

Local government approaches to minimise alcohol-related harm: learnings from a VicHealth workshop

About this document

This document is based on a peer-learning workshop held by VicHealth in August 2017. The workshop explored local government approaches to addressing alcohol-related harms through planning and other processes.

This summary highlights the issues raised, current council approaches and future opportunities. It is not intended to be a full description of workshop proceedings. The contents reflect the views of the presenters and participants.

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Introduction

Preventing harm from alcohol is one of VicHealth's five strategic imperatives, with a target of 200,000 Victorians drinking less alcohol by 2023.

Like all public health goals, reducing alcohol-related harm in the community requires efforts from multiple sectors and levels of government. Legislation, advocacy, research, and local-level programs to influence people and environments all contribute to harm reduction. While this creates many opportunities for collaborative effort, it also leads to challenges in navigating a complex landscape.

VicHealth's role as a leader in health promotion includes supporting partnerships and collaboration; and informing individuals, communities, organisations and local governments. A VicHealth workshop involving council representatives and other stakeholders (held in August 2017) aimed to share relevant information, build participants' understanding of relevant planning tools and frameworks, develop a network of interested councils and support and inform advocacy efforts.

Background

Overview

(Based on a presentation by Claire Wilkinson from the Centre for Alcohol Policy Research, La Trobe University)

Throughout the first half of the 20th century, Victoria was one of the more conservative Australian states in terms of liquor licensing, with strong local controls, such as licence quotas, in place. However, from the 1950s onwards, many of these controls began to be removed or relaxed, and objection provisions for new licence applications were progressively weakened. The number of liquor licences in Victoria increased dramatically as these reforms came through.

More recently (since the mid 1990s), harm minimisation has become a licensing objective. However, in the past ten years, there has been increased reliance on local-level planning regulations, rather than on state-level legislation, to control the availability of alcohol.

Liquor licensing versus planning

Currently in Australia most liquor licence applications are granted. Between 2010 and 2015, 90 per cent of contested licence decisions consisted of industry appeals against local and state government decisions. Judicial rulings overwhelmingly favoured industry, although fewer industry appeals cases were noted in jurisdictions with explicit public health considerations incorporated in the relevant legislation (i.e. South Australia, Queensland and the ACT). This suggests that greater legislative and policy provisions for public health enable governments to make and uphold licensing decisions on the basis of public health arguments (Muhunthan et al. 2017).

The World Health Organization has noted that, as liquor licensing laws become more permissive, land-use regulation becomes increasingly important (WHO 2011). The current focus on utilising planning systems to control the availability of alcohol is a response to the lack of opportunity to influence the licensing system (Room 2000). Key features of the two systems are summarised in Table 1.

In the past ten years, there has been increased reliance on local-level planning regulations to control the availability of alcohol.

Table 1: Liquor licensing versus planning: similarities and differences

Similarities	
<ul style="list-style-type: none">• Focus on local amenity• Rely on discretionary assessments by decision-makers• Underpinned by state legislation (although planning administered by local government, with some room for local policy)	
Differences	
Liquor licensing	Planning
<ul style="list-style-type: none">• Based on grant of licence, which can be revoked• Licensee-based• Renewal/review required• Patron behaviour can affect grant or renewal• Social impact relevant• One complaint can shut premises down	<ul style="list-style-type: none">• Based on property use rights, which are not subject to review• Land-based• Permanent – no renewal required• Patron behaviour not considered

