms the westernmost portion of the City of Stonnington, sharing boundaries with the Cities of Melbourne and Port Phillip, whilst also containing one of the municipality's busiest activity hubs: the Prahran/South Yarra Principal Activity Centre. This means that the study area is one of the most complex, diverse and unique areas within the inner city area.

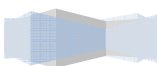
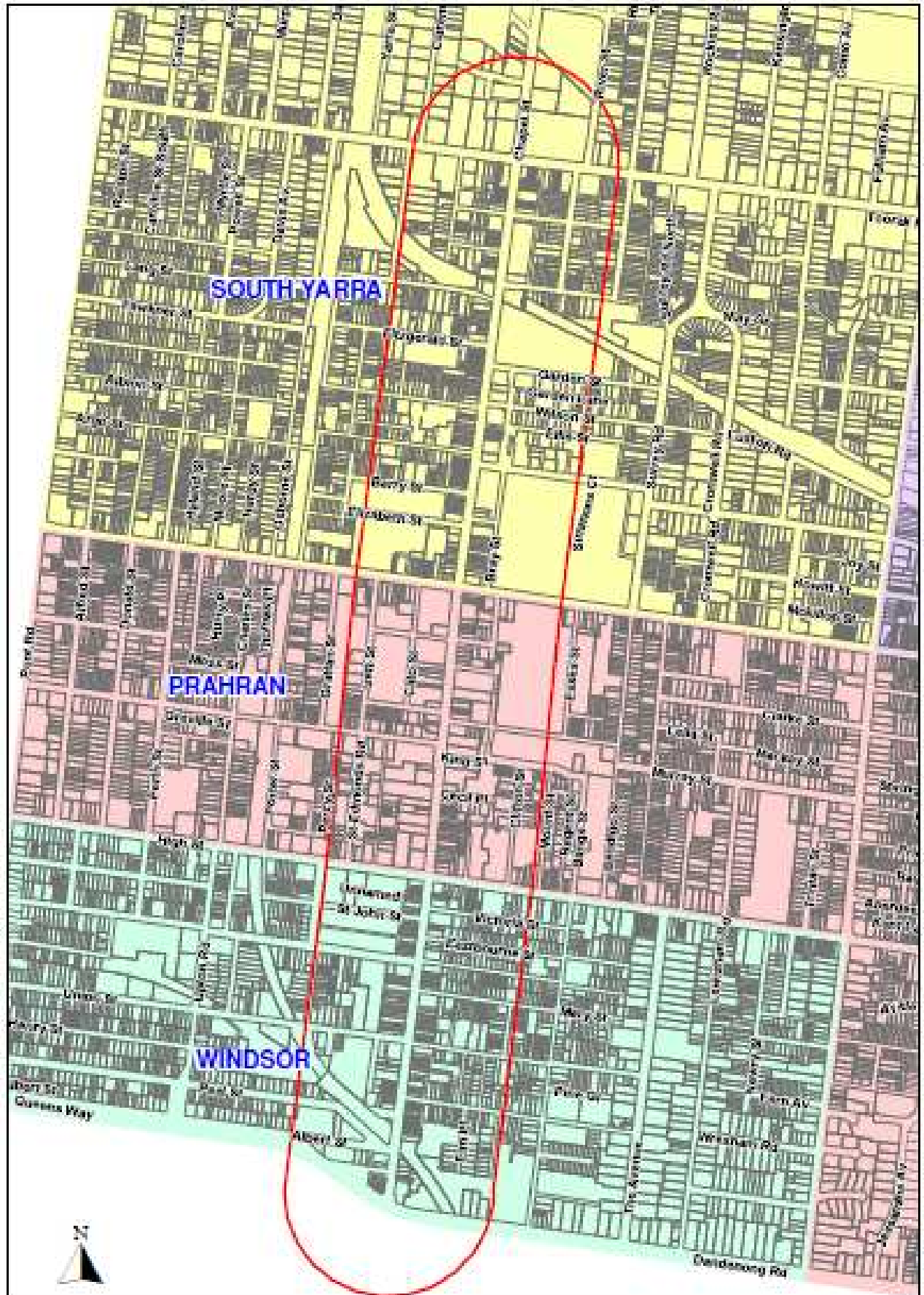
The study area is best known for its high pedestrian traffic thoroughfares of Chapel Street, Toorak Road and Greville Street, where a combination of attributes stands it apart from other retail strip areas including: day and night venues, a variety of night clubs, restaurants and bars and a budding creative business precinct linked to accessible rental spaces.

Workers, residents, traders, visitors and tourists that frequently visit or live in the area, contribute to the rich fabric of life in the area. As such, the vision for the study area is of a vibrant and sustainable place enriched by its distinctive social and cultural diversity and inclusion, creative enterprises, economic vitality, movement networks, liveability, individual neighbourhoods and high quality, amenable public spaces.





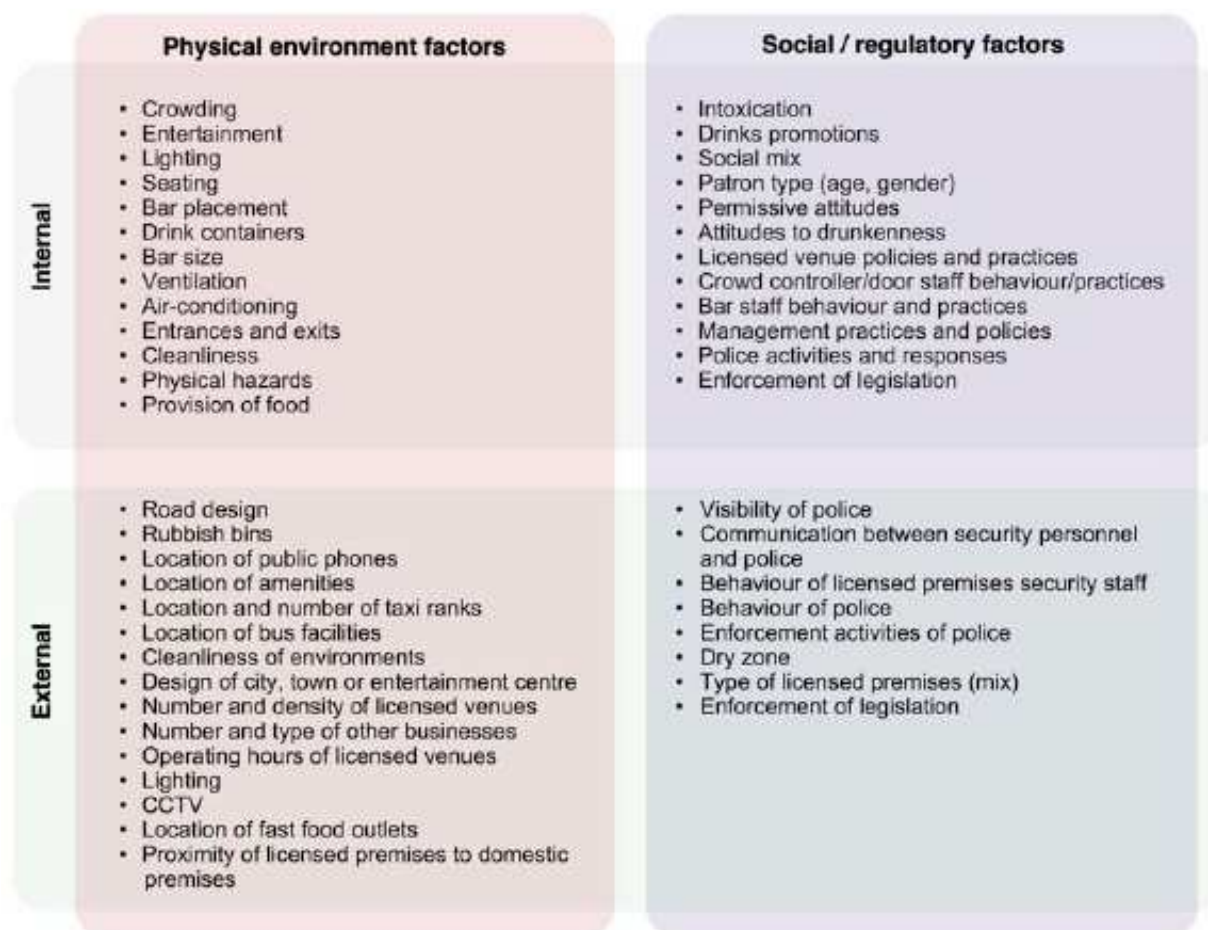
## Precinct Map



## Key concepts and definitions

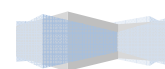
### Licensed premises factors that influence alcohol-related harm

There are a range of factors, both internal and external to licensed premises that influence the nature and extent of alcohol-related harms associated with those premises. These factors can multiply and intersect to contribute to the level of alcohol-related harm. Some factors can compound the level of risk, while other factors can reduce alcohol-related harm.



Source: Doherty & Roche 2003.

Each risk factor can be associated with a specific type of alcohol-related harm, for example aggressive behaviour can be linked to patron intoxication. Venue size, crowding, noise, lighting, cleanliness, drink promotions and operating hours are all strong predictors of alcohol-related harm (Green and Plant 2007; Chikritzhs 1997; Graham 2004).



## Amenity

In the Supreme Court hearing *Macedon Ranges Shire v Romsey Hotel Ltd Anor* in 2008, a definition of amenity was explored. The Supreme Court confirmed that amenity is a wide-ranging and flexible concept; that subjective views need to be considered; and that matters of morality must not be disregarded.

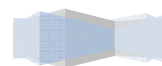
## Social Impact Assessment

The City of Stonnington has developed a Draft Social Impact Assessment (SIA) Policy to ensure that a balance of positive and negative social impacts are considered during decision-making. The draft policy seeks to document and mitigate the negative social impacts wherever it can and to enhance the health, safety and wellbeing of the community.

The International Association for Impact Assessment (IAIA) (Vanclay, F. 2003) summarises social impacts as changes to one or more of the following:

- People's way of life – that is, how they live, work, play and interact with one another on a day-to-day basis;
- Their culture – that is, their shared beliefs, customs, values and language or dialect;
- Their community – its cohesion, stability, character, services and facilities;
- Their political systems – the extent to which people are able to participate in decisions that affect their lives, the level of democratisation that is taking place, and the resources provided for this purpose;
- Their environment – the quality of the air and water people use; the availability and quality of the food they eat; the level of hazard or risk, dust and noise they are exposed to; the adequacy of sanitation, their physical safety, and their access to and control over resources;
- Their health and wellbeing – health is a state of complete physical, mental, social and spiritual wellbeing and not merely the absence of disease or infirmity;
- Their personal and property rights – particularly whether people are economically affected, or experience personal disadvantage which may include a violation of their civil liberties;
- Their fears and aspirations – their perceptions about their safety, their fears about the future of their community and their aspirations for their future and the future of their children.

Clause 22.10 of the Planning Schemes requires an applicant to provide an assessment of the cumulative impacts of a proposed licensed premise or the extension of an existing licensed premise. Since May 2009, Council has also undertaken a Social Impact Assessment on these applications, looking at a range of impacts including the Cumulative Impact where these applications have been within the Chapel Street Precinct.

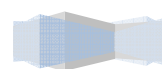


## Cumulative Impact

The challenge of calculating the cumulative impact of licensed premises is finding benchmarks by which to measure it. The City of Darebin (2006) researched the concept of a 'ceiling figure' above which there is a rapid increase in harms. Another example of this approach is research by the NSW Crime Bureau which suggests outlet density above 22 licensed premises per 10,000 head of population can result in the highest crime-related issues.

The Greater London Authority produced the report 'Managing the Night Time Economy: Best Practice Guidelines' in 2007. The report suggests that 'saturation' policy be based on types of premises, ratio of seated to standing provision, operating hours, provision of drink promotions, provision of food, diversification of an area's night time economy and the proportion of the types of property frontages in the area.

Ealing Council, also in the UK, approaches saturation by measuring crime and nuisance indicators. Within this approach, other factors of closing hours and transport (i.e. parking, public transport and taxis) are applied.



## Legislative and Policy Context

### Federal Government

#### Australia – Healthiest Country by 2020

This document was released in October 2008 and sets the following targets.

Targets for the healthiest country by 2020

- Halt and reverse the rise on overweight and obesity
- Reduce the prevalence of daily smoking to 9% or less
- Reduce the prevalence of harmful drinking for all Australians by 30%
- Contribute to the 'Close the Gap' target for Indigenous people, reducing the 17-year life expectancy gap between Indigenous and non-Indigenous people

This document highlights an urgent need to improve public safety by curbing rising levels of intoxication, reducing alcohol-fuelled violent and disruptive behaviour.

### State Government

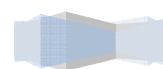
#### Liquor Control Reform Act 1998

The Liquor Control Reform Act 1998, Section 4 (1) states that the objectives of the Act are to **contribute to minimising harm** arising from the misuse and abuse of alcohol, including ...providing adequate controls over the supply and consumption of liquor; ensuring as far as practicable that the supply of liquor contributes to, and does not detract from, the amenity of community life; and restricting the supply of certain other alcoholic products; and encouraging a culture of responsible consumption of alcohol and reducing risky drinking of alcohol and its impact on the community; and to facilitate the development of a diversity of licensed facilities reflecting community expectations'.

The Act goes on to say in Section 4 (2) that 'It is the intention of Parliament that every power, authority, discretion, jurisdiction and duty conferred or imposed by this Act must be exercised and performed with **due regard to harm minimisation** and the risks associated with the misuse and abuse of alcohol.'

#### Planning and Environment Act 1987

The Planning and Environment Act 1987 states its objectives are 'to provide for the fair, orderly, economic and sustainable use, and development of land' and 'to secure a pleasant, efficient and safe working, living and recreational environment for all Victorians and visitors to Victoria' and to 'facilitate development in accordance with the objectives'. (Section 4 (1)).



## Restoring the Balance – Victoria’s Alcohol Action Plan (VAAP)

This document was released in May 2008 and sets 35 actions under four key areas:

- Restoring the balance to families
- Restoring the balance within our culture
- Restoring the balance for our community
- Restoring the balance in partnership

The State Government has authorised action 3.11 of the Victorian Alcohol Action Plan (VAAP) to be undertaken. Action 3.11 supports the continuation of the Inner City Entertainment Precincts Taskforce (ICEPT) to develop a best practice model for effectively managing inner metropolitan entertainment precincts to address safety, security and public amenity issues. VAAP action 3.11 also acknowledges that the Victoria Planning Provisions were amended in 2008 to introduce new amenity-based decision guidelines for assessing planning permit applications to use land to sell and consume liquor.

This amendment was to Clause 52.27 – Licensed Premises and:

- Ensures that the cumulative impact of both existing and proposed licensed premises is a valid amenity consideration for planning permit applications.
- Clarifies that councils can consider amenity factors associated with licensed premises including hours of operation and patron numbers.

In 2009 the State Government approved an inter-department committee (IDC) to undertake VAAP action 3.11. The IDC includes State Government representation from Department of Justice (DOJ), Department of Planning and Community Development (DPCD), Tourism, Transport, Health, Responsible Alcohol Victoria, Police and a representative from the Premier’s office.

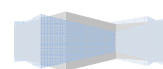
The terms of reference for the IDC are:

- Address the issue of packaged liquor outlets’ exemption from requiring a planning permit.
- Develop a tool, policy or mechanism to measure cumulative impact.
- Review the planning and liquor licence frameworks.

The IDC is to report to the State Government in 2010.

## Inner City Entertainment Precinct Taskforce – ‘A Good Night for All’

The Inner City Entertainment Precincts (ICEPT) Taskforce was a cross-jurisdictional partnership established by the Minister for Police and Emergency Services, on behalf of the State Government in 2005. The aim of ICEPT was to address public safety and security in Melbourne’s inner city entertainment precincts. Partners in ICEPT included representation from the Cities of Stonnington, Melbourne, Port Phillip and Yarra, Victoria Police, Consumer Affairs Victoria - Liquor Licensing and the former Department of Sustainability and Environment.



ICEPT developed a range of options:

- Behaviour impacts of safety and amenity
- Mixed use development
- Planning and liquor licensing enforcement
- Management of licensed venues
- Public and private transport
- Traffic management and parking
- Perceptions of safety
- Cultural influences

A number of options were explored and also assisted in the development of Victoria's Alcohol Action Plan and the Inner Melbourne Action Plan.

The Inner City Entertainment Precinct Taskforce identified that structure plans, while useful, can be cumbersome and there needs to be more immediate action to find a solution to alcohol-related harm.

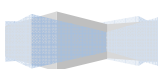
The term 'cumulative impact' was first mentioned in the Inner City Entertainment Precinct ICEPT report 'A Good Night for All'. Prepared in 2004, this report states that "*councils had indicated that the existing planning system does not provide adequate tools to enable them to achieve the desired activity mix areas where there is a concentration of licensed premises, particularly in regard to managing the cumulative impact of such uses. This is significant as research suggests there is a link between the densities of alcohol outlets and the incidence of anti-social behaviour and crime*". The report goes on to state that specific benchmarks need to identify appropriate numbers and types of licensed premises in an area.

## **Inner Melbourne Action Plan (IMAP)**

### **Action 6.3 – Managing conflicts in activity centres**

The aim of this action is to manage the night time economy and residential development to minimise conflicts between residential, entertainment and commercial uses in and around Activity Centres.

Whilst the working group developed two cumulative impact tools, the Stonnington process has since evolved a more appropriate tool for Stonnington.



## City of Stonnington

Council has been actively using Clause 22.10 since May 2009. Between May 2009 and February 2010 there have been 19 applications for late night licensed premises. Combined, these applications represent an increase in patron numbers by approximately 1895 and some also increase floor area and operating hours.

The concept of social impacts including the cumulative impact has been brought into the assessment of these applications and this has raised questions on whether there is room for incremental increases regarding licensed premises within the Chapel Street Precinct or is the Precinct already saturated with this type of use.

This policy, along with Clause 52.27, is currently the main policy guides Council has in addressing the issue of alcohol-related harm in the Chapel Street Precinct. This paper aims to support the policy direction set out in the Stonnington Planning Scheme and shows that without significant action, these harms will increase even more. Most significantly, this paper will show that the Chapel Street Precinct is saturated with late night licensed premises. This saturation level is made up of a number of contributing factors that not only impact negatively on our residents and business community, but also the many thousands of visitors that come to the Chapel Street Precinct each night.

*Refer to Appendix 4 for maps detailing the property locations for planning permit applications.*

### Council Plan 2009-2013

The Council Plan is the City of Stonnington's four year vision and plan for achieving that vision. The plan outlines how the Council will meet the most important local needs and outlines broad strategies to deliver and fund quality outcomes for the community.

