

# LiquorPlan

The town planners specialising in permit applications for licensed premises

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18 September 2024

Minister for Planning  
C/ Department of Environment, Land, Water and Planning  
8 Nicholson Street  
East Melbourne 3002

Dear Minister

**Application for Permit**

**Part of 2 Convention Centre Place South Wharf 3006 (part Lot 2209 PS615749)**

**Use of land for a Tavern (Bar)**

Please find attached my planning application, including: an Application ("red line") Plan; a Site Context Plan; Title Documents; and (if required by the Council) a completed separate Application Form in PDF (if not required, please refer to the online Application Form). If the Application Fee has not been paid prior to lodgement, could you please send me an invoice for the application fee?

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## INTRODUCTION

The application involves the proposed Use of land for a Tavern (Bar).

The "proposed" Tavern is an already existing (albeit very new) one that is now operating under a Temporary Limited Licence (and relevant authorisation from the Council). However, Liquor Licensing Victoria has indicated that it does not want to issue another Temporary Limited Licence but that a (permanent) On-premises licence (necessitating a planning permit to use land for a Tavern) is instead required.

The proposed Tavern including the sale and consumption of liquor on the premises under an On premises Licence is appropriate given the site's location in the Capital City Zone/Melbourne CBD.

The proposal will introduce a new (permanent) licensed premises use into the area (its licence will replace a temporary one under which it now operates) but it will both have strong state and local planning policy support/compliance and provide additional consumer choice.

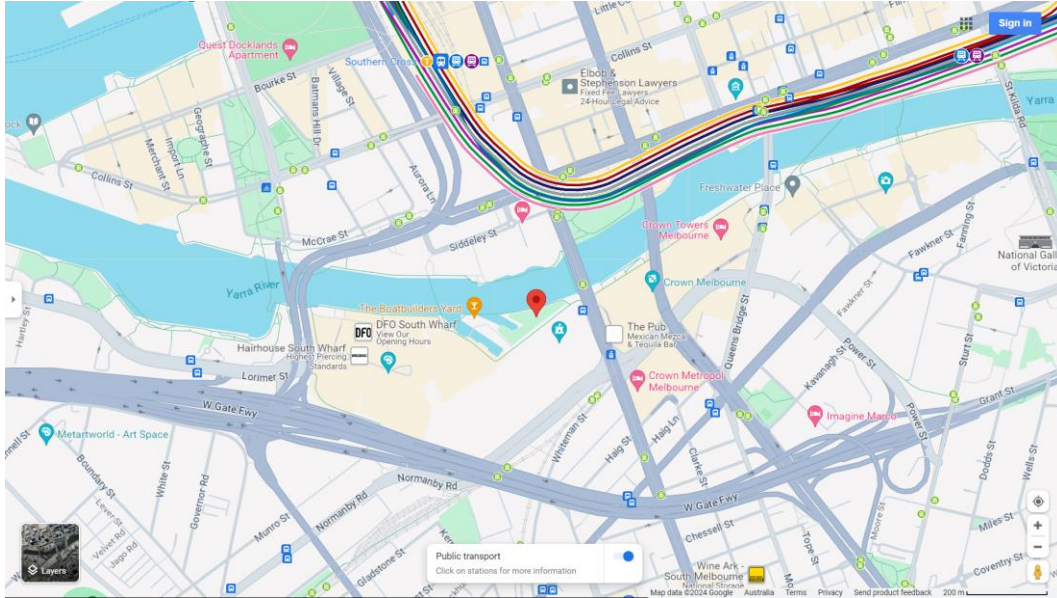
There are no existing dwellings and/or other accommodation uses immediately near the site (the nearest ones are on the other side of the river), but in any case, amenity impacts associated with the proposed sale/consumption of liquor will be limited.

## EXISTING CONDITIONS

### The Site<sup>1</sup> and its Neighbourhood

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<sup>1</sup> Also referred to in this submission as "the Subject Site"



Locality plan (from Google) including public transport, with site marked with red peg



Cadastral/zoning map (from VicPlan) with site highlighted in blue and the Principal Public Transport Network Area (PPTNA) shown hatched. A more detailed zoning map is provided below

The site to which the application relates is an outdoor area of "Polly Woodside Park" in the larger Melbourne Convention and Exhibition Centre site that abuts the north side of Normanby Road, the east side of Clarendon Street and the south side of Yarra River, in the (outer) Melbourne Central Business District (CBD). Southbank Local Area, South Wharf.

The site is used for KIIS Eye, a tourist attraction that primarily features a Ferris-wheel, but which also includes a Tavern/function area (currently operating under a temporary limited licence) and a mini-golf course. Pedestrian access to the site is directly from the footpaths next to the site.

There is no existing car or bicycle parking on the site itself.