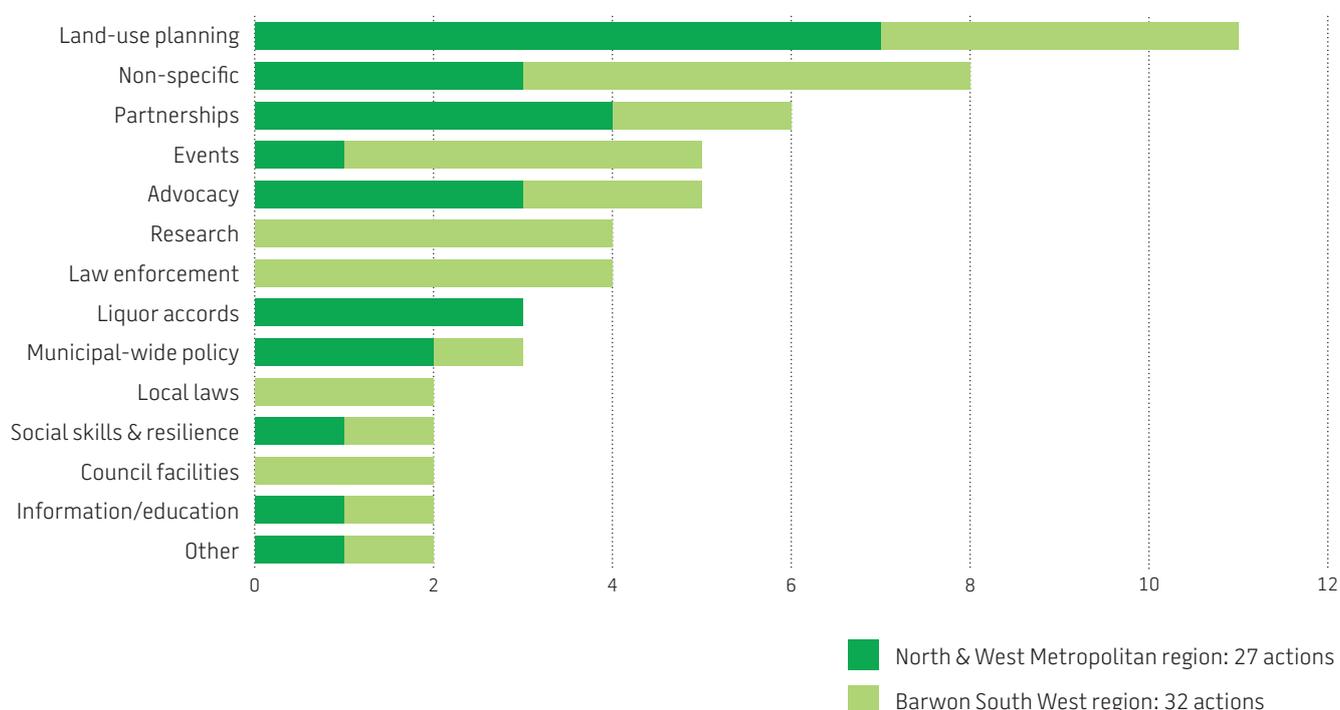
Municipal Public Health & Wellbeing Plans (MPHWP)

Content analysis of a sample of 23 Victorian Municipal Public Health and Wellbeing Plans launched between 2009 and 2013 found that most (18/23) included actions relating to alcohol use (Wilkinson 2014). The most common alcohol-related actions focused on land-use planning. A large proportion of the actions, however, were ‘non-specific’, meaning they did not identify which policy mechanism would address issues with alcohol use. Other commonly articulated actions included events, advocacy and partnerships within and across council (Figure 1).

Local Planning Policies

With the liberalisation of licensing laws in Victoria, there has been a greater emphasis on using the planning scheme and Local Planning Policies (LPPs) to control licensed premises. However, in some local government areas, LPPs may not be considered necessary, and barriers to their development include a lack of funding and resources, and the bureaucratic and regulatory context. For example, LPPs require state government approval and involve a lengthy implementation process. LPPs with very similar content relating to alcohol management are in place in a handful of Victorian urban municipalities. They include guidance on location, density, trading hours and patron numbers for licensed premises, but have little content relating to the social and health effects of alcohol consumption, or the sale of packaged liquor.

Figure 1: Local government actions on alcohol articulated in a sample of MPHWP (Wilkinson 2014)



The liquor licensing process – opportunities for councils

(Based on a presentation by Sarah Jackson, Legal Policy Advisor at Cancer Council Victoria)

Background

The *Liquor Control Reform Act 1998* (LCRA) – currently under review – is the legislation governing liquor licensing in Victoria. The Victorian Commission for Gambling and Liquor Regulation (VCGLR) is the licensing regulator, responsible for considering and granting licence applications and monitoring compliance.