The key strategic objectives are:

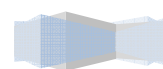
- Environment
- Community
- Liveability
- Prosperity

#### Liveability - strategies

- Maintain and enhance the public realm to provide safe, accessible, usable, clean and attractive spaces and streetscapes.
- Understand the uniqueness of Stonnington's shopping strips to promote their attraction to a diverse community.

#### Prosperity – strategies

- Promote Stonnington as a premier retail and tourism destination with its unique attractions and shopping strips.
- Further the existing relationships between late night operators, the community and Council to work together to actively improve late night amenity.





## Stonnington Planning Scheme

### Clause 52.27 Licensed Premises

In April 2008, Amendment VC47 was approved. The amendment introduced new purpose statements and decision guidelines to address cumulative impact issues resulting from the clusters of licensed premises.

The Explanatory Report for the amendment states that:

*The amended licensed premises provisions will provide a transparent set of assessment considerations relating to the 'cumulative impact' of licensed premises in an area. The amendment will help address existing amenity concerns about clusters of entertainment venues, resulting in environmental and social gains for the area. Economic gains will arise from the greater certainty the provisions will provide for industry.*

The new purpose states:

- To ensure that licensed premises are situated in appropriate locations.
- To ensure that the impact of the licensed premises on the amenity of the surrounding area is considered.

The decision guidelines now state that the following must be considered:

- The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- The impact of the sale or consumption of liquor permitted by the liquor licence on the amenity of the surrounding area.
- The impact of the hours of operation on the amenity of the surrounding area.
- The impact of the number of patrons on the amenity of surrounding area.
- The cumulative impact of any existing and proposed liquor licences, the hours of operation and number of patrons, on the amenity of the area.

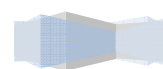
### Clause 22.10 Licensed Premise

In August 2005, Amendment C41 was approved. This amendment replaced the existing Entertainment Uses Policy at Clause 22.10 with a new Licensed Premises Policy. The aim of the Licensed Premises Policy is to provide guidance in relation to determining planning permit applications required under Clause 52.27. This policy was designed to ensure the following issues are addressed as part of any application for a planning permit:

- Minimise the amenity impacts associated with licensed premises.
- Identify preferred locations for licensed premises.
- Ensure licensed premises do not adversely impact on activity centres.

Specifically, the policy sets out:

- Performance measures for the assessment of planning permit applications.



- Specific application requirements for planning permits to include a site context plan, a floor plan, a written submission addressing management issues and a noise and amenity action plan.
- Decision guidelines for assessing planning permit applications to ensure issues regarding amenity and management of licensed premises are adequately considered.

Why was the policy required?

At the time, there were approximately 480 licensed premises within the City of Stonnington. The majority of these premises are located within principal and major activity centres where residential uses are located within or nearby these centres. In other cases, some licensed premises such as hotels are located within residential areas.

Impacts relating to licensed premises and residential amenity were identified in the Entertainment Uses and Licensed Premises Policy Review 2004. The report recommended changes to the Stonnington Planning Scheme including the replacement of the this Policy with the Licensed Premises Policy to respond to and manage the impacts of licensed premises on surrounding residential uses by balancing resident and business interests.

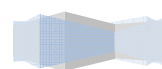
How does the Policy implement the objectives of planning in Victoria?

The objectives of planning in Victoria in section 4 of the Planning and Environment Act 1987 relevant to C41 are:

- a) To provide for the fair, orderly, economic and sustainable use of land.
- c) To secure a pleasant, efficient and safe working, living and recreational environment for all Victorians and visitors to Victoria.
- f) To facilitate development in accordance with the above objectives.
- g) To balance the present and future interests of all Victorians.

The Policy achieves these objectives by including further policy direction for the location and management of licensed premises within the City of Stonnington; this Policy also includes detailed assessment requirements for planning permit applications, which take into consideration present and future amenity impacts of licensed premises on the surrounding uses and interests in the municipality.

The Policy has a net community benefit and positive social and economic benefits, as it provides a clearly defined and consistent policy framework for the consideration of new licensed premises and proposed changes to existing licensed premises. The Policy acknowledges the contribution licensed premises and other entertainment uses make to the vibrancy and economic strength of the municipality and the need to manage these uses to protect the diversity and viability of activity centres. The Policy makes specific provision for the safe operation of these uses.



## **Municipal Public Health Plan 2009-2010**

The Municipal Public Health Plan (MPHP) aims to achieve maximum levels of health and wellbeing for Stonnington residents by identifying the health issues affecting the community and outlining strategies to prevent or minimise health risks.

In Victoria, those with higher incomes are more likely than those with lower incomes to be risky/high risk drinkers and at short-term risk of harm (Victorian Population Health Survey 2008). This has implications for Stonnington with its higher per capita income. Research for the MPHP found that Stonnington residents are twice as likely to be at high risk of long-term damage from alcohol intake (2%) compared to the rest of Victoria (1%).

The MPHP also showed that a high percentage of the local population (79%) drink alcohol at least weekly, with 73% consuming at least 1 to 2 drinks daily. The number of those who drink weekly increased by three percent between 2007 and 2009.

Alcohol potentially affects both the physical and mental health of individual drinkers. Furthermore, anti-social behaviour by those who are alcohol-affected can lead to an increase in the belief that the local environment is unsafe. It is notable that participants in a survey for the MPHP identified that they tend to feel less safe around clubs and bars.

The MPHP identifies four health pillars and 23 strategies to minimise health risks in Stonnington. Those that are most applicable to this study include:

### **1. Healthy lifestyles**

- Provide education to improve health and wellbeing.
- Design infrastructure to enhance opportunities for healthy, active lifestyle choices.
- Develop partnerships with organisations which provide health and wellbeing activities.
- Support mental health and wellbeing initiatives.

### **2. Connected communities**

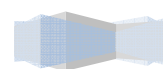
- Promote opportunities to increase community connectedness and reduce social isolation.

### **3. Positive ageing**

- Encourage and provide opportunities for lifelong physical, social and cultural activity among older people to increase health and wellbeing and community connections.
- Provide and advocate for accessibility and the inclusion of older people.

### **4. Community safety**

- Design the built and 'green' environment to improve community safety.
- Provide education and intervention to encourage positive, safe behaviour.
- Protect the community from public health risks.



- Identify areas of crime, anti-social behaviour and binge drinking and work to deliver safer outcomes.

## Chapel Vision Structure Plan 2009-2031

The Chapel Vision Structure Plan aims to provide a sustainable framework in which development and change can be strategically managed and new needs can be accommodated, whilst continuing to protect and enhance important local attributes of the Activity Centre.

The vision for the Chapel Street Precinct is:

*A sustainable place enriched by its distinctive social and cultural diversity and inclusion, creative enterprises, economic vitality, movement networks, liveability, individual neighbourhoods and high quality, amenable public spaces.*

The purpose of the Structure Plan is to guide future development of the South Yarra, Prahran and Windsor Principal Activity Centre.

## Strategic directions and strategies

### 4.8 Entertainment/Hospitality

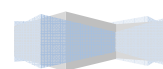
What we want to achieve:

- General
  - The continued contribution of entertainment and hospitality uses to the vibrancy and appeal of the Activity Centre, on sites that are suitable for these activities and which do not detrimentally affect surroundings residential uses and areas.
  - The continued provision of recreational, cultural and social opportunities for young people and the involvement of young people in their planning and implementation.
- Transport and Access
  - The continued provision of recreational, cultural and social opportunities for young people and the involvement of young people.
  - Enhanced links from venues to public transport and car parking.
  - Review of late night transport services, mainly operating on Friday and Saturday nights with a view to alter or provide additional services to meet needs.

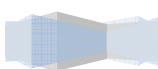
- Amenity

Reduce the interface amenity conflicts between night time activities and residential areas through:

- Discouraging development of new venues in locations close to residential areas.
- Improvements to the arrival and discharge of customers from venues and out of the precinct.
- Constraining of growth in sensitive locations.
- Upgrading of acoustic treatments for new residential development.
- Upgrading of lighting and surveillance.



- Management
  - Review safer design initiatives.
  - Crime prevention initiatives
  - Identify benchmarks by which the cumulative impacts of venues can be measured to ensure that the level of activity does not exceed that required to sustain core livability, economic and social objectives for the centre or area.
  - Partnership with relevant authorities to ensure the safety, integrity and sustainability of the Activity Centre is maintained.



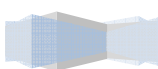
## Factors to Consider

This section includes key considerations that are identified as contributing to alcohol-related harms resulting from licensed premises. The following factors are taken into account in determining whether the Chapel Street Precinct is saturated with late night liquor licences and also when considering applications for licensed premises:

- A. Venue type
- B. Outlet density
- C. Operating hours and patron capacity
- D. Congregation
- E. Venue Design

In addressing each consideration the following information is compiled:

- Literature reviews:  
Includes international and national perspective.
- Data collection and analysis specific to the Chapel Street precinct
- Implications
- Saturation consideration
- Recommendations



## A. Venue type

### Definition

For the purpose of this paper *venue type* is defined as per licence types set out by Liquor Licensing Victoria. There are 12 licence types, three of which are most relevant to this paper:

- On-premises licence  
Allows the supply of liquor to customers for drinking on the premises and applies to restaurants, bars and cafes.
- General licence  
Allows the supply of liquor to customers for drinking on the premises and to take away and applies to pubs, hotels and taverns.
- Late night licence  
Allows the supply of liquor to customers after 1am. From 1 January 2010, all existing general, on premises and packaged liquor licences operating after 1am became late night licences. There are three types of late night licence:
  1. Late night (general) - authorising supply of alcohol for on-premises and off-premises consumption as per the current general licence
  2. Late night (on-premises) - authorising supply of alcohol for on-premises consumption only as per the current on-premises licence
  3. Late night (packaged liquor) - authorising supply of alcohol in packaged containers for off-premises consumption as per the current packaged liquor licence.

Other licences of note:

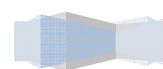
- Packaged liquor licence  
Allows the supply of liquor to customers to take away and applies to retail liquor stores and supermarkets.
- Full club licence  
Allows the supply of liquor to members, guests and gaming visitors for drinking on the premises and members to take away. Applies to clubs only, especially those with gaming facilities.

### Research

The DOJ engaged Allan Consulting Group to undertake research that informed the Liquor Control Reform Regulations – Regulatory Impact Assessment 2009. This document identified research suggesting that some licensed premises are more likely to be associated with alcohol-related harms than others, in particular hotels and bars and nightclubs, but that certain characteristics of licensed premises are associated with this harm. The characteristics are elaborated on in the following section and include patron capacity, vertical drinking and closing times.

### Venue type – Chapel Street Precinct

In the precinct there are approximately 133 on-premises licences operating. Of those, 39 are bars and nightclubs, which operate after midnight. There are also 37 general licences operating, of which 18 are hotels which operate after midnight.



There are also approximately 15 packaged liquor licences. It is important to note that there are 21 Sources of Potential Harm with a General Licence which allows for the sale of alcohol for consumption of site. A search of the TAB website identified one location within South Yarra and three in Prahran that incorporate gaming machines.

There are 28 restaurants with on-premises licences permitting trading after 12am, and four with general licences permitting trading after 12am.

- Within the Chapel Street precinct there are 60 venues that are 'most likely' to be associated with 'alcohol related harms'. All of these venues operate after 12.00am. There are also four packaged liquor licences that operate until 12.00am.

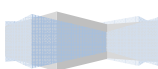
### **Key Saturation Consideration**

*Venues falling under the category defined above will be defined in the balance of this report as Source of Potential Harm Venues (SPH).*

### **Late night audit findings**

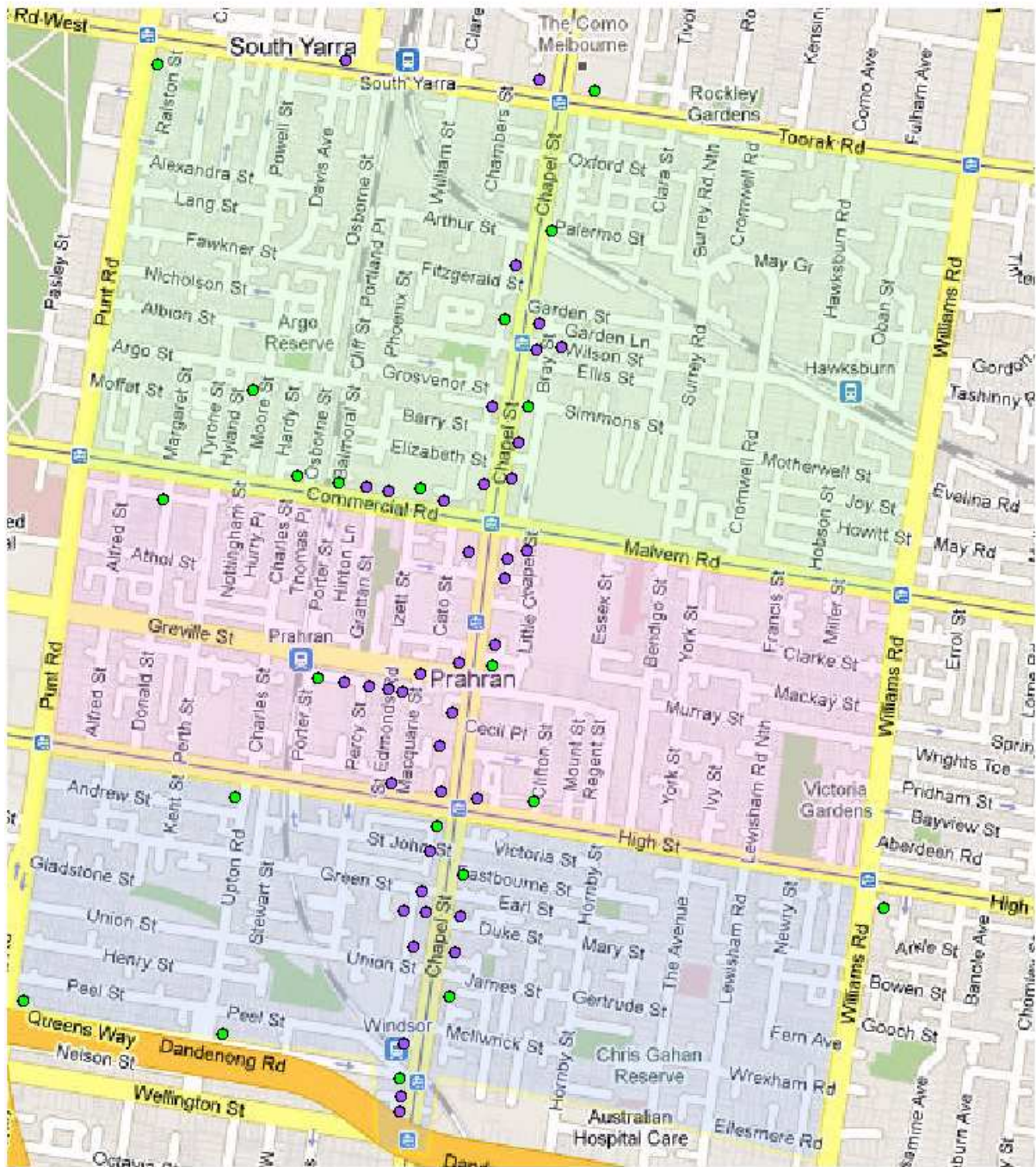
Through the course of the audit, 29 of the 60 late night licensed venues defined as a SPH were assessed.

The distribution of venue types audited across the three areas are shown on the map on the next page.



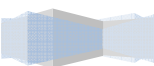


## All venues General versus On Premises Licence



### Legend

- = General Licence
- = On Premises Licence

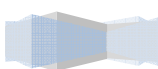


<b>Subset precinct</b>	<b>On-premises licence</b>	<b>General licence</b>	<b>Total</b>
<b>South Yarra</b>	9	2	<b>11</b>
<b>Prahran</b>	9	2	<b>11</b>
<b>Windsor</b>	5	2	<b>7</b>
Total	<b>23</b>	<b>6</b>	<b>29</b>

### **Implications**

The geographic spread of the audited venues was generally representative of the actual geographic spread of the venue types.

Venue type contributes to the consideration of SPH. The location and geographic spread of the venues are also important considerations.



## B. Outlet density

### Definition

Outlet density refers to the number of venues within a particular area. For the purpose of this Paper the outlet density refers to the Chapel Street Precinct as a whole as well as looking at the individual suburbs of South Yarra, Prahran and Windsor.

### Research

Research undertaken by Turning Point Alcohol and Drug Centre researcher Michael Livingston (2008) looked at the relationship between outlet density and the amount of violence between 1996 and 2005. The research found that bars, nightclubs and restaurants are associated with violence in the inner city suburban areas, while packaged liquor outlets are associated with violence in suburban areas. The research found that the increase of licences over the ten years (1,942 additional on-premises licences, 77 general licences and 359 packaged liquor licences) would result in an additional 690 alcohol-related assaults annually. Additional research by Livingston (2007) found that there was a significant increase in the association of outlet density and assault rates for venues with a general licence (i.e. hotels). The research states that alcohol-related assaults increase more rapidly when the number of hotels in a suburb increases to more than 30.

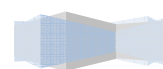
### Outlet density – Chapel Street Precinct

As discussed in the previous section, there are 60 venues, most operating within the precinct until 1.00am or after, that are similar to that defined as hotel in the above research. The Chapel Street Precinct is approximately 2km long, and the density equates to one source of alcohol-related harm per 57m along both sides of Chapel Street. Taking account of roads and other uses, in reality the density is greater. Other forms of late night trading also operate at these times in Chapel Street, including restaurants with licences and take-away food outlets. Chapel Street is recognised as a single precinct; with that in mind, it is useful to consider the research area above as being a comparable size to the suburbs discussed in the research. Given this, until the population changes significantly, it is reasonable to set a lower limit than the 60 licences currently operating.

### Key Saturation Consideration

*It is recommended:*

- *Chapel Street is an entertainment precinct at saturation. It is Council's view that 50 SPH operating after 1.00 am in the Chapel Street Precinct is the saturation limit for this area.*



## Late night audit findings

Through the course of the audit, 29 of the SPHs were assessed. Auditors observed 125 intoxicated people roaming in the Chapel Street Precinct on Friday night and 80 people on Saturday night. With respect to the research findings above, auditors observed potential 'hot spots' and conflict situations which could lead to incidents of aggressive behaviour. For example:

- Absence of available taxis in taxi ranks with many people seeking transport.
- Taxis double parking to collect people.
- Taxis refusing to accept people who were perceived to be intoxicated.
- People running into the middle of Chapel Street to hail a taxi.