Liquor is currently supplied under the following:

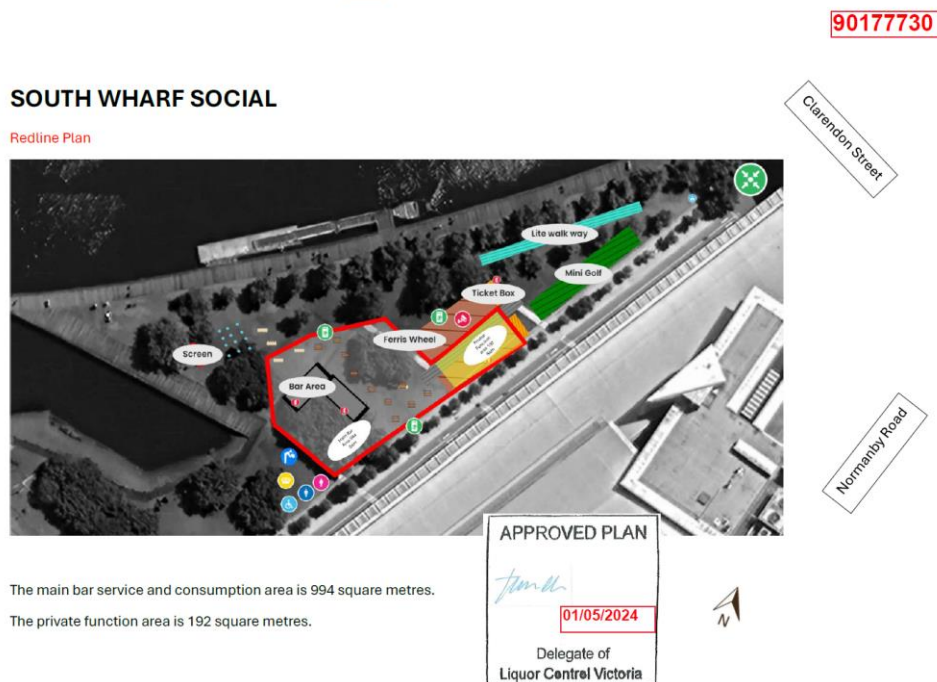
Liquor Control Victoria		Liquor Licence 2024	
LIMITED LICENCE 90177730		Granted 01/05/2024	
This licence authorises the licensee to supply liquor subject to the provisions of the Liquor Control Reform Act 1998 and any conditions specified in the licence.			
Licensee	TAMARA ALLEN PTY LTD	Licensed premises address	MELBOURNE CONVENTION CENTRE - FORES SOUTH WHARF SOCIAL NORMANBY ROAD SOUTH WHARF 3006
Address for service of notices	PO BOX 4101 CROYDON HILLS 3136		
<b>GENERAL INFORMATION</b> Nothing in this licence overrides: - any Victorian Government directions and/or restrictions in relation to COVID-19 - local laws, planning schemes including conditions on planning permits, and/or local council requirements, including any limitations in relation to trading hours or maximum capacities as determined by local council.			
<b>TYPE OF LICENCE</b> This licence is a limited licence and authorises the licensee to supply liquor for consumption on the licensed premises.			
<b>NOISE AND AMENITY</b> The licensee will not cause or permit undue detriment to the amenity of the area to arise out or in connection with the use of the premises to which the licence relates during or immediately after the trading hours authorised by this licence.			
<b>SUPPLY OF LIQUOR</b> The licensed area is the area marked on the plan as approved by Liquor Control Victoria. Any licensed area which is not an enclosed building must be clearly marked and demarcated. Liquor may not be removed from the licensed area. Liquor supplied may only be served in unsalted non-glass containers or opened cans. The licensee shall not serve more than four (4) drinks of which a maximum of two (2) may be pre-mixed spirits, per customer, per time. All staff engaged in the serving of liquor in the licensed area will have undertaken a Responsible Service of Alcohol course within the preceding three years approved by the Victorian Commission for Gambling and Liquor Regulation. All copies of the RSA certificate for each member of staff must be at one central place within the licensed area for inspection if requested by a member of Victoria Police or a LCV Inspector. A copy of the limited licence, as well as "Intoxicated? Drunk? Disorderly?" and "Under 18? No Supply" liquor signage must be displayed.			
<b>MINORS</b> Persons under the age of 18 are not permitted to be on the licensed premises unless they are in the company of a parent, legal guardian or responsible adult.			
<b>MAXIMUM CAPACITIES</b> 300 patrons			
<b>PERIOD OF LICENCE</b> This licence has effect and continues in force during the period of 01/05/2024 to 19/09/2024 inclusive.			
<b>TRADING HOURS</b> Monday to Sunday Between 11am and 11pm			
End of Conditions - Printed on 02/05/2024 (M&L)			

Liquor Control Victoria PO Box 1018, Richmond VIC 3121  
P: 1300 162 457 E: contact@liquor.vic.gov.au  
liquor.vic.gov.au

This licence must be displayed in a conspicuous place on the licensed premises, in a manner that invites public attention.