The primary object of the LCRA is to minimise harm from the misuse or abuse of alcohol. Facilitating a diversity of licensed premises and the responsible development of the liquor, licensed hospitality and live music industries are secondary objects of the Act, but may in practice be given greater weight than harm minimisation in licensing decisions.

Secondary objects of the Liquor Control Reform Act may, in practice, be given greater weight than harm minimisation in licensing decisions.

A number of liquor licence categories are currently available, ranging from general licences (enabling both on-premises and off-premises sales) to BYO permits. These categories are also being considered as part of the LCRA review, as the current categories (particularly limited licences and restaurant and café licences) may not accurately and transparently reflect actual operating conditions.

Licence applications are made to the VCGLR for new licences and BYO permits or for variation, relocation or transfer of an existing licence or permit. VCGLR must notify police and the local council of a new licence, variation or relocation application (except for major event or limited licences), and compliance with the planning scheme is a condition of every licence (except pre-retail, limited and major events licences).

Objecting to a liquor licence application

Council objections to a licensing application must be made to VCGLR within 30 days of a notice of the application being publicly displayed, and can be made on grounds of amenity or the misuse or abuse of alcohol (for packaged liquor licences only).

Objections based on amenity impacts (i.e. that the licence would detract from or be detrimental to the amenity of the area in which the premises are to be situated) can relate to any licence and be made by any person (e.g. affected community members) and by local council, licensing inspectors and the Chief Commissioner of Police.

Objections based on the misuse or abuse of alcohol (i.e. that the licence would be conducive to or encourage misuse or abuse of alcohol) can be made by licensing inspectors and police in relation to any licence application. Other persons and local councils may only use this ground to object to a packaged liquor or late-night packaged liquor licence application.

For any objection, the onus of proof is on the objector to provide evidence of grounds. In reality, almost all licence applications are uncontested, and the VCGLR grants almost all applications it considers. In 2015/16:

- there were 15,776 finalised liquor licence applications (96.5 per cent granted, 1 per cent refused, 2.5 per cent withdrawn)
- objections were received to 2.7 per cent of applications, but the objection or the application was withdrawn in 72 per cent of cases
- of 119 contested applications, one-third were refused (VCGLR 2016).

Local councils can object to any licence on amenity grounds, and to packaged liquor licences on misuse or abuse of alcohol grounds.

These statistics highlight the potential value of objections, but significant barriers exist, particularly the cost and complexity of the process. In addition, the system has been operating in a manner heavily weighted in favour of licence applicants, and has not been adequately focused on harm minimisation. In 2017, the Victorian Auditor-General found that the VCGLR's assessment of licence applications, particularly uncontested applications, did not adequately consider the key factors that must be assessed under the LCRA, including impacts on amenity and the misuse and abuse of alcohol (Victorian Auditor-General 2017).

Amenity

Amenity is defined in the LCRA as “the quality that an area has of being pleasant and agreeable”, and may include factors such as the presence or absence of parking facilities, traffic movement and density, noise levels, the possibility of nuisance or vandalism and the harmony and coherence of the environment. While the Act sets out factors that may be considered in determining amenity impacts, this list is not exhaustive, and the VCGLR may take other factors into account in considering the effect of a licence on amenity. Evidence of any of the following, occurring inside or sufficiently close to licensed premises, can constitute amenity impacts:

- violent behaviour
- drunkenness
- vandalism
- profane, indecent or obscene language
- threatening, abusive or insulting language
- behaving in a riotous, indecent, offensive or insulting manner
- disorderly behaviour
- causing nuisance
- noise disturbance to occupiers of other premises
- obstructing a footpath, street or road
- littering.

Misuse or abuse of alcohol

In contrast to amenity, the LCRA does not define harm or misuse or abuse of alcohol, nor set out relevant factors or evidence to assess the impact of licensed premises on these concepts.