Other verbal feedback made by auditors in relation to taxi access included the following quotations:

*"It was particularly distressing when girls were j-walking across Chapel St with no shoes on, trying to hail a taxi, whilst their friends sat on the side of the road drunk or throwing up."*

*"One thing of particular interest that I did observe was pairs of young girls were walking around trying to work out how they were going to get home."*

*"Taxi ranks along Chapel Street aren't working as they were intended. There are seven designated taxi zones located throughout Chapel Street. Zones need to be better enforced with taxi drivers."*

*"The biggest motor traffic problem is taxis. Especially when they double park and pull over for people hailing cabs in non-taxi rank areas. We counted 20 doubled parked taxis on Friday night alone. At least five or six times taxis did u-turns and stopped in the middle of traffic."*

In relation to the occurrence of alcohol-related incidents such as aggression, assaults and other forms of violence and vandalism, auditors made the following comments

*"Drunken Lovers fight. Male was quiet aggressive, girl was drunk and jealous of an incident that occurred earlier in the evening."*

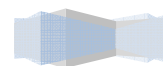
*"Fire in skip with oil drum looks like Kush's rubbish. Two fire trucks arrived, small crowd gathered to watch."*

### *Appendix Five – Auditor debrief comments*

## Implications

While minor incidents of anti-social behaviour were observed, there was potential for these activities to escalate to more serious alcohol related incidents such as assaults and other forms of violence and vandalism. This combined with the precinct being observed at only 50% capacity indicates the real potential for violence and anti-social behaviour.

Outlet density contributes to the consideration of planning application for a SPH. This consideration is important when combined with venue type, patron capacity and operating hours.



## C. Operating hours and patron capacity

### Definition

The *operating hours* refer to the opening and more importantly the closing times of late night liquor licensed venues during the peak times of Thursday to Sunday nights as defined by SPH.

Patron capacity refers to the total number of patrons licensed to be in the venue at any one time.

### Research

#### Operating hours

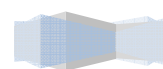
Australian research has found that late trading contributes to increased alcohol consumption and increased violence (Chikritzsh and Stockwell 2007). Other research has found that a large part of alcohol purchase and consumption is opportunistic and restrictions on trading hours and days of purchase could be effective (Babor and Caetano 2003).

Moreover, there is substantial empirical research identifying operating hours as a key determinant of alcohol-related harm. An example is the research conducted in Perth between 1989 and 1996 on the impacts of extended operating hours. The research found that the assault rate associated with those licensed premises more than doubled while remaining static for premises without extended hours (Chikritzhs 1997). In another Perth study, extended hours were associated with increased levels of alcohol consumption and impaired driver road crashes. Research in NSW also found that assaults at licensed premises were more likely to occur during extended trading hours, most frequently between midnight and 3am.

Research in NSW and WA has found that even a small change in trading hours is associated with significant local impact (Marsden Jacob Associates 2005).

#### Patron capacity

The DOJ Regulatory Impact Statement on liquor control reform regulations looks at venue capacity as a contributing factor in calculating the level of risk a venue poses. The Impact Statement refers to literature and research that indicates the size of a venue magnifies the level of risk associated with a licence. This approach starts to be applied at a level of 101-300 patrons and increases by 200 patrons up to 1101+ patrons. The justification for this approach is that it ensures comparability and reflects the incremental effect size has on the level of risk.



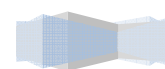
## Operating hours – Chapel Street Precinct

Within the Chapel Street Precinct, it is recognised that the peak times for operation are Thursday to Sunday nights. The following table outlines the closing hours of the late night licensed venues in the Precinct.

Detailed Licence Types - All Chapel St Precinct SPH	Prahran	South Yarra	Windsor	Total	Patron Capacity
General Licence - Trading to 1am	2	1	2	5	934
Late night (general) Licence - Trading 24 Hours x 365 days	1			1	248
Late night (general) Licence - Trading to 3am	5	5	2	12	3,596
Late night (general) Licence - Trading to 5am	1	1		2	607
Late night (general) Licence - Trading to 7am		1		1	500
Late night (on-premises) Licence - Trading 24 Hours x 365 days	1	1		2	760
Late night (on-premises) Licence - Trading to 2am			1	1	200
Late night (on-premises) Licence - Trading to 3am	7	8	6	21	3,643
Late night (on-premises) Licence - Trading to 5am	2	1		3	1,000
Late night (on-premises) Licence - Trading to 6am	1			1	414
Late night (on-premises) Licence - Trading to 7am	4	2		6	2,090
On-Premises Licence - Trading to 1am	2		3	5	388
<b>Total Liquor SPH Licences</b>	<b>26</b>	<b>20</b>	<b>14</b>	<b>60</b>	
<b>Total Patron Capacity</b>	6,421	5,778	2,181		14,380

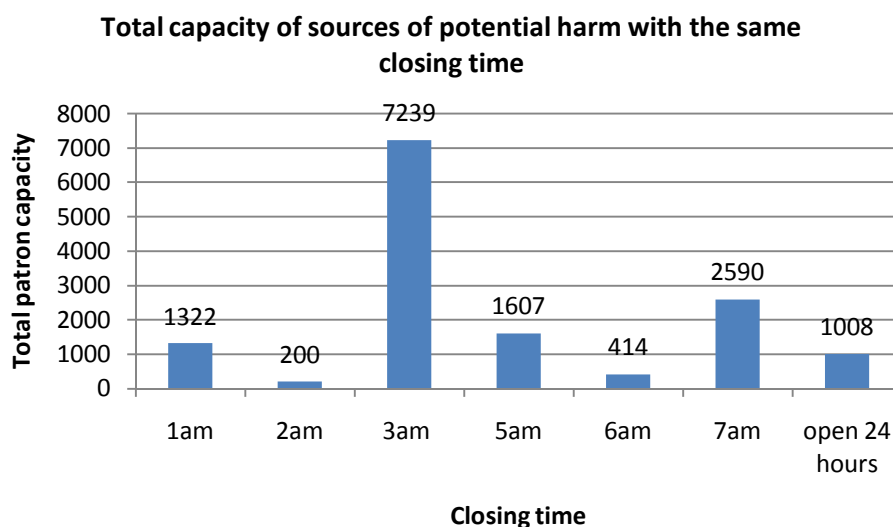
Packaged Liquor - Ordinary Trading Hours	5	3	2	10
Packaged Liquor - Trading to 12 Midnight	2	2		4
Packaged Liquor - Early opening	1			1
<b>Total Packaged Liquor Licences</b>	<b>8</b>	<b>5</b>	<b>2</b>	<b>15</b>

\* Patron capacity was derived from liquor licences. When not stated on the licence, manager estimates were used. Data for 2 venues was unavailable and not included in the total patron capacity figures.



## Patron capacity – Chapel Street Precinct

In this precinct, patron capacities for SPHs range from approximately 85 to 900. If every premises was at capacity this would equate to approximately 14,380 people. The graph below associates patron numbers with closing times.



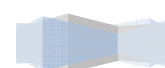
There are 33 SPH that close at 3am with a collective patron capacity of 7,239 and 13 SPH that close between 5am and 7am with a collective patron capacity of 4,611. Three SPH are licensed to open 24 hours with a capacity of 1,008 at any one time.

There are also approximately 196 licensed restaurants in this precinct. Restaurants in the precinct hold General and On-Premises licences, Restaurant & Café licences, Late night (general) licences, and Late night (on-premises) licences.

Eleven of the restaurants are licensed to close at 12.00am, 74 at 1am, 11 at 3am, 4 at 5am, 1 at 7am and 1 is licensed for 24 hour opening. The remaining 94 are licensed to open until 11pm. Of the 196 restaurants, 57 have an on-premises licence and 6 have general licences. Within Windsor, Prahran and South Yarra, there are also 83 limited licences (which authorise the licensee to supply liquor when catering for social functions on premises other than the licensed premises) with 20 venues holding both a Restaurant & Café and limited licence. There is also 1 restaurant with a packaged liquor licence and a few with BYO licences. The majority of restaurant licences do not include a patron capacity limit.

Research conducted for Council by SGS Economics found at peak times approximately 100,000 people per night come to this precinct. Other reasons to come to the Chapel Street precinct include visiting the Jam Factory, take-away food outlets, packaged liquor outlets or simply to come to the street itself. There is no research into the number of people who come solely for these reasons or if their visit is associated with attendance to a SPH or restaurant.

It is worth noting that venue capacity is not reflective of the actual number of people attending during the whole evening as venues can fill several times during one night. An experienced venue operator suggests that a venue with a 100-patron capacity may host up to 400 patrons in one evening.

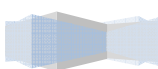


Victoria's Alcohol Action Plan (VAAP) froze the issuing of late night liquor licences after 1am in order to prevent further deterioration in the amenity of late night precincts and to allow time for a review. Although research shows that there is a substantial increase in violence and anti-social behaviour after 3am, Council will not issue planning permits for licences operating after 1am.

### Key Saturation Consideration

*It is recommended:*

- *That there be no more planning permits issued for premises operating after 1am.*
- *That no more planning permits be issued for new premises where the patron number is more than 200 patrons.*
- *That there be no additional planning permits issued increasing patron numbers to more than 200 patrons.*





## Late night audit findings

### Patron capacity

#### 300+ venues

- There is a total of 20 venues with a capacity of 300+ patrons
- Of these venues 8 are located in the South Yarra, 8 in Prahran and 4 in Windsor
- The majority of venues operate between the hours of 3am and 7am.

#### 200 – 300 venues

- There is a total of 17 venues with a capacity between 200 and 300 patrons
- Of these venues 9 are located in South Yarra, 7 in Prahran and 1 in Windsor
- The majority of venues operate between the hours of 3am and 7am.

#### 150 – 200 venues

- There is a total of 5 venues with a capacity between 150 and 200 patrons
- Of these venues 1 is located in South Yarra, 1 in Prahran and 3 in Windsor
- The majority of these venues operate until 1am.

#### 100 – 150 venues

- There is a total of 6 venues with a capacity between 100 and 150 patrons
- Of these venues 2 are located in South Yarra, 1 in Prahran and 3 in Windsor
- The majority operate until 3am.

#### 100 or less venues

- There is a total of 11 venues with a capacity of less than 100
- Of these venues there are 3 located in South Yarra, 2 in Prahran and 6 in Windsor.

On the nights of the audit, there were 3440 patrons visiting the venues that were audited. This is actually less than half of the potential capacity (7798) that the audited venues are licensed for. During the auditor debrief, auditors made the following comments regarding the number of people visiting the Chapel Street Precinct:

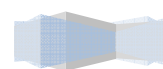
*“Quieter than I thought on the Friday. I did street observations on the Friday.*

*“Saturday night it was busier. There was a lot more people walking around.*

*“On Saturday, there was a lot of foot traffic but most of the venues we went into were quiet. They were predominantly at the Windsor end.*

*“No venues were at complete capacity. There were many drunken people on Saturday night.*

*“I couldn't believe how much parking there was. There was the Cato Street car park and a lot of street parking available.”*



In light of the above comments and the recorded number of patrons visiting the audited venues, it can be deduced that the Chapel Street Precinct had the potential to be at least twice as busy. Auditors also made the following comments regarding instances of anti-social behaviour and potentially dangerous acts:

*“At 3am venues throughout the entire precinct started to close, which led to people staggering around the streets trying to get into venues that were closing.*

*“It was particularly distressing when girls were j-walking across Chapel St with no shoes on, trying to hail a taxi, whilst their friends sat on the side of the road drunk or throwing up.*

*“A lot of foot traffic crosses the road randomly at the Windsor end because of concentrated nature of bars.”*

While there were only minor instances of anti-social behaviour recorded during the audit, there is potential for this to increase should venues be at full capacity. Notwithstanding, recorded incidents of potentially dangerous acts such as running across the road and the presence of drunk persons in the street were still significant. In addition, previous discussion regarding the observations of ‘hot spots’ and conflict situations and their potential to lead to incidents of aggressive behaviour, would be further intensified. In particular, the availability of taxis was observed to be an issue during the audit. This has significant implications should the larger (300+) venues on Chapel Street in the South Yarra area attract patrons at full capacity. It is also noteworthy that the venues in each of the three areas tended to attract not only a different number of patrons but also different patron profiles. Additional information gleaned from the audit was an understanding of the different people attracted to the different types of venues. Auditors collected information where possible on the age of the patrons in each of the venues. The patron profile for each of the areas is as follows:

#### South Yarra

- 18-25 age group

#### Prahran

- 18-25 age group

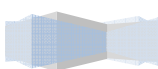
#### Windsor

- More varied age groups, but mostly over 30+

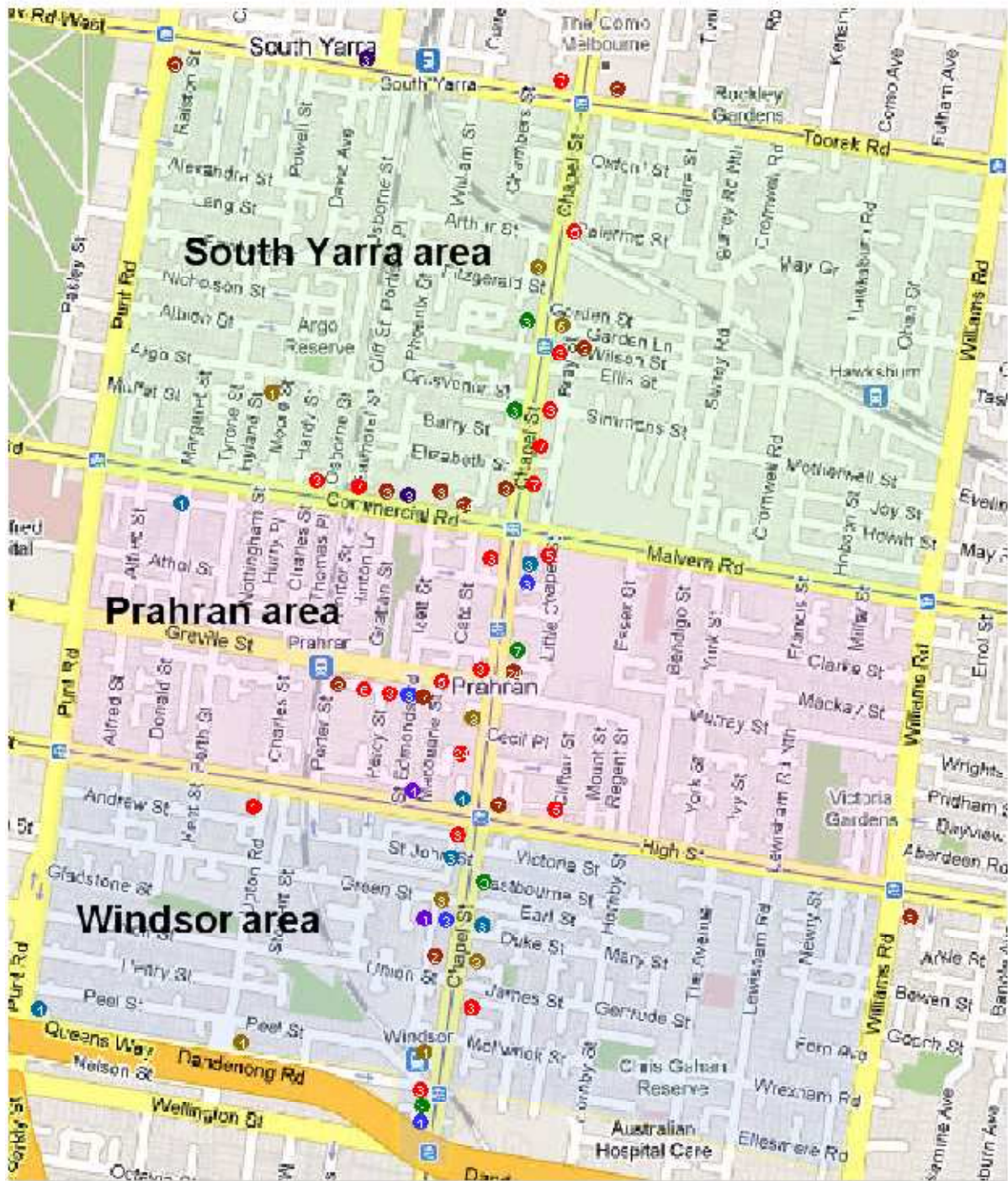
A difference in behaviour was observed between differing age profiles. Auditors made the following comment:

*“Different behaviour from different age groups in terms of their drunkenness. Younger people seem to put themselves in more dangerous positions i.e. walking in the middle of road, dancing in the street, whereas older people seem to become increasingly chatty.”*

*Refer to Appendix 2 – Methodology detail*

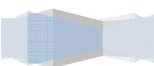


A" .....es patron capacity and closing time

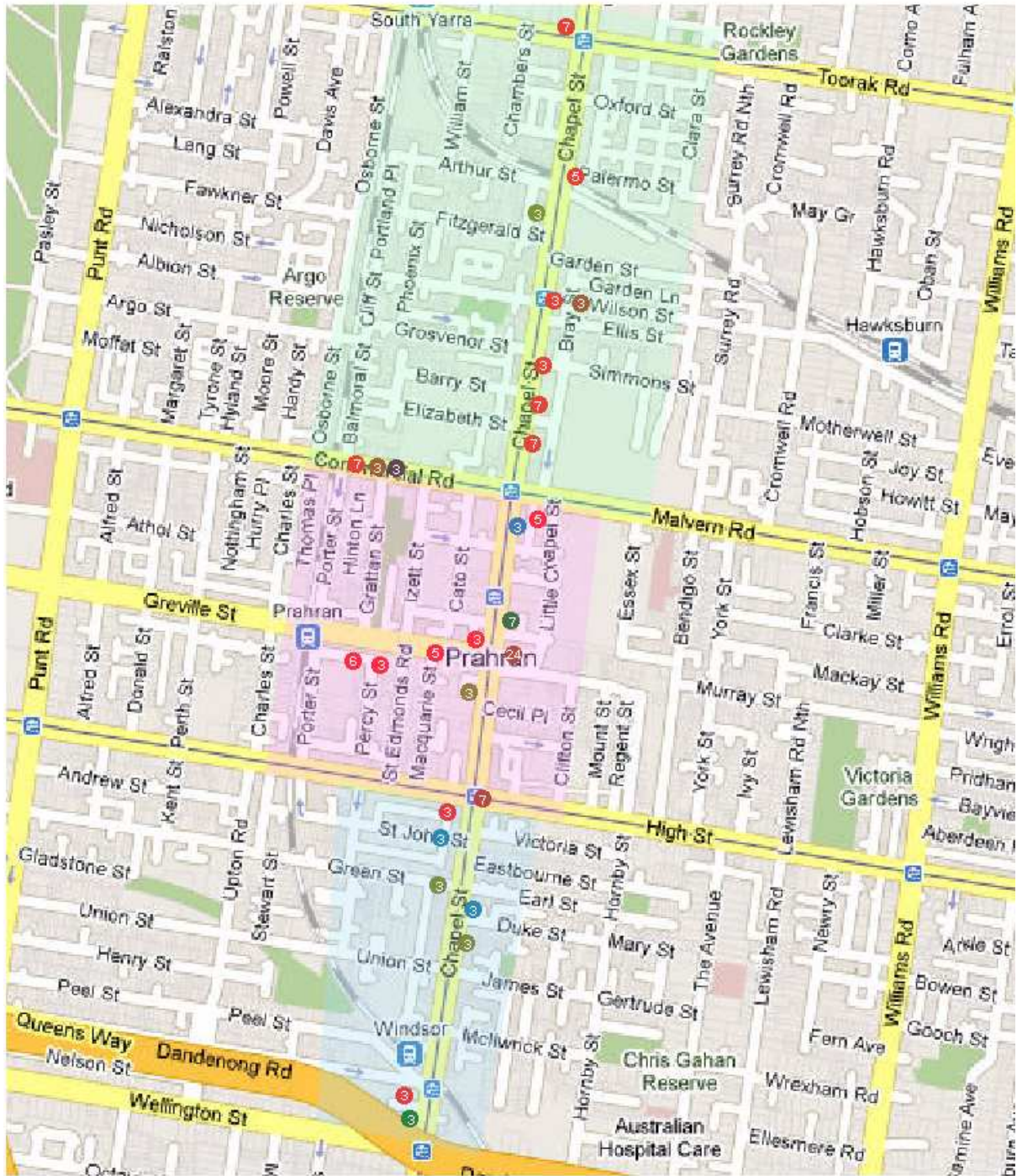


**Legend**

- - 300+
- - 200 - 300
- - 150 - 200
- - 100 - 150
- - 75 - 100
- - 50 - 75
- - 25 - 50
- = No veruc capacity inf.