VICTORIA  
State Government

#### Existing Licence Document



#### Existing Licence Endorsed (Red Line) Plan

The (wider) area of the site includes activity centre/commercial, residential and public land zones, with land uses on and near the site generally reflecting this zoning. The residential zones nearest to the site are about



1km to its south. There are no Dwellings or other accommodation uses apparent along immediately near the site other than on the north side of the river.

The site is in the Principal Public Transport Network Area (PPTNA). Public transport near the site includes multiple locations of trains, trams and buses.

Public transport operates extensively near the site. Importantly this includes regular services - with the latest, departing the city at about 12am Mon-Thu, about 11pm Sun, and about 1.30am Fri-Sat - and those of the Night Network (all trains and specified trams/buses), which depart even later on Fri-Sat. Taxis operate 24/7. Routes to/from the site and the nearest public transport and main taxi access points, are not through traditional residential areas.

The area is extremely well-served by bicycle parking, rubbish bins, street benches, public toilets, street lighting, generally wide footpaths, and security cameras. When I visited, I did not observe any liquor-related litter or other evidence of public liquor consumption near the site.

While there is limited onstreet parking near the site, there are several larger offstreet car parks, including the Melbourne Exhibition Centre Car Park itself.

**The site and its neighbourhood. Photos taken 3pm-4pm Fri 9 Jul 24. Note: because I am cognisant of privacy considerations (ie limiting photos containing identifiable people, cars etc), the area shown was in fact busier when I visited than it may seem in these photos**





The site

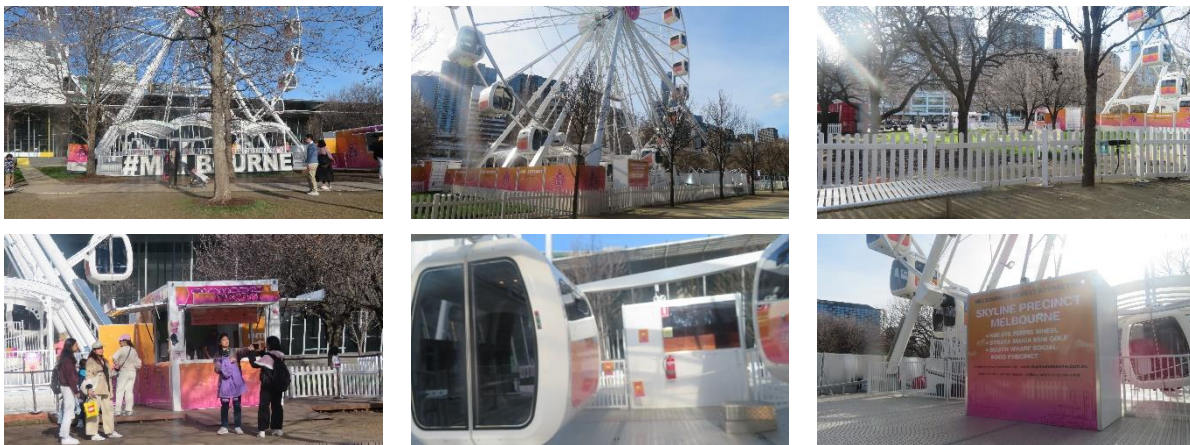


Main entries to site, bar and main patron area





Toilets and waste storage area associated with site (located just west of patron area)



Ferris wheel (part of proposed licensed area but subject to restrictions). Bottom right photo shows control box from where liquor is provided to patrons consuming liquor on the ferris wheel and/or the deck