In the 2012 case of *Kordister Pty Ltd v Director of Liquor Licensing* (VSCA 325) the Victorian Court of Appeal defined three categories of evidence that may be considered in assessing the risk of alcohol-related harm from licensed premises:

General evidence is a link between licensed premises and alcohol-related harm – for example population-level survey data on risky drinking and harm, or rates of alcohol-related emergency department presentations. General evidence is unlikely to be sufficient on its own to refuse a licence application, but may have weight if linked to locality evidence.

Locality evidence refers to the local, social, demographic or geographical circumstances of licensed premises (e.g. evidence of drinking on the street or street violence in the local area; evidence of socioeconomic and demographic risk factors in the area). Locality evidence may be enough to refuse a licence application, but there must be a connection between licensed premises and locality evidence (although it does not have to be causal).

Specific incident evidence is evidence of licensee misconduct connected to harm, or incidents of harm caused by a licensee (e.g. evidence of sales to intoxicated persons; assaults and violence where there is a clear connection between the operation of the premises and the incidents). While this evidence is not relevant to new licence applications, it carries special weight in decision-making for licence objections (Davoren & O'Brien 2014).

The planning framework – opportunities for councils

(Based on a presentation by Mimi Marcus, Partner at Maddocks)

Licensed premises are an important component of community life, providing employment, economic development, artistic and cultural activity, recreation and entertainment, and contributing to social life. However, they also give rise to antisocial behaviour, and may have a detrimental impact on the amenity of local areas as well as on the health and wellbeing of the community. Striking an appropriate balance between these benefits and harms is clearly in the public interest, and there is a role for councils to be part of a bigger, whole-of-government response. However, the challenges are considerable.

Challenges

Planning is not concerned with the notion of harm. Rather, its focus is on protecting the reasonable amenity of surrounding land by regulating the location, size, operating hours and patron numbers of licensed premises. Amendments to the objectives of the *Planning and Environment Act 1987* would be required to bring anything more than amenity into planning decisions related to alcohol.

Clause 52.27 *Licensed Premises* of the planning scheme triggers the need for a planning permit to be issued to allow the sale or consumption of liquor in certain circumstances, including the sale of packaged liquor. However, there is little guidance to assist decision-makers in assessing applications related to packaged liquor sales. This guidance is needed – underpinned by research, evidence and strategic planning – but the issue is complex, given that most alcohol purchased from packaged liquor outlets is consumed in private premises. This means that not only are many of the relevant harms ‘hidden’, they are also difficult to tackle in the planning space.

A multipronged approach

A key challenge is to understand councils’ potential roles in minimising alcohol-related harms. Addressing these harms is complex in an environment where there is no single regime or process to influence them. Councils can act as a planning authority, responsible authority, and as an objector to licensing applications and decisions.

However, this challenge also represents an opportunity for councils to participate in multiple legal and regulatory frameworks in order to balance the negative and positive impacts of licensed premises. A multipronged and consistent, collaborative approach must be taken in order to be effective, but this requires time, resources and, most importantly, a broad vision of what councils want to achieve.

Given the current lack of guidance in the state policy framework, there is an opportunity for councils to advocate both individually and collectively for investment in the resources, research and policy development to guide planning decision makers. Expansion of clause 52.27 *Licensed Premises* or creation of relevant policy for packaged liquor in the state planning framework could ‘do the heavy lifting’ for councils that are currently operating in a vacuum.

Expansion of clause 52.27 or creation of relevant policy for packaged liquor in the state planning framework could ‘do the heavy lifting’ for councils that are currently operating in a vacuum.

While there will be no ‘one size fits all’ solution, as decisions must be made in the local context, a clearly articulated state-level vision about alcohol consumption that’s consistently applied across all structural levels represents an important opportunity for planners.

Taking a comprehensive approach

(Based on a presentation by Bonnie Rosen, Principal at Symplan)

Councils' statutory roles both require and facilitate a comprehensive approach to the reduction of alcohol-related harm under the *Planning and Environment Act 1987*, the *Local Government Act 1989* and the *Public Health and Wellbeing Act 2008*. Within councils, multiple departments including strategic planning, statutory planning, urban design, community development, regulation and enforcement and asset management all have roles to play (Figure 2).

Multiple council departments all have roles to play.