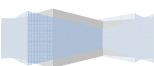


## Audited venues patron capacity and closing times



### Legend

- = 300+
- = 200-300
- = 150-200
- = 100-150
- = 75-100
- = No venue capacity info



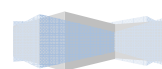
## Implications

The majority of SPH venues operating are either 200 to 300 or 300+ patron capacity venues. If these venues were to be at capacity on any one night, this would significantly increase the number of patrons on Chapel Street. This would exacerbate the incidents of aggressive and anti-social behaviour. In light of this, any reduction in the larger venues (200+), not just those operating after 3.00am, would be an important pro-active measure at this time.

When the audit findings are examined in the context of other research, a range of criteria needs to be considered. The profile of patrons and the style of venue also need to be considered and balanced with all other relevant factors. These factors contribute to the reduction or increase of potential for alcohol-related harm. The larger venues attracted a younger profile who tended to be greater consumers of alcohol. Moreover, they tended to be located near potential congregation points and/or not well designed.

The smaller venues (under 200 patrons) were generally located in Windsor in particular and while many operated until 3.00am they attracted an older patron profile. The older patrons of these venues did not exhibit the same propensity to intoxication and in turn anti-social behaviour as was the case in the larger venues attracting the younger age profile.

Operating hours and patron capacity contribute to the consideration of SPH, particularly when combined with the patron profile and location of the venue.



## **D. Congregation**

### **Definition**

Congregation refers to outdoor location/s where patrons may gather in the Chapel Street Precinct, sometimes referred to as 'hot spots' or conflict points.

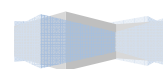
### **Research**

The book 'Raising the Bar – preventing aggression in and around bars, pubs and clubs,' states that alcohol is particularly likely to be involved in violence that is unplanned and emerges out of social interaction and conflict, as occurs in a licensed premise. Aggression in these circumstances is likely to involve more than one person and can be expressed in a variety of ways. While this text acknowledges that most people never get aggressive when they drink, prevention policy must take into account the potential for aggression in a licensed premise.

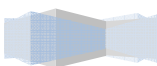
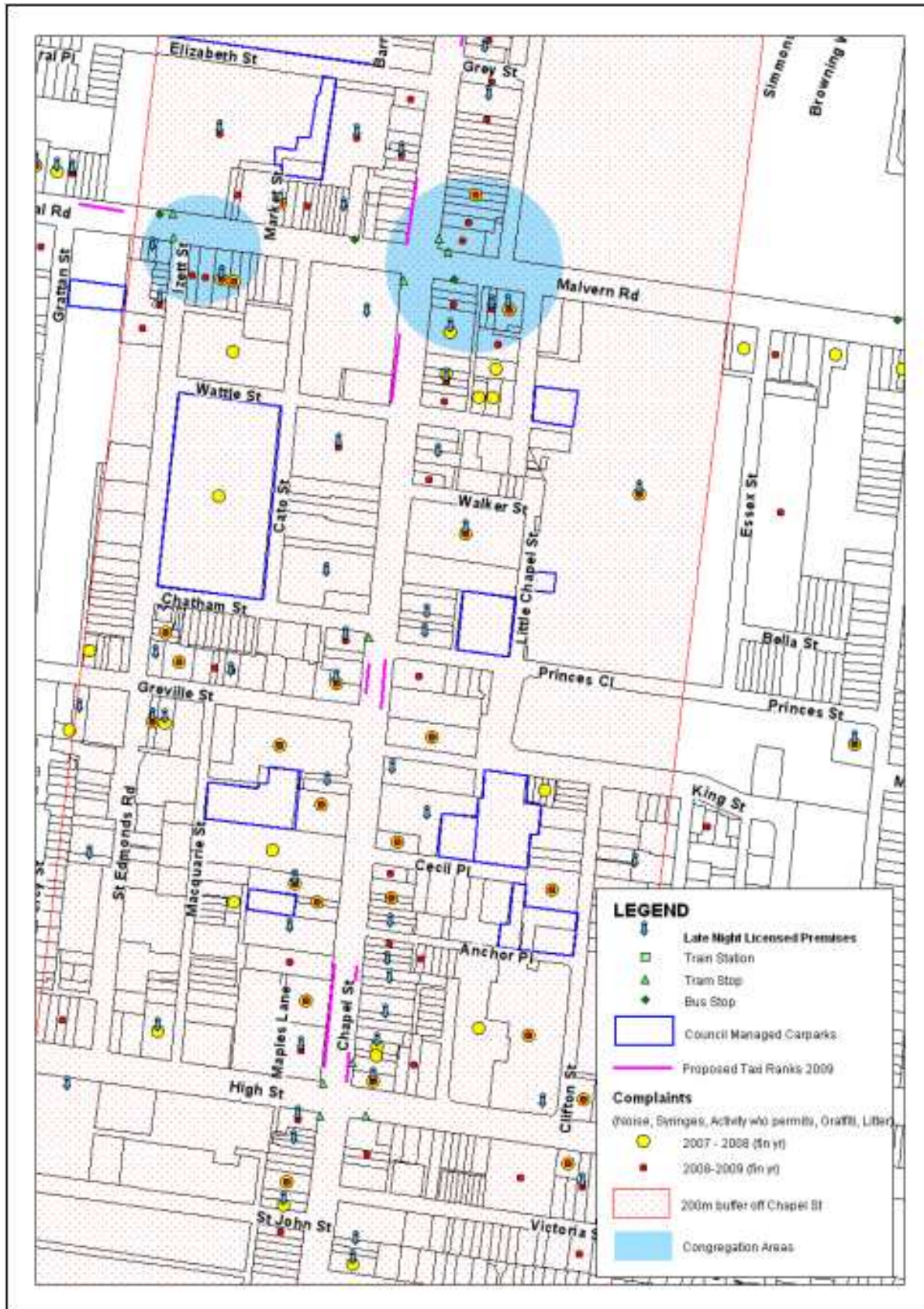
Research by Fox-Kibby (1992) shows an association between violence outside a venue with large numbers of people congregating and competing for resources such as fast food and transport.

### **Congregation – Chapel Street Precinct**

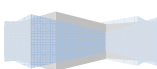
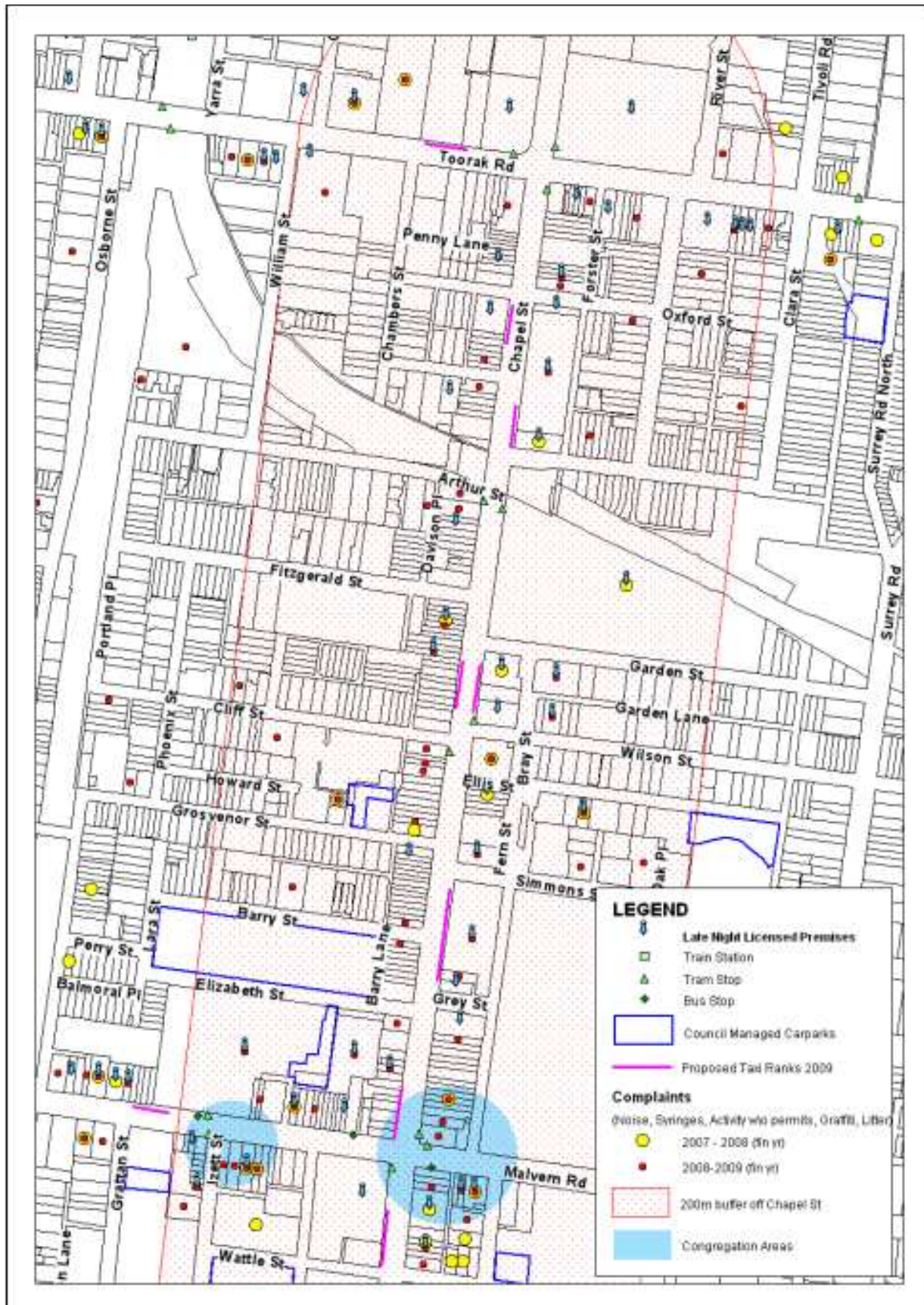
Congregation spots have been identified and associated with alcohol related harm.



# Chapel Street - congregation spots



# Chapel Street - congregation spots





The accessibility and availability of transport, the closing hours of public transport and the taxi ranks were taken into account in the identification of the congregation areas.

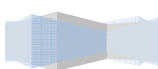
### **Key Saturation Consideration**

*It is recommended:*

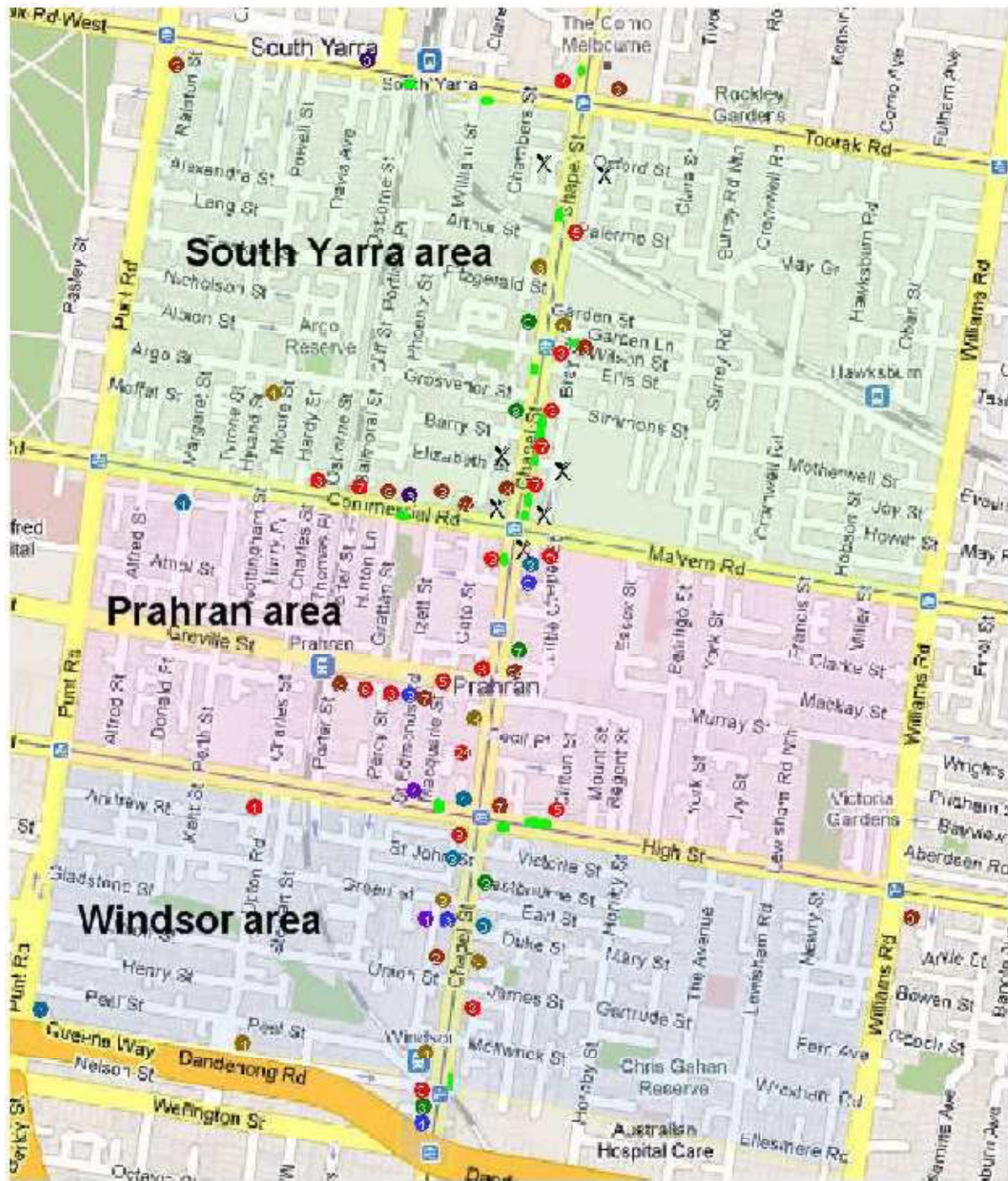
- *That no more planning permits are issued for premises operating in identified congregation spots after 1.00am*

### **Late night audit findings**

The map on the next page shows the strong correlation between late night venues, late night food outlets and taxi zones with the congregation points that were observed during the audit.

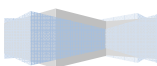


**All venues patron capacity, closing time, food outlets and Taxi zones**



**Legend**

- = 300+
- = 200 - 300
- = 150 - 200
- = 100 - 150
- = 75 - 100
- = 50 - 75
- = 25 - 50
- = No venue capacity info
- Taxi zones
- X Late night food outlets



External audit observations identified a number of congregation spots. They include:

- South Yarra area: Toorak and Chapel Street intersection
- South Yarra area: around Chasers and KFC
- Prahran area: around Boutique and opposite in Princes Close Park
- Windsor area: around the Railway Hotel
- Outside venues at closing time.

Auditor findings clearly identified the most prominent congregation area to be at KFC and Chasers nightclub. A direct observation found that there were approximately 65 patrons in close vicinity with girls running into the middle of road to hail taxis. Outside of Boutique nightclub was also identified and described as:

*“Being a popular spot to drop off, people/ taxis & cars double parked.”*

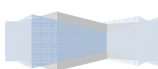
Other comments include:

*“People went to fast food venues to 'recharge'. [There was a] big security presence because of recent violence at these locations. We were told that there were only drunken people at these venues, but no people on drugs, because they wouldn't be hungry.”*

Congregation points were also observed outside venues at closing time, particularly if there were other venues in close proximity that have longer operating hours. ‘Bar hopping’ is also an issue whereby patrons move from one venue to the next.

### **Implications**

If an application for a planning permit is made for a SPH to operate after 2.00am and it is to be located near a congregation spot identified, there would be justification to refuse the permit.



## F. Venue design

### Definition

Design relates to all elements present inside the venue such as lighting and seating. Design also relates to external features such as entries, exits and queuing.

### Research

The Department of Justice released the Design Guidelines for Licensed Venues in 2008 to support operators and designers of licensed premises in creating safer venues. The Guidelines seek to create well designed, safer spaces in licensed premises for patrons and staff.

The term 'vertical drinking' is increasingly being used overseas and in Australia to describe the action of standing up and drinking in a crowded venue. The theory is that often in crowded venues there is nowhere to place a drink down and therefore a patron drinks faster. Vertical drinking has been associated with binge drinking and alcohol consumption without the accompaniment of food. It has been argued by Police in the UK that vertical drinking can increase alcohol-fuelled violence because it is easier to knock a drink out of a hand or throw a punch from a standing position.

### Venue design – Chapel Street Precinct

Venue design relates to future opportunities, not the current disparity of design in existing venues.