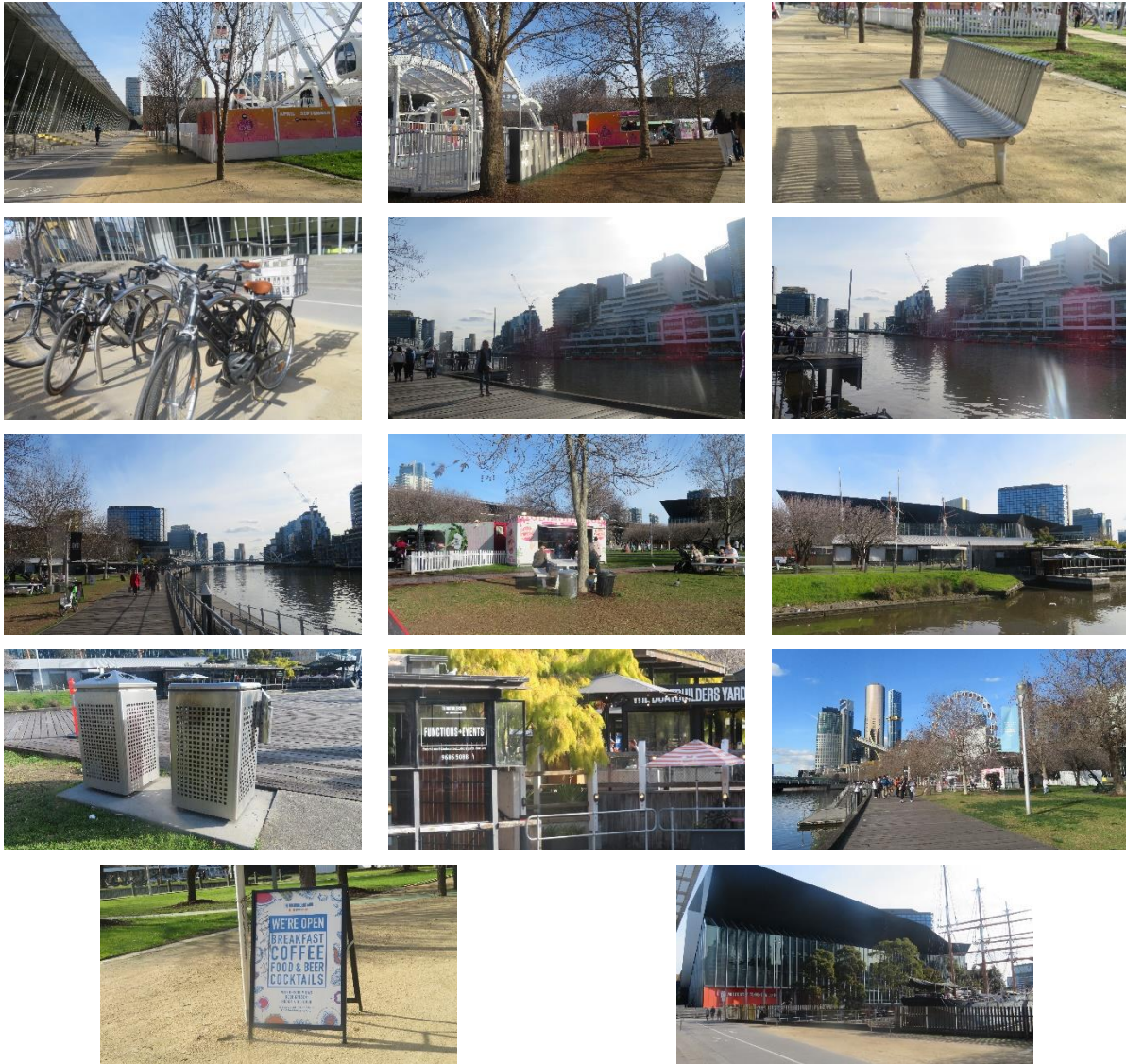


Function deck (part of proposed licensed area)





**Mini-golf (not part of proposed licensed area)**



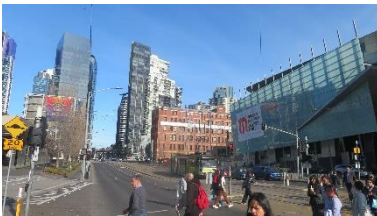
**Area immediately around site**



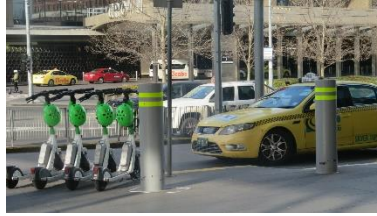




Area between Clarendon Street and site







**Along Clarendon Street near site**



**Across Yarra River from site**

Please refer also to the also-submitted Site Context Plan.

## THE PROPOSAL

The proposal is the Use of land for a Tavern (Bar)<sup>2</sup>:

- The licensed ("red line") area will cover all the area to be occupied by patrons. The main licensed area will be delineated by fencing. The ferris wheel itself and the adjoining function deck will be located in the licensed area but not the approach to the ferris wheel (an authorisation to allow unaccompanied children on Ferris wheel would apply). Liquor to be consumed on the ferris wheel will be provided from the small control box building located on the deck behind the ferris wheel. The licensed area will not include the mini-golf course. The licensed premises will consist almost entirely of an external trading area, with the only covered area being the (service area) bar itself.
- The Bar will operate and the sale and consumption liquor on the premises will occur (seven days per week, including public holidays): Monday-Sunday 11am-11pm (except for a 12pm opening time on Good Friday and ANZAC Day and a 1am closing time on New Years Eve - the following day). Note: "12pm" is noon/midday. All parts of the Bar will have the same trading times.
- At any time, there will be a maximum capacity of 290 patrons in the Tavern (note: the Existing Licence allows a maximum capacity of 300 patrons; however this does not take into consideration that the current Occupancy Permit for Place of Public Entertainment allows there to be only 300 persons).<sup>3</sup>
- If the capacity on the licensed premises appears to be at or approaching 80% of this maximum, a staff member will carry out a rough count of patrons on the premises, and if it looks like this will increase so as to exceed the permitted/licensed patron capacity, monitor the entry(s)/exit(s) (including counting patrons going in/out) to ensure that this does not occur.
- There will be a minimum of 1 staff on the licensed premises at any time when liquor is sold or consumed on the licensed premises. This includes that there will be a responsible person responsible for the management or control of the licensed premises (ie an adult in the role of manager or acting manager, and including being responsible for security, patron/customer management and complaints). Relevant Responsible Service of Alcohol (RSA) requirements will apply to all staff serving liquor. Other staff will be engaged on an as-required basis based on estimated actual patron numbers (the maximum number of staff to be on the site at any one time will be 10).
- While an On-premises Licence does not formally require the predominant activity carried out at all times to be the preparation and serving of meals for consumption on the premises, snack food (including pizzas, chips, wedges, toasties, crisps, nuts etc) will be available until at least 10.30pm or 30

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2 Under the Liquor Control Reform Act 1998, an On-premises Liquor Licence authorises the licensee to "supply liquor on the licensed premises" during "ordinary trading hours", the latter of which are between "7 a.m. and 11 p.m. on each day, other than Sunday, Good Friday or ANZAC Day; ... 10 a.m. and 11 p.m. on Sunday; and... 12 noon and 11 p.m. on Good Friday and ANZAC Day" as well as "between 11 p.m. on any particular day until 1 a.m. on the following day". Liquor cannot be sold for consumption off the premises under an On-premises Liquor Licence. Any licence/variation will be sought via a (separate) application to Liquor Control Victoria (LCV)

3 Under the heading, "Which licences have a maximum patron capacity?", the Liquor Licensing Fact Sheet Maximum patron capacity, VCGLR 2018, states,

*Maximum patron capacity will be endorsed in respect of applications for the following new licences:*

- *general*
- *on-premises*
- *restaurant and cafe*
- *late night (on-premises and general)*
- *full club*
- *restricted club.*

*Some existing licences may also be endorsed with maximum patron capacities.*

*Maximum patron capacities may also be required on some major event licences where appropriate.*



minutes (whichever is the earlier) on any day when liquor is sold and consumed on the premises, and drinks other than liquor (including water) will be available at all times liquor is sold and consumed on the premises. Although an On-premises Licence also does not formally require seating to be provided, some seating for patrons will be provided. Given the size of the licensed area the patron density will be very low. No gaming or sexually-explicit entertainment is proposed.

- Pedestrian access/egress to/from the licensed premises will be only via the existing entries, with the rest of the Tavern to continue to be bounded by picket fencing.
- No music other than background music typical to the relevant type of licensed premises is proposed. Section 9a of the Liquor Control Reform Act 1998 states, "background music level", in relation to premises, means a level that enables patrons to conduct a conversation at a distance of 600 millimetres without having to raise their voices to a substantial degree" (this can apply to any persons). This measure, which can refer to any persons is also a "rule of thumb" used in planning enforcement since "background music" is commonly referred to in permit conditions. Background music noise levels will be determined by simple observation. No live music entertainment is proposed.
- While no separate Patron Capacity Assessment has been submitted, under the Building Act 1993 the Council has already issued an Occupancy Permit for Place of Public Entertainment (POPE), which allows, "A maximum number of 300 persons are permitted to be accommodated within the event boundaries at any one time during the event". Adequate area, exits, and toilets will be provided for staff and patrons.
- The licensed premises will operate under the submitted Venue Management Plan.
- In the event that queuing is required, it will be actively supervised, including by advising patrons of wait times, and monitoring incoming prospective patrons for signs of intoxication.
- It is not proposed that there would be any formal "passouts". However, while patrons will be free to enter and exit the premises, those doing so will be actively monitored by staff. A prominent sign(s) and staff will advise patrons that they are not allowed to take liquor off the premises.
- The licensed premises will be entirely non-smoking. Patrons wishing to smoke will be directed to the external area next to the site entry and requested to remain quiet out of respect for neighbours while they are out there. Smoking will be limited to five patrons at any time and if additional patrons wish to smoke staff will ask them to do so away from the premises.
- A waste storage area on the site will be used for the storage of waste including from the proposed sale/consumption of liquor. No bottle crushers are proposed. The licensed premises will operate under the submitted Waste Management Plan.
- No new external building or works, or additional car or bicycle parking are proposed.
- Given the site's zoning (and setbacks from the nearest residential zone/area), it is not proposed to limit either the hours of delivery/unloading of goods or the disposal/transfer of waste for the proposed sale/consumption of liquor.
- Given the nature of the immediate neighbourhood (including setbacks from the nearest residential areas), it is not proposed to specifically keep doors and windows closed during licensed trading times.