Understanding key factors in and determinants of alcohol-related harm, such as licence and venue types, trading hours and drinking patterns, will assist councils in recommending an appropriate response to planning and liquor licence applications. A public health approach should be adopted.

The essential components of a public health approach include:

- reducing demand (e.g. by providing access to alternative social and leisure activities, and regulating the land-use mix in entertainment precincts)
- reducing supply (e.g. by controlling the physical availability of alcohol through conditions on hours, density, type, dry areas, lockouts)
- tackling harm reduction (e.g. through awareness campaigns, advocacy, research, monitoring and reporting, and collaboration with other councils and peak bodies).

Advocacy efforts might focus on achieving state government action on:

- reducing the accessibility of alcohol, for example by enforcing a maximum density threshold for risky venues; raising the minimum price of alcohol; or reducing trading hours for packaged liquor
- placing greater responsibility on venue operators to manage harms within public areas surrounding their venue
- defining amenity and incorporating health as an objective in the *Planning and Environment Act 1987*
- redrafting Planning Practice Note 61 (assessing cumulative impact) to make it relevant to packaged liquor outlets.

Figure 2: Council involvement in alcohol management

Who is involved?	
Strategic planning	<ul style="list-style-type: none"> • Local planning policy for licensed premises • Structure plans and master plans
Statutory planning	<ul style="list-style-type: none"> • Assessing applications for planning permits (LPPs and/or clause 52.27)
Urban design	<ul style="list-style-type: none"> • Real and perceived safety and amenity of the public realm • Access to services and facilities
Community development	<ul style="list-style-type: none"> • Impact assessments • Comments on liquor licence and planning permit applications
Regulation and enforcement	<ul style="list-style-type: none"> • Local laws (waste management, amenity, footpath trading)
Asset management	<ul style="list-style-type: none"> • Waste removal • Management of public places and spaces

Current council perspectives

This section of the report summarises the views of workshop participants, expressed during a range of discussions and interactive activities conducted throughout the day.

Current local strategies and initiatives

A number of local initiatives are reported to be having an impact at the local level. These include:

- specific policies, strategies and frameworks (e.g. alcohol management policies and strategies, alcohol and gambling strategies, alcohol and other drug policy frameworks, social justice charters, social planning policies that complement MPHWP's)
- intra- and inter-council collaborations (e.g. processes to facilitate social planning comment on liquor licence applications from statutory planning departments, liquor accords, forums and local networks)
- obtaining data- and evidence-based information
- community programs and initiatives.

Local Planning Policies were considered to be very useful in assisting statutory planners and guiding decision-making.

FIVE COUNCIL STRATEGIES FOR MINIMISING ALCOHOL-RELATED HARMS

- 1 Incorporating alcohol harm minimisation objectives into local policies, strategies and frameworks
- 2 Collaborating within and between councils
- 3 Obtaining relevant data and evidence-based information
- 4 Funding and developing community programs and initiatives
- 5 Developing and using Local Planning Policies

Key issues and challenges

Taking a whole-of-council approach

While council responsibilities are divided between different departments with competing priorities and sometimes conflicting policies, there is great value in linking these (and other) perspectives to develop an aligned, interdisciplinary approach with a clearly articulated high-level vision.

Balancing reduction of alcohol-related harm with economic benefit and the creation of a 'vibrant' late-night environment can be challenging, and economic impacts may currently be given greater weighting in decision-making. A strong policy position across council to support the careful management of alcohol-related harm in a growing late-night economic environment would help to navigate these issues.

A strong policy position to support the careful management of alcohol-related harm in a growing late-night economic environment would help to navigate the issues.

In addition, a focus on social and health issues that contribute to harmful drinking may provide more benefit than controlling licensed premises, again suggesting an interdisciplinary approach.

Ideally, councils would adopt and implement effective alcohol whole-of-council harm minimisation policies, backed up by the local planning policy within the planning scheme. However, difficulties are created by restraints of legislation, and a lack of resources within councils to challenge or appeal liquor licensing decisions. Statutory and strategic planning departments are often under-resourced to develop and administer policy and achieve a balance between costs and outcomes in a complex environment.