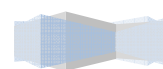
#### Key Saturation Consideration

*It is recommended:*

- *That planning permit applications must address the relevant elements outlined in the Guidelines for Licensed Venues.*

#### Late night audit findings

Venue design plays a major role in the occurrence of vertical drinking. The occurrence and impacts of vertical drinking were most prominent in 300+ venues in the South Yarra and Prahran areas. These venues tend to attract a younger crowd that are prone to drink more and be subject to alcohol-related anti-social behaviour. It is important to note that these venues did not serve food. The availability of food is a significant factor in both the absorption of alcohol and the volume consumed. Half of the venues audited in the Windsor area served food and as previously discussed, this area attracted an older crowd. Another strong correlation with venues which offered food (either during or before the audit period of 12.00am – 4.00am) is the availability of seating. All of the venues in the Chapel Street Precinct that were audited and offered food contained a higher ratio of seating per patron capacity.



The placement of seating was also significant. In particular, the venue design of the main dance room at one venue included approximately 60 seats around the edge. However, with extremely loud music playing and limited lighting, the observed usage of this seating during the audit was minimal (10 percent) with 100+ patrons standing or dancing in the middle of the room or around the bar. Therefore, it is not merely the availability of seating that is important, but placement in appropriate locations to enable conversation and other interaction between patrons.

Good venue design plays an important role in reducing the opportunity for anti-social behaviour fuelled by alcohol. Key design elements that were observed during the audit include:

#### Windsor

- While four of the seven venues were easy to move around, three were crowded (or contained rooms that were crowded) attracting 25-75 people. It is important to note that two of the three venues offered food; and
- With the exception of one venue, all created a rather 'dim' ambience. It is also noteworthy, while three of the venues had DJs, the other four provided entertainment in the form of more relaxed background music and seating was available for many patrons. A larger 300+ venue in this area has a DJ plus dancing, but unlike the others has 'sleazy' and 'uncomfortable' ambience, appears run down and uninviting.

#### Prahran

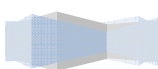
- Five of the ten venues were viewed as crowded and these tended to be the larger, one room venues that cater for 100+ patrons. It is also noteworthy that the majority were not providing food;
- Predictably, most venues (7) were seen as 'dim' or 'very dim' and live DJs provided the entertainment.

#### South Yarra

- Unlike the smaller Prahran venues, the South Yarra venues were not perceived as crowded with the exception of two. Notwithstanding, the majority were perceived as 'dim' or 'very dim' and a number were also described as 'sleazy' or 'dirty';
- Food was not served in the majority of venues.

### Implications

The design of a venue can be an important contributor to anti-social behaviour and violence. The DOJ developed the Design Guidelines for Licensed Venues and this should be used to assess planning permit applications.



## Other Factors to Consider

### Planning Permits

A review of Council records shows that from January 2007 to October 2009 there has been an increase of nine bars and nightclubs in the Chapel Street precinct. During this period, there have also been three planning permit amendments that have altered permit conditions and floor plans.

### VCAT Decisions

#### Swancom Pty Ltd T/as Corner Hotel v Yarra City Council – Red Dot Decision

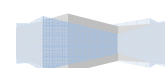
This application relates to the Corner Hotel in Swan Street, Richmond. Amongst other things, the application sought to amend an existing planning permit to extend trading hours in the beer garden from 11:30pm until 3am, and to increase patron numbers from 750 to 1300.

The application clearly triggers the still relatively new decision guidelines in clause 52.27 of all VPP-based planning schemes, introduced in 2008. These decision guidelines require consideration, as appropriate, of the impact of the hours of operation or the number of patrons on the amenity of the surrounding area, and the cumulative impact of existing licences and the proposed licence on the amenity of the area. The Yarra Planning Scheme also contains a relevant local policy on licensed premises in clause 22.09.

The decision focuses in particular on the consideration of the ‘cumulative impact’ of licensed premises in an area or precinct, and outlines three key considerations – the density of licensed premises in an area, the mix and type of the licensed premises, and existing amenity levels. The level of detail of the assessment of cumulative impact on amenity should be proportionate to the level of concern raised by these considerations. The decision reviews background material and research and proposes an assessment methodology to consider cumulative impact.

In this case, the Corner Hotel is located in the Swan Street precinct where there is a high density of licensed premises, predominantly late night bar/hotel venues. Extensive evidence from residents, business occupiers, the police and Council indicate that this is already causing significant adverse amenity impacts. It is also hampering attempts by the Council’s planning objectives for a more diversified activity centre. Although the Corner Hotel is well managed, it is an attractor of patrons to the precinct and a contributor to these existing problems. After considering the evidence, the decision concludes that the likely additional external amenity impacts in the surrounding residential area would be unacceptable and that the application should be refused in its current form.

The decision also discusses a number of related issues, including the limited use of a site inspection to consider behavioural issues, the application of the Charter of Human Rights, the disconnect between liquor licensing and planning applications and broader government policy for licensed premises.



The decision perhaps highlights that the operators of licensed premises in an area where amenity problems already exist can no longer rely on an internally focused noise and amenity plan in support of a planning application for late trading hours and significant patron numbers. The purpose of clause 52.27 and the decision guidelines is now to focus on external amenity issues and cumulative impacts, and operators of licensed premises must also address these broader amenity impacts beyond their immediate control.

Some considerations arising from the Corner Hotel decision are relevant to the City of Stonnington. Specifically:

- Clause 52.27 is read holistically and not literally.
- Clause 52.27 is triggered by a change to patron numbers.
- The following documents, whilst not incorporated into the Stonnington Planning Scheme (nor Yarra's), are relevant to form part of the consideration due to Section 60(1A)(g) of the Planning and Environment Act 1987:
  - Victoria's Alcohol Action Plan (VAAP)
  - The Inner City Entertainment Precinct (ICEPT) report A Good Night For All
  - Inner Melbourne Action Plan – managing conflict in activity centres.

Clause 52.27 has since been amended. The permit requirements and decision guidelines were added to and this was approved in December 2009.

Clause 52.27 now states:

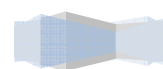
#### Permit Required

A permit is required to use land to sell or consume liquor if any of the following apply:

- A licence is required under the Liquor Control Reform Act 1998.
- A different licence or category of licence is required from that which is in force.
- The hours of trading allowed under any licence are to be extended.
- The number of patrons allowed under any licence are to be increased.

This does not apply if any of the following apply:

- To a limited licence.
- To a licence to manufacture liquor.
- To a licence to sell only packaged liquor for consumption elsewhere.
- If the schedule to this clause specifies that a permit is not required to use land to sell or consume liquor under a particular type of licence.
- To a change that reduces the hours of trading allowed under any licence.
- To a change that reduces the number of patrons allowed under any licence.
- To a change that reduces the area within which liquor is allowed to be consumed under any licence.

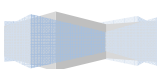


- To a variation of licence at the initiative of the Director, pursuant to section 58 of the Liquor Control Reform Act 1998.
- If a different licence or category of licence is required solely as a result of the changes to licence categories introduced on 1 January 2010.

### Decision Guidelines

Before deciding on an application, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:

- The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- The impact of the sale or consumption of liquor permitted by the liquor licence on the amenity of the surrounding area.
- The impact of the hours of operation on the amenity of the surrounding area.
- The impact of the number of patrons on the amenity of surrounding area.
- The cumulative impact of any existing and the proposed liquor licence, the hours of operation and number of patrons, on the amenity of the area.





## Crime and compliance

The Livingston research discussed in the outlet density section of this paper shows that there is a clear link between alcohol consumption and violence. Research has also found that alcohol-related harm and violence tend to dominate areas in and around licensed premises (Hommel, Thomson and Thommen 1992).

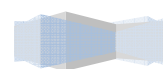
The incidence of crime is recognised by the State Government as a clear indicator of the amount of alcohol-related harm and this has been demonstrated in the Liquor Control Reform Regulations – Regulatory Impact Statement. The Impact Statement looks at liquor licence fees, proscribed substances, security camera standards and information for liquor licence applications. In particular, a risk-based approach to licence fees has been explored. The Impact Statement has recommended that a risk-based fee be applied and the level of risk be determined by operating hours and compliance history.

### Crime and Compliance – Chapel Street precinct

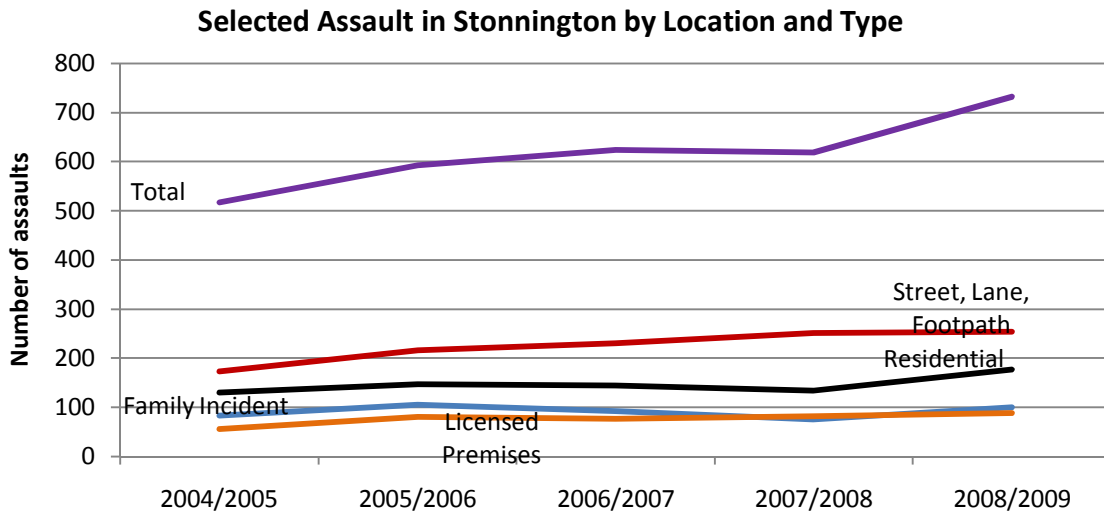
In 08/09, the rate of assaults in Stonnington increased by 16.6% per 100,000 persons (from 619 to 732 offences) as shown in the table below. As a proportion of total offences, assault has increased by just 1.2% in 08/09 (to 7.6% of total offences) compared to the previous year when it was 6.5% of the total.

	Rates per 100,000 population		
<b>Crime</b>	July 2007 - June 2008	July 2008 - June 2009	% Change
<b>Crime against the person</b>	921.9	960	4.1
<b>Crime against property</b>	8133	7734	-4.9
<b>Drug offences</b>	407	333.6	-18
<b>Other crime</b>	499.4	714.4	43.1
<b>Total crime</b>	9961.2	9742	-2.2
Selected Crimes			
<b>Robbery</b>	132.9	105.4	-20.7
<b>Assault</b>	642.6	749.1	16.6
<b>Property damage</b>	1102.5	952.8	-13.6
<b>Burglary (residential)</b>	827.4	763.5	-7.7
<b>Burglary (other)</b>	506.6	455.4	-10.1
<b>Theft from motor vehicle</b>	2161.5	1663.1	-23.1
<b>Theft of motor vehicle</b>	447.4	311.1	-30.5

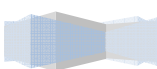
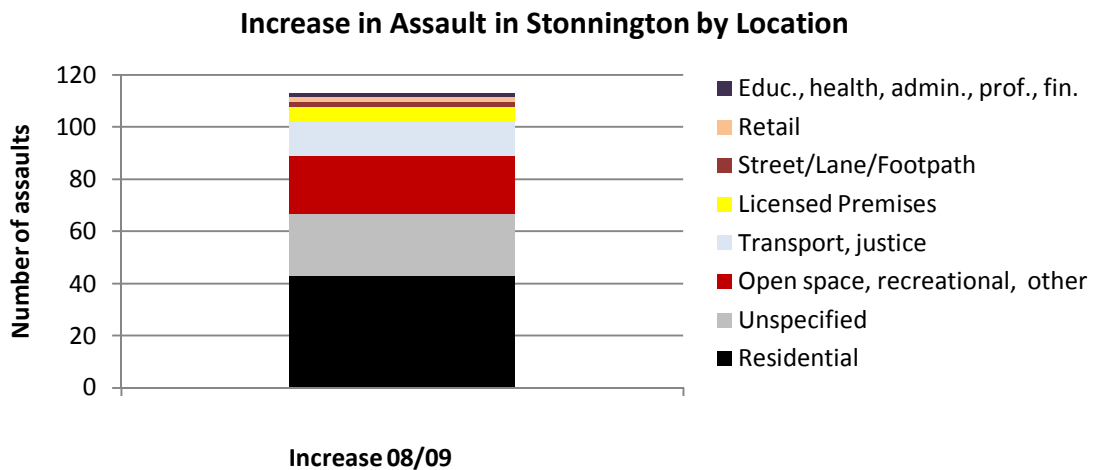
Source: Victoria Police 2009



Detailed data from Victoria Police shows that a proportion of the rise is due to an increase in assaults arising from family incidents. Family assault can occur in a number of locations, including outside the home. As shown in the figure below, while the number of all assault offences increased by 18% in 08/09, the number of assaults arising from family incidents increased by 33% in the same period. This is a significant increase compared to the previous three years.

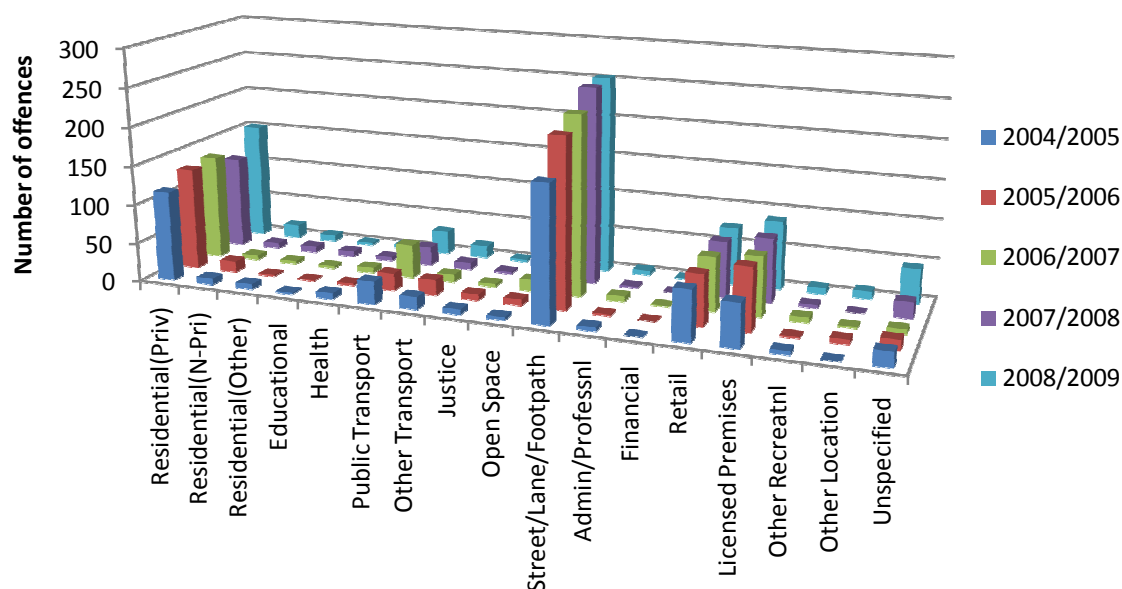


In recent years, the number of assaults in residential locations has fluctuated from increases of 13% to decreases between 2% and 7%. However, in 08/09 this type of assault has increased significantly by 32% (from 134 to 177 offences). Of the 732 assaults reported across Stonnington in 08/09, 12% (88) occurred in licensed premises, compared to 13% in 07/08.



In 08/09, the incidence of assault in licensed premises increased by 7% to plateau at 88 offences per annum (in contrast to increases of 45% and 8% and decreases of 5% during years 04/05 to 07/08.) Similarly, the number of assaults on the street, lane or footpath has increased by just 0.8% (by 2 offences, to 254) over the last year. This compares to an average rise of 15% per annum between 04/05 and 07/08 (from 173 to 252 offences). Assaults on the street, lane or footpath comprise 34.6% of total assaults for 08/09.

**Assault Offences in Stonnington by Location**

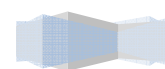


Many of the complaints received by the City of Stonnington relate to antisocial behaviour and property damage located around late night venues and businesses. Excessive noise, rubbish (including syringes) and anti-social behaviour significantly affect the amenity of the area and the perception that the environment is unsafe. The following table shows complaints and breaches of local law in the Chapel Street area between 2007 and 2009. Most of the Local Law breaches relate to footpath trading. All the planning enforcement complaints in this area are noise-related.

**Noise, anti-social behaviour and property damage**

Year	Breach of local law	Planning enforcement	Liquor licence complaints	Noise complaints	Public behaviour (includes litter, syringes and graffiti)
2007	17	4	0	4	0
2008	41	11	2	11	9
2009 (to Oct)	24	7	1	7	6

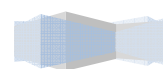
Source: City of Stonnington



## Alcohol-related harm

The State Government compiled the following list in 2008 which demonstrates the extent of the alcohol-related harm impacts on the community:

- 24,714 inpatient hospitalisations
- Over 8,000 emergency department presentations
- Over 4,700 ambulance attendances in metropolitan Melbourne
- 64% of 18-24 year olds and 32% of 14-17 year olds binge drink
- 759 alcohol related deaths, 57 road deaths
- 13,000 seeking treatment for alcohol problems
- 487 infringements to minors for possession of alcohol
- 2,472 infringements to licensees breaching liquor laws
- Approximately 2,000 assaults involving young people and alcohol
- 16,500 drivers convicted of drink and/or drug offences
- 10,000-15,000 people apprehended for public drunkenness
- Over 1,5000 assaults in licensed premises
- 37% of parents with children entering foster care with alcohol-related problems.



## Health impacts

Alcohol and its impact on health was discussed in Victoria's Alcohol Action Plan 2008-2013. It acknowledges that at low levels, alcohol has been reported to reduce the risk of heart disease and stroke, although this effect is only relevant at middle age. However, the harmful effect of alcohol is evident across all ages.

Alcohol is estimated to directly account for 4.9% of the total burden of disease in Victoria (DHS 2005) and it is related to the causes of more than 60 different medical conditions (Rehm, Room, Graham, Monterio, Gmel, Sempos 2003). Chronic disease, such as liver cirrhosis, cancer and mental illness, are associated with the misuse of alcohol, particularly its long term misuse.

The misuse of alcohol is also associated with some mental and behavioural disorders including alcoholic psychosis, alcohol dependence syndrome and alcohol-related dementia. There is growing evidence that suggests that risky alcohol consumption during adolescence can impair healthy brain development and social development.

Australia: The Healthiest Country by 2020 identifies alcohol as one of the most easily preventable causes of ill health in Australia. One in five Australians drink monthly at a level that puts them at risk of short-term harm (Preventable Health Taskforce 2008).