## PLANNING CONTROLS AND POLICY

### The Melbourne Planning Scheme<sup>4</sup>

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#### 4 Non-applicable clauses

The following clauses(s), that might otherwise be thought applicable, also do not apply in this case:

Land use in the municipality is subject to Melbourne Planning Scheme, a combination of state, regional and local provisions. All clauses referred to in this letter are from Melbourne Planning Scheme.

In relation to who is the Responsible Authority in this case the Schedule to Clause 72.01 includes:

**2.0**  
31/03/2022  
GC192

**Responsible authority for administering and enforcing a provision of this planning scheme:**

The Minister for Planning is the responsible authority for administering and enforcing the scheme for:

- Land comprising the Melbourne Convention Centre Development Southbank and associated Northbank redevelopment Docklands, Precinct Plan area generally bounded by Wurundjeri Way, the north-south alignment of Siddeley Street and its prolongation south to the Yarra River, Charles Grimes Bridge, Montague Street, the southern alignment of the West Gate Freeway, Normanby Road and Clarendon Street, the Yarra River southbank including south wharf and Dukes Dock and Orrs Dock, and parts of the northbank of the Yarra River in the vicinity of the western end of Siddeley Street, and part of the intervening Yarra River.

The area described above includes the site.

**Clause 73.03 Land use terms**

"Tavern" was previously defined at Clause 73.03 as "Land used to sell liquor for consumption on the premises. It may include accommodation, food for consumption on the premises, entertainment, dancing, amusement machines, and gambling".

Note: a new term, "Bar" has now generally replaced "Tavern", however the latter term is used in this report because even is still used in both the Capital City Zone (the local licensed premises policy does however the use the word, "bar"). "Tavern" ("Bar") is nested within Retail premises/Food and drinks premises.

**Introduction to provisions that may trigger a permit requirement for the proposal**

Under Melbourne Planning Scheme, the site is in the Capital City Zone (CCZ3 - Southbank). The site is also fully or partly in a Heritage Overlay, Design and Development Overlay and a Parking Overlay. No other overlays apply. According to VicPlan, the site is in a nominal Area of Cultural Heritage Significance under the Aboriginal Heritage Act and Regulations 2018. However, this is not relevant to the proposal.

This is because, while the site is a park next to a river, the topography is by no means natural. This includes that the area immediately alongside the river is not a sloping bank or beach but an entirely built-up wharf with vertical sides. Near the site is both an excavated dock - in which is located the Polly Woodside ship, the extremely large main Melbourne Exhibition and Convention Centre building (known colloquially as, "Jeff's Shed") and two timber or bitumen paths known as South Wharf Promenade and Orrs Walk. Smaller paths cross part of the park and various items of street furniture (benches, bins and bike parking) have been installed therein. There is no apparent remnant native vegetation immediately near the site, with all trees in the park having an exotic appearance, as well as a uniform height, suggesting mass planting.

Machinery would have been used in construction of most, if not all of the above features which now forms the existing topography of and near the site; "significant ground disturbance" would thus have occurred, meaning that the application is exempt from a Cultural Heritage Management Plan (CHMP) requirement under the Aboriginal Heritage Regulations.

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- 43.01 Heritage Overlay- no development is proposed.
  - 43.02 Design and Development Overlay - no development is proposed.
  - 52.27 Licensed premises - this clause does not apply in the Capital City Zone.
  - 53.06 Live Music Entertainment Venues - no live music entertainment is proposed.





Note: due to overlaps, some overlays may not be visible, and some colours may not match those in the legend

**There are no other relevant overlays**

### 37.04 Capital City Zone (CCZ3 - Southbank)

"Tavern" is a Section 2 use ("Permit required") in the CCZ3. No conditions apply.