Cultural change may also be difficult due to councils' reliance on alcohol for economic benefit (e.g. alcohol sponsorship of sporting and cultural events) and, in some cases, councillors' connections with licensed venues.

Stronger and clearer communications between statutory and strategic planning departments and community and social planning departments are vital. Implementing formal processes to share data and improve communication, and developing and supporting common definitions and language, could help councils maximise opportunities in this context.

Interdisciplinary frameworks and groups can be practical tools for illustrating the roles of various council departments and highlighting the perspectives each can offer in considering licensing and planning applications.

Broader integration and collaboration

Workshop participants noted significant areas of common concern across different local government areas, suggesting that geography and demographics may not create intrinsically different issues. Better sharing of information and collaboration between individual councils and with other stakeholders can help to maximise the reach and efficiency of strategies to minimise alcohol-related harms.

Useful information sharing and collaborative efforts might include:

- identifying common elements to adopt across LPPs, and sharing resources to develop and implement these through joint planning scheme amendments
- sharing insights into activities happening across similar councils
- enabling a collaborative community approach
- adopting a regional/cluster local government approach
- utilising a collaborative approach to understand local alcohol cultures and leverage points.

Better sharing of information and collaboration can help to maximise the reach and efficiency of strategies to minimise alcohol-related harms.

Advocacy

Another key theme identified was the need to advocate for greater guidance and support from the Victorian government to assist councils in addressing alcohol-related harms within the existing legislative and regulatory frameworks. It was suggested that establishing an advocacy network or alliance to develop shared advocacy positions would be useful.

Councils identified the need to advocate for greater guidance and support from the Victorian government.

Harnessing the power of community opinion may also be a powerful tool in reducing alcohol-related harm. Educating the community about the social harms associated with alcohol and licensed premises and providing tools to support licence application objections may help to target issues of community concern. In this way, supporting advocacy from the community may help to emphasise local impacts and thereby influence decision-making.

Research, data and evidence

A lack of available evidence to support both local alcohol policy and objections to licence and planning applications represents a key issue for councils. Building on the evidence base at a local level is considered an important – but challenging – goal.

Building on the evidence base at a local level is an important – but challenging – goal.

Unlike economic impacts, social impacts are not easy to define or measure, and it is therefore difficult for councils to determine the impact of local licensed premises and make a case for change. Access to relevant data could assist councils in:

- building a comprehensive profile of the local area using harm and consumption data
- determining 'saturation points' for each municipality or part of municipality
- deciding on preferred locations for and mix of licensed premises
- balancing harm minimisation with economic and social benefit
- seeking tighter restrictions on licensed premises that sell alcohol for off-premises consumption (e.g. packaged liquor licences and general licences)
- highlighting links between alcohol-related harm and harms caused by gambling, family violence and other drug use.

A centralised database for statistics and information that can be drawn on by all councils may be useful in facilitating access to relevant data, including learnings from international research (e.g. size and layout of floor space of licensed premises across venue types).

Collaborations for research and participation in external research projects could also help to generate evidence and inform alcohol management strategies.

A data framework, highlighting trends in alcohol-related harm, could support planning policy, and councils could jointly develop a methodology for data collection to underpin LPPs.

Legislation and the regulatory environment

The relationship between state and local governments (with differing priorities and policies) is complex. While the generation of local policy to influence the availability of alcohol might be considered ideal, a lack of local government control over factors contributing to the social impacts of alcohol is a source of disempowerment and frustration for councils. More broadly, there are often limitations and challenges to understanding the relevant regulations, legal definitions and accountabilities.

A lack of local government control over factors contributing to the social impacts of alcohol is a source of disempowerment and frustration for councils.

In the licensing context, councils expressed concern about the increasing number of licence approvals (both contested and uncontested) and the rarity of a licence being revoked once approved. Current liquor licence categories are often exploited by industry, for example by applying for limited liquor licences to circumvent planning controls and council and police involvement. Meanwhile, the onus of proof (of harm) rests with the objector to a liquor licence application.

New issues are also emerging, for example the availability of home-delivered alcohol.