### Hospital admissions and ambulance attendance

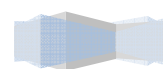
Research undertaken in 2007 by Turning Point Alcohol and Drug Centre estimated that 24,714 inpatient hospitalisations were associated with alcohol consumption during 2005-06, a six percent increase from 2004-05.

The research found that more than half of alcohol-related hospital admissions are associated with chronic conditions caused by heavy long-term alcohol consumption, while a significant number relate to acute alcohol misuse resulting in injuries and death from falls, assaults and motor vehicle accidents.

Turning Point research in 2008 found that alcohol made up 34.4% of all drug-related events attended by an ambulance in metropolitan Melbourne between April and December 2007. This represents a 29.5% increase from the same period in 2006.

### Alcohol related deaths

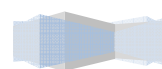
In 2005 it is estimated that there were 759 alcohol related deaths in Victoria, which is 2% of all Victorian deaths (Turning Point 2007). On average, out of every 1000 deaths in Victoria, 25 are caused by alcohol (Turning Point 2007).



## Health impacts – Stonnington

In Stonnington, 79% the local population drink alcohol at least weekly, with 73% consuming at least 1 to 2 drinks daily. This is slightly higher than the 2007 rate of 76% (Stonnington Survey Group 2007, 2009). In addition, more Stonnington residents are at a high risk of long-term damage from alcohol than the general Victorian population.

While the above information is relevant in acknowledging the broader impacts of the misuse of alcohol on the Stonnington community, the majority of visitors to the Chapel Street Precinct are from outside of Stonnington. Therefore, the health impacts resulting from alcohol availability in Stonnington have a potentially wider impact on the population of metropolitan Melbourne.



## Economic impacts

The DOJ engaged Allan Consulting Group to undertake research that informed the Liquor Control Reform Regulations – Regulatory Impact Assessment 2009.

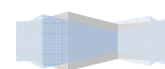
The research included looking at the social costs of alcohol-related harm in Victoria and found that in 2007-08 they were estimated at \$4295.6 million. The table below shows where this cost is experienced.

	Collins and Lapsley national estimates (\$m)	Population adjustment	Updating for 2007/08	Victorian cost estimates (\$m)
<b>Direct costs</b>				
Healthcare	\$1976.7	22.18%	120.42%	\$528.0
Road accidents	\$2202.0	22.18%	116.98%	\$571.4
Crime	\$1726.1	22.18%	116.98%	\$448.0
<b>Indirect costs</b>				
Labour in the workforce and household less consumption resources saved	\$4293.7	22.18%	118.77%	\$1128.7
Resources used in abusive consumption	\$1688.8	22.18%	116.98%	\$438.2
<b>Intangible costs</b>				
Loss of life and pain and suffering	\$4488.7	22.18%	116.98%	\$1164.8
<b>Total</b>	<b>\$15,318.2</b>			<b>\$4279.1</b>

Source: Collins and Lapsley 2008 and the Allen Consulting Group. Note: the difference between the total presented above and the total in Table 2.2 can be attributed to the additional cost of emergency departments (\$1.6 million) and government education, promotion and research programs. Neither of these costs were derived from the Collins and Lapsley (2008) estimates.

The indirect cost of alcohol-related harm in Victoria in 2007-08 is estimated to be \$1.1 billion. Indirect costs come about from reduced labour in the workforce (paid work), reduced labour in the household through sickness or death (estimated value of unpaid work in the home) and government investment in education, promotion and research programs.

For the same period, intangible alcohol-related costs are estimated at \$1.2 billion. These costs include the valuation of loss of life and the pain and suffering attributed to alcohol-related harm.



## Economic impacts – Stonnington

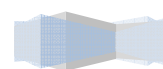
The SPH generate their own economic spin-offs due to their purchasing activities (hospitality supplies, security, furnishings, business services etc). The current output of bars and clubs in the City of Stonnington, indirectly through purchasing activities, supports \$95.9 million worth of output and 721 jobs in the Stonnington economy. Of this \$95.9 million, \$85.2 million is realised in the commercial sector (or employment-generating sectors) and the balance of \$10.7 million is realised in the residential sector through the ownership of dwellings.

As might be expected, the majority (45%) of the flow-on benefit to the commercial sector is generated in the Property and Business Services, Wholesale Trade, Retail Trade and Health and Community Services sectors.

Preliminary research from the Health Credits research indicates that, between 9pm and 1am, the average visitor to Chapel Street is aged 25, spends \$56 on alcohol (comprising 7.3 drinks) with 63% drinking before they arrive. The most common reason for visiting Chapel Street is visiting bars or nightclubs – this reason is two to three times more prevalent than coming to Chapel Street for dinner (Fitzgerald, 2009).

### Drugs other than alcohol

Most violence in bars and nightclubs is alcohol-related (Graham and Homel 2008) however; there is also concern about the consumption of other types of drugs, both illicit and prescribed. The exploration of other drug consumption and its relation to late night liquor licence saturation is outside the scope of this paper. However, it is acknowledged that anecdotal evidence does provide a basis for exploration and this should be considered in the future.





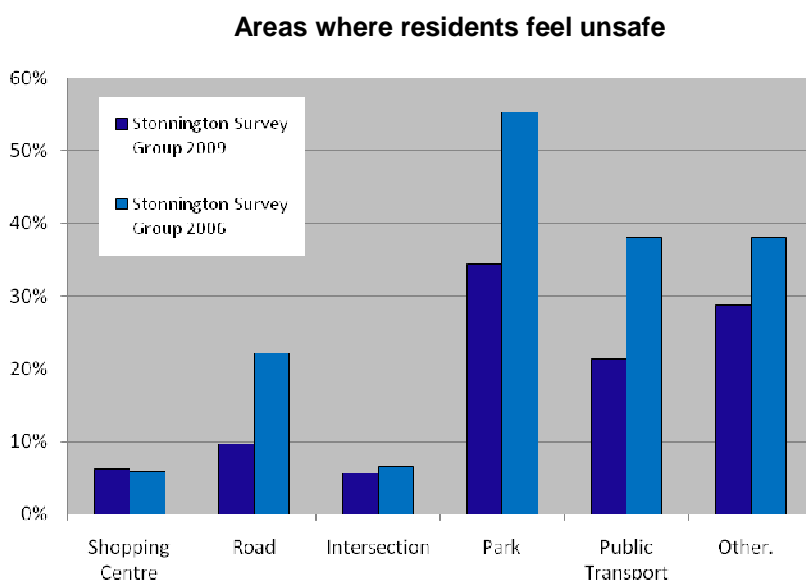
## Community perceptions

Stonnington residents were surveyed in May 2009 to increase Council's understanding of current community safety issues and areas of concern. The questions mirrored those included in a previous Council survey conducted in 2006, allowing a comparison to be made.

### Perceptions of safety

Survey results showed that in general, most residents feel safe in their local area, with 74% feeling either *safe at all times* or *nearly always safe*. This remained unchanged since 2006.

Encouragingly, there are now significantly fewer residents who avoid going to public places alone, particularly parks, public transport locations and roads. However, these remain the predominant areas where residents feel unsafe. Other locations included car parks, back laneways and side streets and areas near clubs and hotels.



Source: Stonnington Survey Group Survey 9, 2009 & Survey 2, 2006

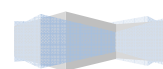
### Crime

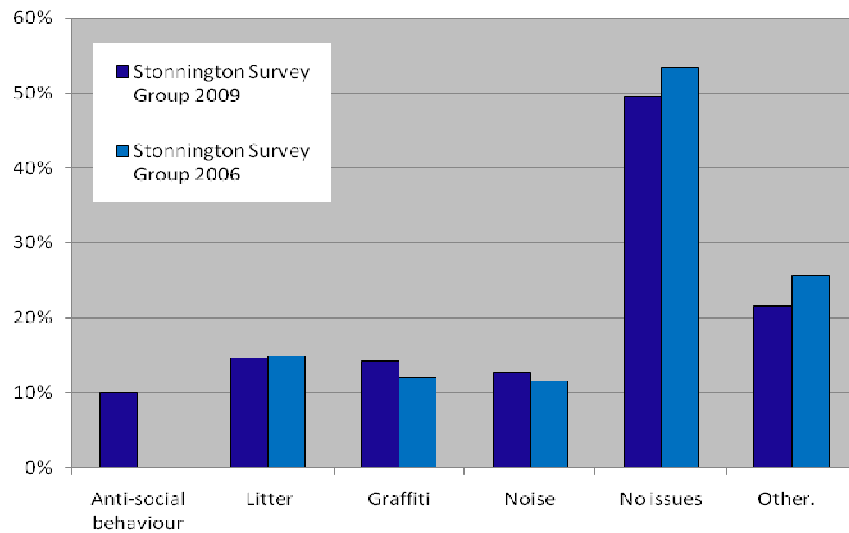
Eight percent of survey respondents or their family members had experienced a violent crime in the previous three years, while a third had experienced a property crime such as theft. Crime rates have decreased slightly from 2006, with violent crime down 1% and property crime reduced by 3%. The majority of residents would contact Victoria Police if they were to witness a crime (98%).

### Amenity

Just under half of all survey respondents had contacted Council about an amenity issue in the previous three years, 4% less than in 2006. The most common issues were litter (14%), graffiti (14%) and noise (13%), similar to 2006. Ten percent of residents also contacted Council regarding anti-social behaviour. Other amenity issues included parking, rubbish collection, animal management and street trees.

### Amenity Issues





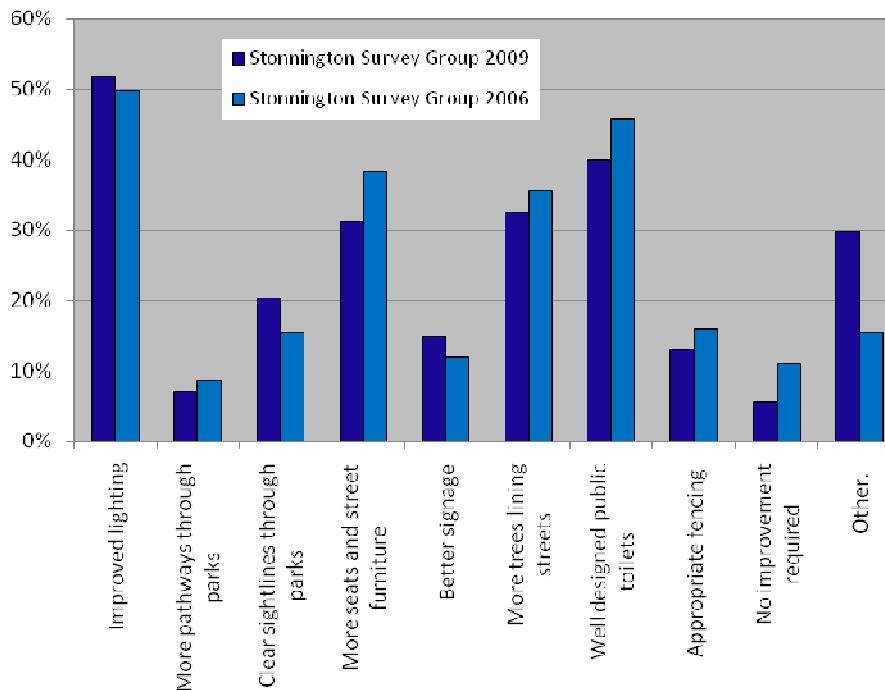
Source: Stonnington Survey Group Survey 9, 2009 & Survey 2, 2006

When asked to rate their satisfaction with Council's response to these public realm issues, 45% of respondents reported being highly to very highly satisfied. This was slightly less than the 2006 rate (49%), with more residents rating their satisfaction as low to very low (20% compared to 17% in 2006).

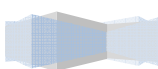
The majority of residents thought the public realm in their area was maintained at a good to very good standard (82%). However, this was 6% less than the 2006 rate (88%), with more residents now rating the quality of maintenance as poor to very poor (18%).

The top choices for improving the public realm were improved lighting (52%), well-designed public toilets (40%), more trees lining streets (33%), more seats and street furniture (32%) and clear sightlines through parks (21%).

### Suggestions for improving public realm



Source: Stonnington Survey Group Survey 9, 2009 & Survey 2, 2006



## Summary of Saturation Considerations

The recommendations listed below will form the defined Saturation Points for Planning Decisions.

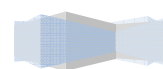
Saturation Consideration	Recommendation
Venue Type	<ul style="list-style-type: none"><li>Venues most likely to be associated with ‘alcohol-related harms’ (e.g. hotels, bars and nightclubs operating after 12am) will be defined as Source of Potential Harm Venues (SPH).</li></ul>
Outlet Density	<ul style="list-style-type: none"><li>Chapel Street is an entertainment precinct at saturation. It is Council’s view that 50 SPH operating after 1.00 am in the Chapel Street Precinct is the saturation limit for this area.</li></ul>

In determining any future planning applications for SPHs in this precinct the following is Council’s policy position.

Operating Hours	<ul style="list-style-type: none"><li>That there be no more planning permits issued for premises operating after 1am.</li></ul>
Patron Capacity	<ul style="list-style-type: none"><li>That no more planning permits be issued for new premises where the patron number is more than 200 patrons.</li><li>That there be no additional planning permits issued increasing patrons numbers to more than 200 patrons.</li></ul>
Congregation	<ul style="list-style-type: none"><li>That no more planning permits are issued for premises operating in identified congregation spots after 1.00am</li></ul>
Venue Design	<ul style="list-style-type: none"><li>That planning permit applications must address relevant elements outlined in the Guidelines for Licensed Venues.</li></ul>

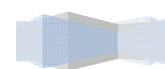
To assist the Statutory Planning Department in implementing these key findings into the planning assessment and decision making process a checklist has been developed.

*Appendix Six – Statutory Planning Department Guide*



## Appendix One – References

- Department Of Justice (2009). *Liquor Control Reform Regulations*. Melbourne, Australia.
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- Department of Justice 2009. Design Guidelines for Licensed Venues.



## Appendix Two – Methodology detail

### Literature review

The literature review began by looking at the legislative and policy context. The following was reviewed:

- Australia – The Healthiest Country by 2010;
- Restoring the balance – Victoria’s Alcohol Action Plan;
- Inner City Entertainment Precinct Taskforce – ‘A good night for all’;
- Inner Melbourne Action Plan – Action 6.3 Managing conflicts in activity centres;
- Stonnington Planning Scheme
- Municipal Public Health Plan

The literature review also looked at international and national research as well as research specific to Victoria and Melbourne. Research undertaken by established alcohol and health experts was sought. This included research by Turning Point Alcohol and Drug Centre, established in 1994 and formally affiliated with the Monash University. Research to support the State Governments “A good night for all” document, the Victorian Alcohol Action Plan and the Liquor Control Reform Regulations – Regulatory Impact Assessment” were also reviewed.

### Council records review

- planning permit applications and amendments
- compliance and response data

### Data collection and analysis, observation of the precinct late at night and random audit of late night licensed venues.

#### Audit criteria

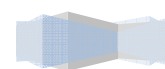
A comprehensive set of audit criteria was developed and used to craft forms to capture information during the audit of the internal and external environments of the licensed venues. Sources used to develop the audit criteria included both the City of Stonnington draft *Research Paper* and the findings of a recent VCAT panel report for the Corner Hotel in Richmond (VCAT determination, *Swancom v City of Yarra and Ors*). Audit criteria were developed for both:

- Internal auditing – point of entry to and inside each venue; and
- External auditing – prominent congregation areas and other street observations.

The criteria, both internally and externally, were based on those factors (see below) that affect the assessment of the nature and extent of alcohol related harm.

#### Audit forms

Two audit forms were developed to capture both internal and external information. They include:



### 1. Venue entry point and internal audit form

This audit form was designed to capture key information for each venue audited. It focused on the point of entry, internal design, management and patron behaviours inside the venue by capturing information relating to:

- Patron demographics;
- Patron behaviours;
- Point of entry screening;
- Venue mix and room types;
- Seating and space;
- Patron comfort;
- Bar service areas;
- Entertainment provided;
- Food availability; and
- General observations.

### 2. Venue Exit Form

This audit form was designed for completion post venue audit to capture more qualitative information pertaining to the auditor's impressions of the venue's ambiance and their sense of safety. This audit form was also used by the external auditors when observing prominent congregation locations in the Precinct.

### 3. External Street Auditors Form

This audit form was designed to prompt the external auditors during their general observations of the street environment in the Precinct, in particular prominent congregation areas. The audit form captured general observations illustrating:

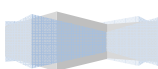
- Anti-social behaviour;
- Patron movements;
- Patron behaviours; and
- Visual observations of enforcement presence and/or action.

The audit forms were trialled prior to the official audit nights and refined to ensure ease of information collection and relevance.

#### **Auditor selection**

To ensure the greatest level of consistent data collection and general observations, auditors were carefully selected to conduct the audit.

Key factors considered during the selection of auditors included:



- Age and appearance

The majority of auditors were in their late 20s to mid 30s. This provided an essential level of maturity while still enabling ease of access to the majority of venues in the Precinct. Appearance was also considered in respect to the auditor's natural ability to fit in with the particular style and dress code of the type of venues they would be auditing. This assisted in limiting any potential difficulty that auditors may have encountered in gaining entry to venues in a reasonable amount of time. It also ensured that the auditors felt comfortable once inside the venue and were less conspicuous.

- Familiarity of the Chapel Street Precinct and venues

All auditors were familiar with the Precinct and a number of the venues. This enhanced the auditor's efficiency in locating venues and in conducting the audit once inside.

- Experience/training in conflict resolution, responsible serving of alcohol and/or security.

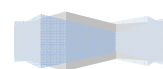
Auditor safety was a high priority during the design of the audit methodology and therefore any prior experience and/or training in conflict resolution, responsible serving of alcohol and or security was weighted heavily during selection.

- Availability to attend pre and post auditor briefings.

It was essential that auditors were available to attend both briefing sessions for reasons described below.

### **Pre-audit briefing**

A pre-audit briefing with all auditors was held to ensure a consistent understanding of the audit methodology and the type of data collection.



## Audit venue selection

In order to effectively and efficiently cover a broad range of venues, the Precinct was divided into the three distinct geographic areas that abut the Chapel Street Precinct: South Yarra, Prahran and Windsor. Venues audited in each geographic area were as follows:

Area	Number of venues
South Yarra	7
Prahran	10
Windsor	12
	<b>Total 29</b>

Thirty of the existing 60 late night venues were audited. This represents an audit of approximately 50% of all venues. Data collected on each of the venues can therefore be considered representative and reliable.

Moreover, auditors were assigned to specific areas depending on their previous experience and preference for particular types of venues. This also strengthened the reliability of the findings.