Systems changes to reduce alcohol-related harms might include:

- regulatory framework and legislative change to better support considerations of harm prevention along with health, wellbeing and amenity impacts in liquor licensing processes
- an ability for councils to comment on social and health impacts at planning stages
- development of appropriate planning tools to support the minimisation of alcohol-related harm
- restrictions on licence approvals in residential areas
- improvement of existing planning policies by expanding principles and/or purposes
- compulsory membership of liquor accords for industry groups/significant licence holders
- amendments to Planning Practice Note 61 to provide expanded guidance on licensed premises including those that sell alcohol for off-premises consumption (e.g. packaged liquor licences and general licences)
- strengthening of clause 52.27 *Licensed Premises* and the State Planning and Policy Framework to:
 - give local government more control of issues such as density, particularly in relation to large-format bottle shops
 - enable local government to have a stronger influence to make decisions to mitigate the potential health impacts of the abuse and misuse of alcohol.

Packaged liquor

Packaged liquor has a strong association with alcohol-related harm, and the apparent recent proliferation of small outlets in inner city council areas and large-format packaged liquor outlets (e.g. Dan Murphy's, First Choice, Liquor Market) in growth council areas are significant concerns for the relevant councils.

While there is potential to influence packaged liquor availability through both the licensing system (e.g. by objecting on grounds of alcohol misuse or abuse) and planning (e.g. by restricting hours through permit conditions), councils need greater support to make more informed decisions, and evidence to mount the case for tighter restrictions.

The availability of packaged liquor can be influenced through both the licensing system and planning, but councils need greater support to make more informed decisions.

Case studies

Yarra City Council LPP for licensed premises

(Based on a presentation by Erika Russell, Yarra City Council)

The City of Yarra is in inner-city Melbourne, and includes the suburbs of Fitzroy, Richmond and Collingwood. The area has approximately 700 licensed premises. Although most are restaurants or cafés, around 60 venues are licensed to trade past 1.00 am.

While there is great availability and high accessibility of alcohol in the City of Yarra, there are also significant alcohol-related harms that occur both in public (e.g. assaults, car accidents) and in private homes (e.g. family violence). By some indicators, such as alcohol-related ambulance attendances, these harms are rising.

Yarra City Council has recently sought to amend its LPP to incorporate public health factors not previously considered. In particular, the changes aimed to address policy gaps and policy changes in the planning scheme, improve decision-making, enable better management of amenity impacts and reduce alcohol-related harms.

Proposed changes included:

- preferred locations for larger venues within identified precincts
- preferred licence hours in residential and mixed zones
- preferred commencement of licensed hours
- preferred hours for packaged liquor outlets
- preferred hours for deliveries and waste collection
- guidance on smoking and outdoor areas
- assessments against safe design guidelines, cumulative impacts assessments and provision of acoustic reports (where required)
- identification of application requirements relevant to application type and potential impacts
- identification of factors to consider in amendment applications.

The policy was considered by Planning Panels Victoria. This independent panel's findings included an acknowledgement of the capacity and role of the existing planning system to address the social harms of alcohol, and support for revising clause 52.27 to facilitate consistency in decision-making.

At the Council Meeting on 15 August 2017, the Yarra City Council resolved to adopt the amendments to the LPP (with a number of changes) and submit the amended policy to the Minister for Planning for approval.

Seeking amendments to the LPP was a slow and expensive process, and Yarra City Council recognises that planning strategies aren't – and shouldn't be – the only way to tackle alcohol-related harms. The council has pursued a number of inter-related strategies to address the issue, including:

- local laws (e.g. ban on consumption of alcohol in public places, permit requirements)
- liquor forums (for licensed venues and packaged liquor outlets) involving quarterly meetings with police, VCGLR, council representatives and licensed premises staff
- an alcohol management group, involving monthly meetings with police and staff across council
- support of relevant community groups through community grants
- an internal referral protocol between social policy and research, compliance and statutory planning departments (for VCGLR liquor referrals and planning referrals)
- the *Communities that Care* program (tackling underage alcohol and other drug use)
- a night-time economy strategy to improve safety and diversify activity and alcohol-free options
- a submission to the LCRA review.

Stonnington City Council LPP for licensed premises

(Based on a presentation by Augarette Malki, City of Stonnington)

Almost two-thirds (62 per cent) of City of Stonnington liquor licences relate to venues in the Chapel Street/Toorak Road activity centre. This area represents a vibrant precinct in the City of Stonnington that makes a significant economic and cultural contribution to the community. However, there are also negative impacts associated with the precinct, particularly alcohol-related harms in and around late-night licensed premises. Alcohol-related ambulance attendance numbers in the city are some of the highest in Melbourne, and on the rise.

In 2010, Stonnington City Council undertook research to generate evidence for efforts to reduce alcohol-related harm through amendments to the LPP. The research included a literature review, review of council records, observations of the Chapel Street precinct late at night, random audits of late-night licensed venues and stakeholder consultation and surveys. A key aim of the research was to determine 'saturation' for the precinct, considering:

- venue (licence) type
- outlet density (given the established link between density and violence/crime)
- operating hours (with late-night trading potentially contributing to increased alcohol consumption and violence)
- patron capacity (as larger venue size magnifies risk)
- congregation (with evidence of violence outside venues where large numbers of people congregate and compete for resources such as fast food and transport)
- venue design (as standing while drinking is associated with binge drinking and the consumption of alcohol without food).

The research identified 'source of potential harm' venues – licensed hotels, taverns and nightclubs operating after midnight – and found that 50 of these venues were operating after 1.00 am. The research report defined 'saturation' points for planning decisions and recommended that policy should be based on the type of liquor licence in question (as some are higher risk than others). Specifically, no new permits should be issued for venues operating after 1.00 am, or allowing patron numbers higher than 200, and no more permits should be issued in areas of congregation.

In response to the research, amendments to clause 22.10 of the LPP were approved to provide guidance in determining planning permit applications under clause 52.27 of the Victorian planning scheme. The updated LPP includes:

- direction for the location and management of licensed premises
- detailed assessment requirements
- an additional requirement for 'source of potential harm' venues in the area to provide a written response to the Department of Justice *Design guidelines for licensed venues*.

The policy also now includes performance measures, specific application requirements and decision guidelines. It also articulates grounds for absolute refusal of a permit application. Since the amendment, clause 22.10 has been useful in facilitating a number of application refusals, and there have been no successful appeals to date.

Alongside the amendment to the LPP, the findings of the research also led to the development of an incorporated plan overlay (IPO3) for licensed premises in the Chapel Street precinct. The IPO defines sources of potential harm and, when saturation of such venues is reached, the overlay recommends inclusion of conditions on permits relating to operating hours (not beyond 1.00 am) and patron capacity (not exceeding 200).

Ongoing challenges include different and sometimes conflicting conditions on planning permits and liquor licences, and multiple licences applying to a single venue (causing confusion for operators and enforcers), as well as a large increase in restaurant licences between 2014 and 2016 (which may not accurately reflect the actual operation of some venues).

However, along with supporting activities (e.g. enforcement, special operations with police), the planning changes have helped to maximise Stonnington City Council's efforts in reducing alcohol-related harm.

Workshop conclusions

The role of councils in the minimisation of alcohol-related harm is complex. Along with challenges, many opportunities exist for councils and other stakeholders to work together and share information and insights to create and maximise efficiencies.

Victorian councils are interested in exploring opportunities to share insights and efforts in policy development across local government areas, and there are active debates regarding local governments' roles in both the planning and licensing schemes.

The coordination and connection of current 'silos' operating at various levels (e.g. between council departments, between local and state government) represents a key opportunity in councils' efforts to minimise alcohol-related harms.

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Workshop

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Workshop Partners

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Hobsons Bay City Council

Latrobe City Council

Maribyrnong City Council

Maroondah City Council

Melton City Council

South Gippsland Shire Council

Whitehorse City Council

Wodonga Council

Wyndham City Council

Yarra City Council

Yarra Ranges Council

Cancer Council Victoria

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Office of Liquor, Gaming & Racing

Portland District Health

Southern Grampians Glenelg
Primary Care Partnership

Symplan

VicHealth

Victorian Local Governance
Association

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