## Conducting the late night audit

The audit was conducted on the mornings of Saturday 12<sup>th</sup> and Sunday 13<sup>th</sup> December 2009, between the hours of 12:00am and 4:00am.

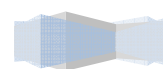
- Internal auditing

In total, a diverse mix of 30 venues out of a potential 60 were audited as part of the internal auditing (see above). Internal auditors entered venues at random from the list they have been provided in the suburb they had been allocated. Auditors carried a concealed clipboard containing the audit forms. Depending on the size of the venue and its capacity at the time of the audit, auditors spent an average of 15-45 minutes in each venue. These enabled auditors to collect the level of information required of the audit forms, as well as observe in detail the behaviours of patrons and make any additional comments. So as not to draw attention, audit forms were completed in discrete locations, or once auditors had exited the venue.

- External auditing

External auditing of the Chapel Street Precinct included the length of Chapel Street between Toorak Rd and Dandenong Road.

It also incorporated sections of Toorak Road and Commercial Road, as well as smaller adjoining/adjacent alleys and back streets where auditors deemed it was safe to do so. The external auditors continuously recorded general observations as they patrolled the entire Precinct.





## Auditor activities

- Saturday 12<sup>th</sup> December:
  - 2 pairs randomly auditing venues (internal); and
  - 1 pair randomly auditing the street (external).
- Sunday 13<sup>th</sup> December 2009:
  - 3 pairs randomly auditing venues (internal); and
  - 1 pair randomly auditing the street (external).

The auditors conducted the audit in pairs.

## Auditor safety

To maximise auditor safety, the following measures were undertaken:

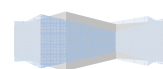
- A thorough pre-audit briefing which outlines the role of the auditor, emphasising personal safety as a high priority;
- Auditor pairs were comprised of a male and female;
- Auditor pairs remained together at all times (with the exception of auditing restroom facilities);
- All auditors abstained from drinking alcohol prior to and during the audit;
- All auditors were provided with a script and point of contact in the instance they were questioned about their activities;
- Auditor pairs checked in via SMS to the Socom project manager each hour; and
- Auditor names and numbers (and vice versa) were provided to the City of Stonnington Local Laws officers on patrol those nights and also the Prahran Police.

## Data collation

- All data collected from the audit was collated and presented in an excel spreadsheet for each geographical area according to venue details, point of entry, general outside/internal observations, internal observations by room bar, food availability, seating and space and auditor impression of venue; and
- Venues audited were mapped according to hours of operation and their patron capacity to show their spatial distribution.

## Auditor debrief

A thorough debriefing session was held to confirm consistency in data collection and to discuss observations and expand on the qualitative information gained.



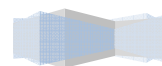


# Late Night Venues in the Chapel Street Area Survey 2009

## Summary Report



March 2010

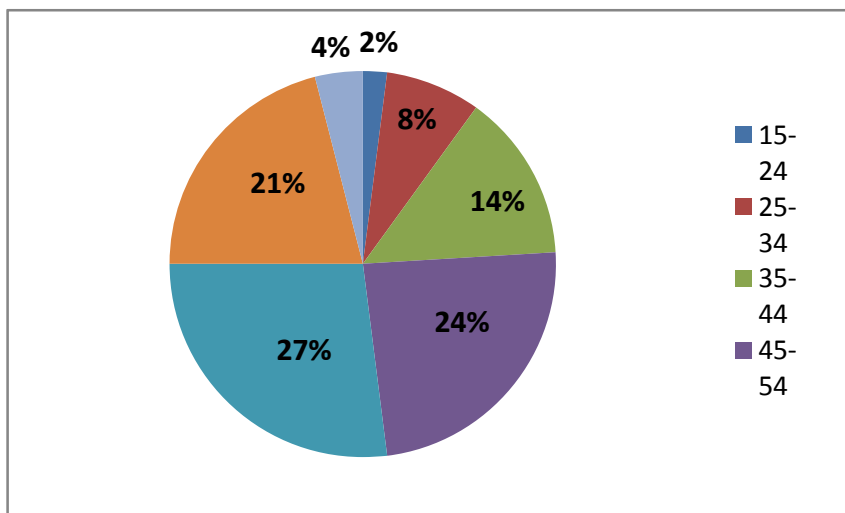


*Background*

Recently Council undertook research into the impacts of late night venues in the Chapel Street area. This area incorporates Chapel Street, Toorak Road, Commercial Road, Greville Street and many smaller streets and lanes surrounding Chapel Street, all within the suburbs of South Yarra, Prahran and Windsor.

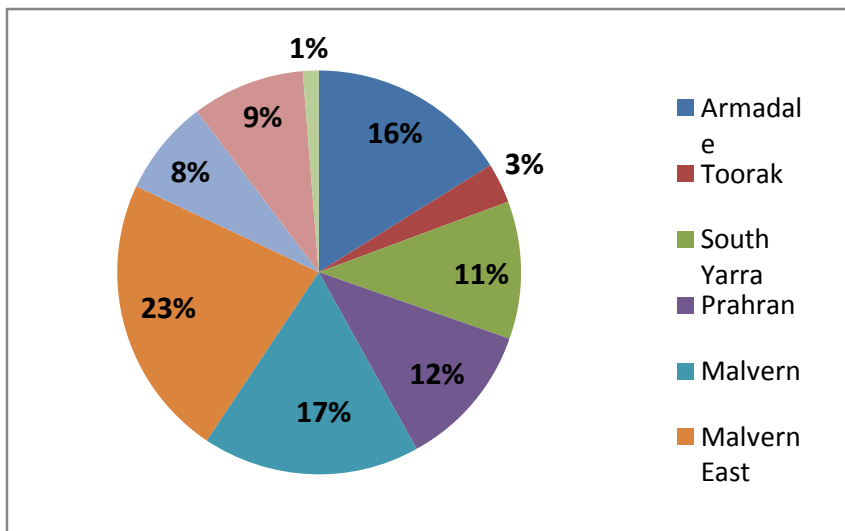
Late night venues have positive and negative impacts on the area, local residents and businesses, and on visitors. Council undertook this research to establish ways in which to manage the negative impacts. The purpose of this survey is to establish community opinion on how these impacts could be managed.

Overall, 155 respondents completed the survey. Of those respondents who provided their personal details, the majority of respondents were females at 59% the rest were males at 41%. The age group with the greatest representation came from person's aged 55-64 (27%, see figure 1) with good representation by persons aged 45-54 (24%) and 65-74 (21%).

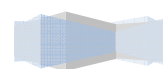


**Figure 1 Age distribution of respondents**

People from all suburbs were represented in the survey (see figure 2). The distribution ranged from 23% in Malvern East to 3% in Toorak.

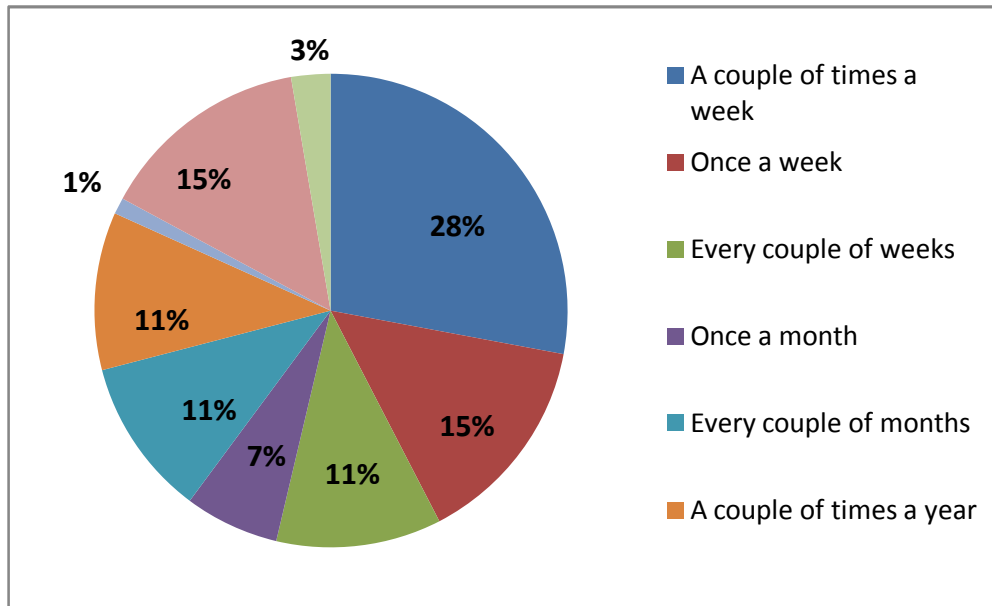


**Figure 2 Suburb distributions of respondents**



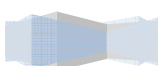
### Visiting the Chapel Street area

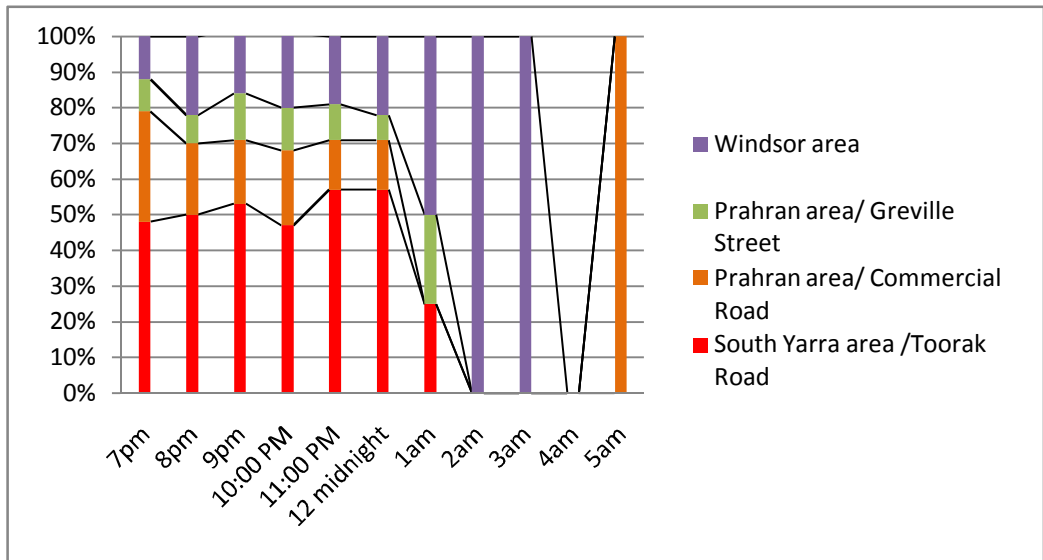
Respondents were asked how often do you visit the Chapel Street area. Survey results showed that most people visited the Chapel Street area a couple of times a week (28%) followed by people visiting once a week (15%) (see figure 1).



**Figure 1** How often do you visit the Chapel Street area?

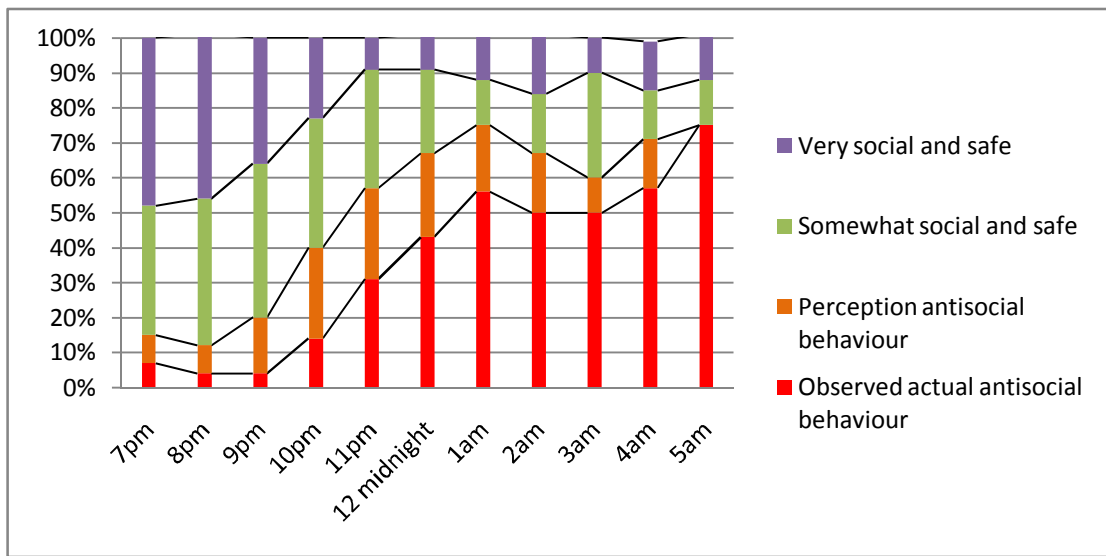
Respondents were then asked when you visit the Chapel Street area at night, what part of the area do you generally visit. Twenty eight percent of respondent's visited the Chapel Street area both during the day and at night. Of that 28% most of the respondents visited South Yarra/Toorak Road area between 7pm and 12am (see figure 2). The visitor numbers change dramatically between 2am and 3am where 100% of respondents visited the Windsor area. There is also a big change at 5am where 100% of respondents visited the Prahran/Commercial Road area this is most likely due to a number of venues having a late night liquor licence. The general public survey was consistent with the Stonnington Survey Group apart from 4am where 50% of respondents were at Prahran area/ Commercial Road and the other 50% were at Prahran area/ Greville Street.



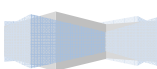


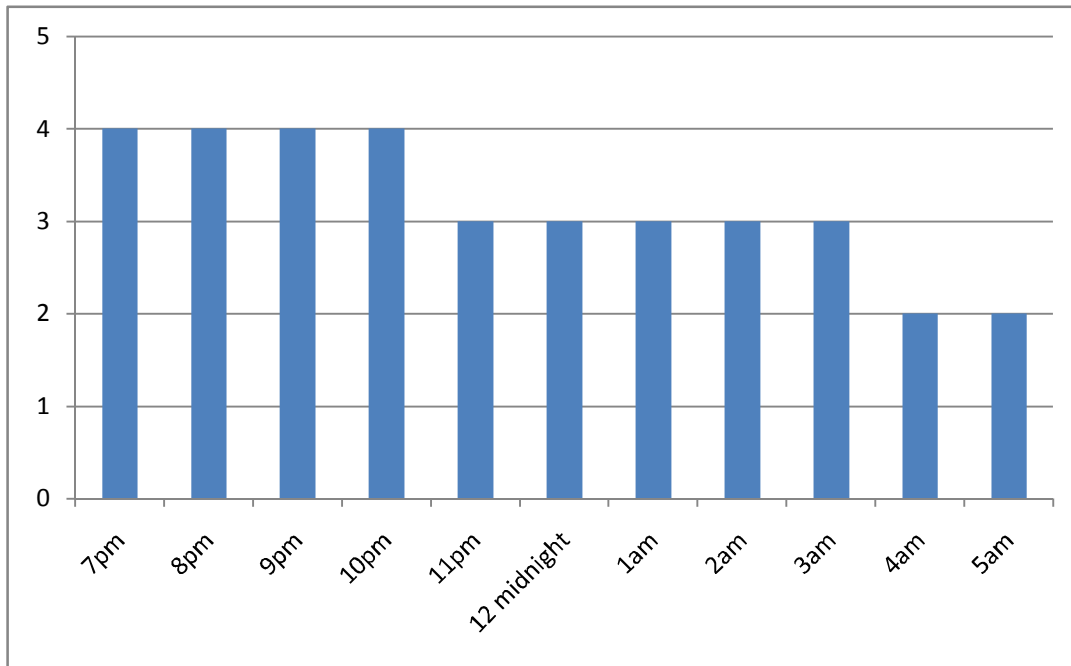
**Figure 2** When you visit the Chapel Street area at night, what part of the area do you generally visit?

Respondents were then asked when you visit the Chapel Street area at night, what type of behaviour do you generally observe. The majority of respondents have viewed Chapel Street to be very social and safe and somewhat social and safe between 7pm and 10pm. The percentage of respondents who observe actual antisocial behaviour is high between 1am and 5am (see figure 3). This data is consistent with the general public survey.



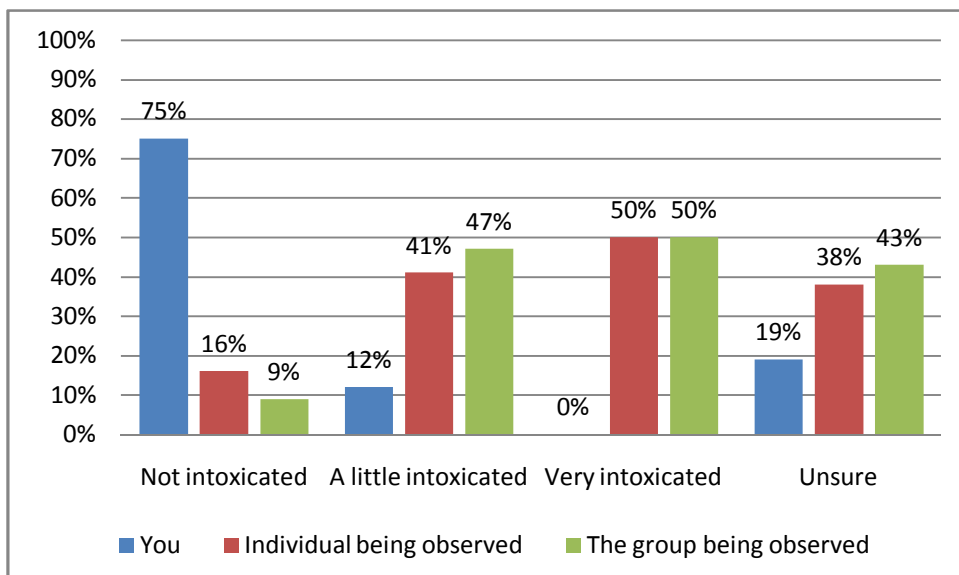
**Figure 3** When you visit the Chapel Street area at night, what type of behaviour do you generally observe?





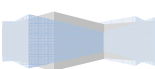
**Figure 4 Mean scores comparison ( 5 being Very Good, 1 being Very Bad)**

When asked what are generally the circumstances when you make these observations the majority 75% said they were not intoxicated. But when observing others the majority of respondents believed that the individual or the group being observed were a little intoxicated or very intoxicated (see figure 5).



**Figure 5 What are generally the circumstances when you make these observations?**

*Late Night Venue Policy Development*

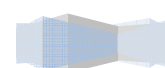


Council is currently considering a policy position on how to manage late night venues in the Chapel Street area (excluding licensed restaurants). Late night venues are generally bars, nightclubs and hotels.

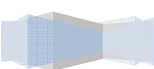
Respondents were asked to what extent do you support the following statements from the draft policy. The majority of respondents said they strongly support or support for all five statements. The most popular statement was “Council should not approve anymore late night venues in areas where large groups of people already congregate on the street” with 70% strongly supporting (see *table 1*). For the general public survey approximately 60% of respondents either strongly support or support all five statements.

	<b>Strongly support</b>	<b>Support</b>	<b>Don't know</b>	<b>Don't support</b>	<b>Strongly don't support</b>
<b>Bars, nightclubs and hotels are sources of potential alcohol related harm.</b>	49%	42%	6%	3%	1%
<b>The Chapel Street area has too many bars, nightclubs and hotels.</b>	39%	24%	26%	10%	2%
<b>Council should not approve more late night venues with a closing time of 1am or later.</b>	62%	19%	9%	8%	2%
<b>Council should not approve more late night venues that have a capacity of 200 or more patrons.</b>	65%	22%	8%	5%	1%
<b>Council should not approve anymore late night venues in areas where large groups of people already congregate on the street.</b>	70%	16%	7%	5%	1%
<b>Total</b>	57%	24%	11%	6%	1%

**Table 1** The following comments are drawn from draft policy, to what extent do you support the following statements.

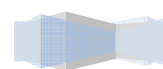


## Appendix Four – Liquor Licence Permits 20070-2009 Map

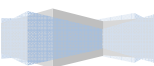
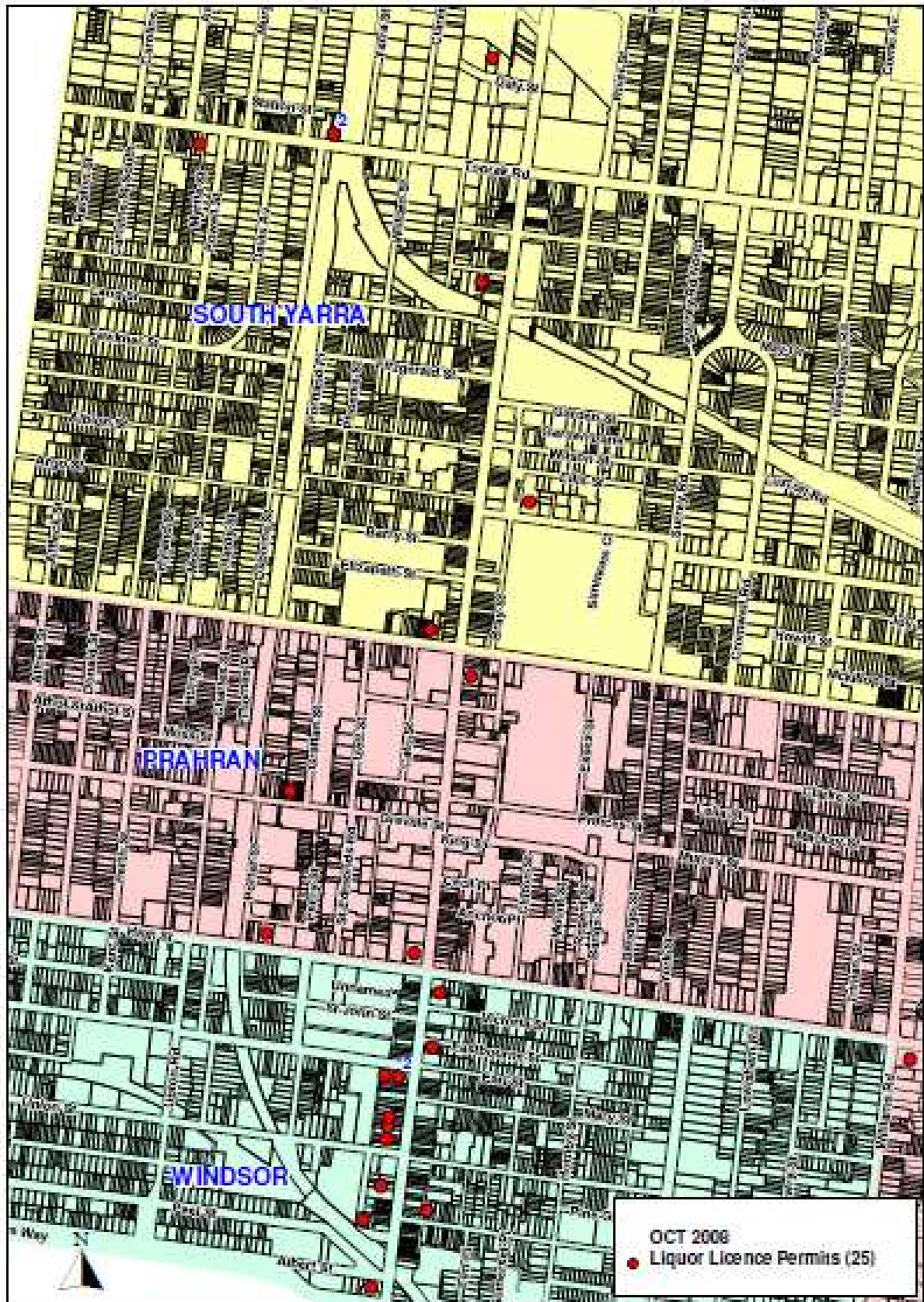




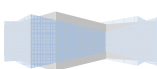
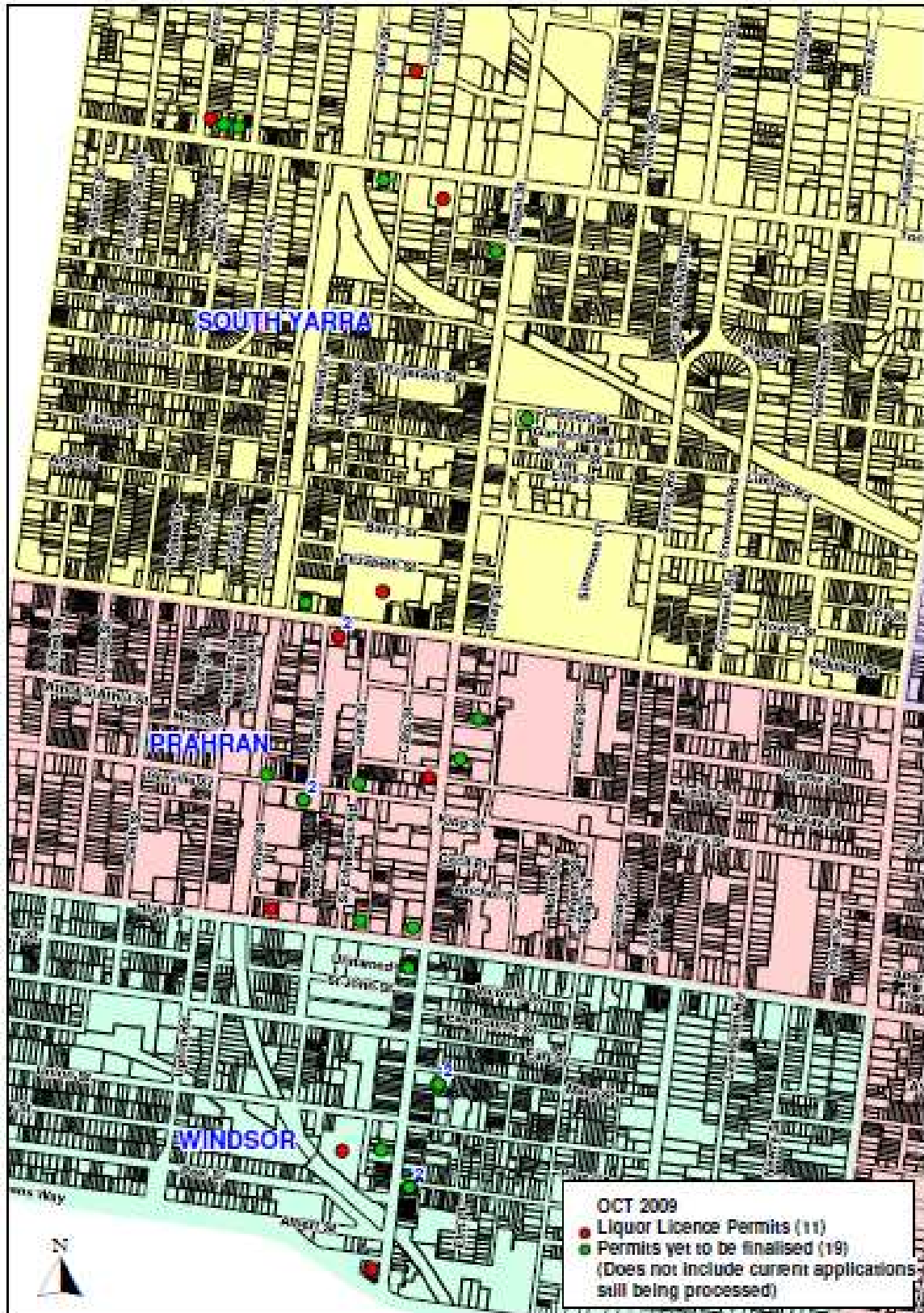
## 2007 LIQUOR LICENCE PERMITS



2008 LIQUOR LICENCE PERMITS



# 2009 LIQUOR LICENCE PERMITS



## Appendix Five – Auditor debrief comments

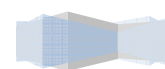
Venue names have been number coded.

### **General observations**

- Quieter than I thought on the Friday. I did street observations on the Friday.
- Saturday night it was busier. There was a lot more people walking around
- On Saturday, there was a lot of foot traffic but most of the venues we went into were quiet. They were predominantly at the Windsor end.
- No venues were at complete capacity. There were many drunken people on Saturday night.
- At 3am venues throughout the entire precinct started to close, which led to people staggering around the streets trying to get into venues that were closing.
- It was particularly distressing when girls were j-walking across Chapel St with no shoes on, trying to hail a taxi, whilst their friends sat on the side of the road drunk or throwing up.
- We counted 120 drunken people on the street throughout the precinct on Saturday night between 12 and 3.30am. Drunk people tended to be 25 and under.
- Different behaviour from different age groups in terms of their drunkenness. Younger people seem to put themselves in a more dangerous position i.e. walking in the middle of road, dancing in the street, whereas older people seem to become increasingly chatty.
- On Friday night we were offered drugs on the street.
- One thing of particular interest that I did observe was pairs of young girls were walking around trying to work out how they were going to get home.
- There are a few major areas where people congregate to catch taxis or get dropped off out of cars:
  - Windsor: Around the Venue 1.
  - South Yarra: Around Venue 2 and Venue 3 (not a late night venue, but a take away food outlet) .
  - Toorak Road at the intersection with Chapel Street.
  - Greville Street near Venue 4.
- I couldn't believe how much parking there was. There was the Cato Street car park and a lot of street parking available.
- People went to fast food venues to 'recharge'. Big security presence because of recent violence at these locations. We were told that there were only drunken people at these venues, but no people on drugs, because they wouldn't be hungry.
- Taxi ranks along Chapel Street aren't working as they were intended. There are seven designated taxi zones located throughout Chapel Street. Zones need to be better enforced with taxi drivers.
- Everything we see in the press is sensationalised in regards to violence in this area. Chapel Street seems to be a very safe precinct.

### **Security**

- Security on the whole was really well behaved and effective. Only once did I notice unprofessional behaviour from a security guard when he gave the finger to someone. Security guards were roving lines, walking around venues that we were in and checking all rooms and bathrooms.
- Security guards seemed very serious about what they were doing.
- I felt completely safe throughout the entire Chapel Street area.
- You feel safer the more venues there are around because there is an increased security presence.
- Once you get off Chapel Street there is a completely different feel. There are no people and the streets are dark and no security presence which makes you feel unsafe.



## Venue choice

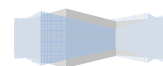
- There is a lot of choice along Chapel Street up until 3am.

## Windsor

- Majority was an older crowd - Over 35s.
- If I was to describe the venues at the Windsor end of Chapel Street I would say 30+, lounge.
- Friday night - busier part of Chapel Street because of the age group and the area felt more localised.
- Windsor end has more venues that you can book out for a function.
- Long queues on Saturday night.
- Only two 'younger' venues at that end of town.
- People travelled from outer suburbs to come to Latin Bars. They came to Chapel Street because it was the best venue like this in Melbourne.
- People from many different ethnicities lining up. Columbia, East Timor.
- The bouncer said that on Saturday night, unlike other nights, people stayed a lot longer in the bar and that is why they weren't letting anyone in.
- Venue 5 and Venue 6 were very much older crowds.
- All except Venue 7, the trend was a very chatty environment; you could still hear yourself talk; most of the bars had seating so you could sit in groups; they weren't over crowded; there wasn't too many people standing making it easier to move around; minimal wait time; security didn't ask for ID; majority of venues had outdoor smoking environments; and all-in-all, they seemed like very comfortable environments and I would go back to all of these venues except for Venue 7.
- Bars at the Windsor end didn't feel sleazy. Just a meet and greet type of feel.
- Difference between Windsor and South Yarra: I felt that the clubs at the South Yarra end are more dispersed, where the Windsor venues are more concentrated. You only have to walk across the road to find two other bars.
- A lot of foot traffic crosses the road randomly at the Windsor end because of concentrated nature of bars.
- The biggest motor traffic problem is taxis. Especially when they double park and pull over for people hailing cabs in non-taxi rank areas. We counted 20 doubled parked taxis on Friday night alone. At least five or six times taxis did u-turns and stopped in the middle of traffic.
- Bulk drinks were only sold at venues where younger people were hanging out...Venue 7 and Venue 8.

## South Yarra

- You can bar hop in South Yarra, but it's different to Windsor because the venues are so much more dispersed.
- On Friday night it felt a lot more spacious in South Yarra than in Windsor. Friday night was actually quite tame compared to other parts of Chapel Street I have experienced.
- Age group of the South Yarra precinct is probably all under 30. Lots of 18-25 year olds. The only exception was Venue 9, where there was an older crowd.
- The only two bars that were busy were Venue 10 and Venue 9. Pumping music, very loud. All of the venues you couldn't really talk. You had to talk at the top of your lungs to have a conversation with someone except for Venue 11 on Friday night and Venue 12.
- Venue 2 and Venue 9 scanned IDs before entry.
- Venue 2 night club was about 90 per cent men on Saturday night. It was very sleazy as there was soft core porn on the TV monitors.
- At Venue 2 there was much more signage about the consequences of violence than other venues. There was also a metal detector and prominent CCTV cameras.



- The younger crowd tended to head for Venue 10, Venue 2, Venue 4 and Venue 13.
- There was no time when I felt physically threatened or intimidated by somebody who had too much to drink.
- Police car parked outside the Jam Factory all of Saturday night.

### **Prahran**

- Venue 14 has a policy that people are either booked into the restaurant or into the smoking area out in the courtyard.
- Of the venues we saw on Saturday night, Venue 4 was by far the busiest. We were there at 1.30am and people were already clearly drunk.
- Venue 4: no seating, very dark lighting, and it felt as though we were jammed in like sardines. The main dance room was so loud you can't talk or hear anything but the music.
- At Venue 4 the bouncers were knocking people back who had too much to drink. However we did observe a couple, who were both clearly drunk - where the man was denied entry - but the woman was allowed in.
- Two venues knocked us back as we arrived too late. This was at 2am.
- Venue 15 took our ID and put it through a scanner before we went into the venue.
- Venue 15 had two girls dancing in their underwear.
- Venue 16 and Venue 17 are popular because they have a reputation for being able to get drugs. You need to have a medallion or be a friend of a member to get in when it is busy. It is a very cliquey club.
- Venue 16 was open until 9am in the morning. The manager mentioned that there is a taxi rank across the road. He said taxis don't start rocking up until 5am when everyone at the venue is ready to leave.
- The Cato Street car park was very crowded with 'hotted up' cars. When we headed back to our car parked there, we noticed a lot of broken bottles around where all the cars were parked previously.
- Venue 16 is well known for high standards of security. They manage the crowd really well and they also have four people on the door at any one time. One just roves the line out the front.
- Some bars were operating beyond their capacity. Venue 4 was clearly overcrowded.
- Girls were paying for drink bills with their EFTPOS cards at Venue 4.

### **Types of clubs**

#### *Starter venues*

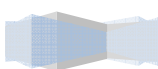
- For example Venue 17 and Venue 18. These clubs have lots of seating and you can go there and have a drink before you head out on the town. You're more likely to get food at these places but not as much dancing.

#### *Destination venues*

- Venues where people go to dance, drink and stay to the early hours of the morning.

### **Key drivers of anti-social behaviour**

- Over-crowding - when you're drunk and a lot of people are bumping into you, there is the chance that people could become frustrated and get aggressive.
- Premeditated notion from younger crowd that 'we're going to get drunk tonight'. We saw kids drinking on the street before they entered the venue.
- Mix of different ethnic groups.
- A lot of loud music.
- Over heated rooms.
- Dark rooms.
- Mono-venue is more likely to be the venue that is just drinking.
- Hopping into a taxi that some else had previously earmarked.

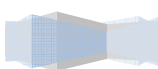


### **Important things to consider when addressing safety**

- Always travel in a group.
- More monitoring and clearing of people from certain areas.
- Designated Taxi Zones.
- Visible security makes people feel safe.
- Live entertainment is better than DJ.

### **Planning Application Questions**

- Lighting is one of the most important considerations.
- Obstructions i.e. Stairs and stacks of chairs.
- Responsible Serving of Alcohol. Many venues don't apply this regulation strictly.
- Positioning of venue. Chapel Street is preferred over side alley because of level of surveillance.
- Ratio of standing and sitting is important.
- Crowd control.



## Appendix Six – Statutory Planning Department Guide

### Step 1

In line with these key findings, the following checklist must be undertaken when an application for a SPH (i.e. a bar, nightclub or hotel operating after 12am) is first submitted.

	Yes	No
THE APPLICATION IS FOR 200 PATRONS OR LESS?		
<b><i>If no, the application must be amended or refused.</i></b>		
THE APPLICATION INCLUDES A CLOSING TIME NO LATER THAN 1AM?		
<b><i>If no, the application must be amended or refused.</i></b>		
THE APPLICATION INCLUDES INFORMATION PURSUANT TO CLAUSE 22.10?		
<b><i>If no, the application must be resubmitted with this information or refused.</i></b>		
THE APPLICATION INCLUDES AN ASSESSMENT PURSUANT TO THE DESIGN GUIDELINES FOR LICENSED VENUES?		
<b><i>If no, the application must be resubmitted with this information or refused.</i></b>		

### Step 2

Refer the application to Corporate and Community Planning. This step may be repeated if additional information is required or changes are recommended and the application is amended.

### Step 3

In assessing the application and making a decision ensure that it is consistent with Councils policy direction.

### Step 4

If there is a VCAT appeal on a SPH application, Corporate and Community Planning can assist in putting appeal documents together and briefing external consultants.