The CCZ3 - Southbank also includes:

### **Purpose**

*To implement the Municipal Planning Strategy and the Planning Policy Framework.*

*To enhance the role of Melbourne's central city as the capital of Victoria and as an area of national and international importance.*

*To recognise or provide for the use and development of land for specific purposes as identified in a schedule to this zone.*

*To create through good urban design an attractive, pleasurable, safe and stimulating environment.*

*[Purpose of CCZ3]*

### ***Purpose***

*To develop Southbank as an extension of the central city, providing for a mix of commercial and residential land uses that complement the capital city function of the locality.*

*To comfortably accommodate a residential and worker population in a pleasant neighbourhood where all public spaces are comfortable, bright and safe.*

*To maintain and enhance the role of Southbank as a cultural and arts precinct.*

*To develop Sturt Street as an arts and performance precinct with services and activities for local residents and visitors.*

*To support art facilities and creative industry businesses along Sturt Street.*

*To deliver local services and facilities within an approximate 400m walk from all residences.*

*To provide uses at ground floor and upper podium floors to promote a visual link with, and facilitate the passive surveillance of, the public realm.*

*To support commercial, retail and community uses along pedestrian corridors.*

### Clause 52.06 Car parking

This includes:

<b>52.06</b> 18/02/2018 VC148	<b>CAR PARKING</b> <b>Purpose</b> To ensure that car parking is provided in accordance with the Municipal Planning Strategy and the Planning Policy Framework. To ensure the provision of an appropriate number of car parking spaces having regard to the demand likely to be generated, the activities on the land and the nature of the locality. To support sustainable transport alternatives to the motor car. To promote the efficient use of car parking spaces through the consolidation of car parking facilities. To ensure that car parking does not adversely affect the amenity of the locality. To ensure that the design and location of car parking is of a high standard, creates a safe environment for users and enables easy and efficient use.	<b>52.06-3</b> 18/02/2018 VC148	<b>Permit requirement</b> A permit is required to: <ul style="list-style-type: none"><li>Reduce (including reduce to zero) the number of car parking spaces required under Clause 52.06-5 or in a schedule to the Parking Overlay.</li><li>Provide some or all of the car parking spaces required under Clause 52.06-5 or in a schedule to the Parking Overlay on another site.</li><li>Provide more than the maximum parking provision specified in a schedule to the Parking Overlay.</li></ul> A permit is not required if a schedule to the Parking Overlay specifies that a permit is not required under this clause. A permit is not required to reduce the number of car parking spaces required for a new use of land if the following requirements are met: <ul style="list-style-type: none"><li>The number of car parking spaces required under Clause 52.06-5 or in a schedule to the Parking Overlay for the new use is less than or equal to the number of car parking spaces required under Clause 52.06-5 or in a schedule to the Parking Overlay for the existing use of the land.</li><li>The number of car parking spaces currently provided in connection with the existing use is not reduced after the new use commences.</li></ul> A permit is not required to reduce the required number of car parking spaces for a new use of an existing building if the following requirements are met: <ul style="list-style-type: none"><li>The building is in the Commercial 1 Zone, Commercial 2 Zone, Commercial 3 Zone or Activity Centre Zone.</li><li>The gross floor area of the building is not increased.</li><li>The reduction does not exceed 10 car parking spaces.</li><li>The building is not in a Parking Overlay with a schedule that allows a financial contribution to be paid in lieu of the provision of the required car parking spaces for the use.</li></ul> <b>VicSmart applications</b> Subject to Clause 71.06, an application under this clause to reduce the required number of car parking spaces by no more than 10 car parking spaces in a class of VicSmart application and must be assessed against Clause 59.10.
<b>52.06-1</b> 01/07/2014 VC116	<b>Scope</b> Clause 52.06 applies to: <ul style="list-style-type: none"><li>a new use; or</li><li>an increase in the floor area or site area of an existing use; or</li><li>an increase to an existing use by the measure specified in Column C of Table 1 in Clause 52.06-5 for that use.</li></ul> Clause 52.06 does not apply to: <ul style="list-style-type: none"><li>the extension of one dwelling on a lot in the Neighbourhood Residential Zone, General Residential Zone, Residential Growth Zone, Mixed Use Zone or Township Zone; or</li><li>the construction and use of one dwelling on a lot in the Neighbourhood Residential Zone, General Residential Zone, Residential Growth Zone, Mixed Use Zone or Township Zone unless the zone or a schedule to the zone specifies that a permit is required to construct or extend one dwelling on a lot.</li></ul>	<b>52.06-4</b> 18/02/2018 VC148	<b>Exemption from notice and review</b> An application under Clause 52.06-3 is exempt from the notice requirements of section 52(1)(Ka), (b) and (d), the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the Act if: <ul style="list-style-type: none"><li>the application is only for a permit under Clause 52.06-3; or</li><li>the application is also for a permit under another provision of the planning scheme and in respect of all other permissions sought, the application is exempt from the notice requirements of Section 52(1)(Ka), (b) and (d), the decision requirements of Section 64(1), (2) and (3) and the review rights of Section 82(1) of the Act.</li></ul>
<b>52.06-2</b> 18/04/2013 VC108	<b>Provision of car parking spaces</b> Before: <ul style="list-style-type: none"><li>a new use commences; or</li><li>the floor area or site area of an existing use is increased; or</li><li>an existing use is increased by the measure specified in Column C of Table 1 in Clause 52.06-5 for that use.</li></ul> the number of car parking spaces required under Clause 52.06-5 or in a schedule to the Parking Overlay must be provided to the satisfaction of the responsible authority in one or more of the following ways: <ul style="list-style-type: none"><li>on the land; or</li><li>in accordance with a permit issued under Clause 52.06-3; or</li><li>in accordance with a financial contribution requirement specified in a schedule to the Parking Overlay.</li></ul> If a schedule to the Parking Overlay specifies a maximum parking provision, the maximum provision must not be exceeded except in accordance with a permit issued under Clause 52.06-3.	<b>52.06-5</b> 18/02/2018 VC148	<b>Number of car parking spaces required under Table 1</b> Table 1 of this clause sets out the car parking requirement that applies to a use listed in the Table. A car parking requirement in Table 1 may be calculated as either:

Relevant section of Clause 52.06 Car parking (from Victoria Planning Provisions, but same in Melbourne Planning Scheme)

The normal statutory car parking requirements (including ones varied that would otherwise be varied under the PPTNA), is overridden by the Parking Overlay (PO1), under which the need for a permit is triggered only where additional onsite parking will be provided, not where it will not be. As no onsite parking will be provided for the Tavern, a permit is not required under Clause 52.06.

<b>18/04/2013</b> VC96	<b>SCHEDULE 1 TO THE PARKING OVERLAY</b> Shown on the planning scheme map as PO1.  <b>CAPITAL CITY ZONE – OUTSIDE THE RETAIL CORE</b>	<b>4.0</b> 18/04/2013 VC96	<b>Decision guidelines for permit applications</b> Before deciding on an application which includes the provision of car parking spaces, the responsible authority must consider as appropriate: <ul style="list-style-type: none"><li>Any relevant local planning policies.</li><li>Whether the proposal involves the making of or the use of an access point across a traffic conflict frontage.</li><li>Any effect on vehicle and pedestrian traffic in the area.</li><li>The safety and convenience of pedestrians moving to, from and within the car parking facility, including lighting levels, surveillance systems, signage, ease of orientation and visibility.</li><li>Whether any public car park facility will be connected to the City of Melbourne Parking Guidance System.</li><li>The extent to which the proposed access point would conflict with any proposal to limit or prohibit traffic in certain roads.</li><li>Any alternative route by which access to the car park could be obtained.</li><li>The ease with which casual visitors to the central city can find, enter and leave the facility.</li><li>The size, internal design and general operation for users.</li><li>The location and context of directional and pricing signage to enable easy customer recognition before entering the car park.</li><li>The suitability for use during weekends and outside normal business hours.</li><li>Whether the development incorporates bicycle and motorcycle parking.</li><li>Whether the development incorporates other uses in the site that will contribute to achievement of relevant policies.</li><li>The current usage patterns of any nearby public parking facilities.</li><li>Any adverse impacts on present vehicular traffic flows and in the context of any likely future changes in car parking and traffic conditions in the area.</li></ul>
<b>1.0</b> 18/04/2013 VC96	<b>Parking objectives to be achieved</b> To identify appropriate car parking rates for various uses within the Capital City Zone.		
<b>2.0</b> 18/04/2013 VC96	<b>Permit requirement</b> A permit is required to provide car parking spaces in excess of the car parking rates in Clause 3.0 of this schedule. This does not include the provision of additional car parking, to the satisfaction of the responsible authority, which is required to serve: <ul style="list-style-type: none"><li>on site use for dwellings or a residential hotel.</li><li>a use that generates a significant demand for short stay parking (up to 4 hours) and the spaces are not accessible to vehicles between the hours of 5.30am and 9.30am Monday to Friday, or such other hours that the responsible authority is satisfied are appropriate.</li></ul>		
<b>3.0</b> 18/04/2013 VC96	<b>Number of car parking spaces required</b> The car parking rates apply to use in connection with another activity on the site. Where no part of the site is used for dwellings the number of car parking spaces must not exceed the number calculated using one of the following formulas:  <b>Maximum spaces =</b> $\frac{5 \times \text{net floor area of buildings on the site in sq m}}{1000 \text{ sq m}}$ or $\frac{12 \times \text{site area in sq m}}{1000 \text{ sq m}}$ Where a site is used wholly for dwellings, the number of spaces for each dwelling must not exceed one (1). Where a site is used partly for dwellings and partly for other uses, the maximum number of spaces allowed: <ul style="list-style-type: none"><li>for that part of the site devoted to dwellings (including common areas serving the dwellings) must not exceed one (1) space per dwelling.</li><li>for that part of the site devoted to other uses, (excluding common areas serving the dwellings) must not exceed the number calculated using one of the following formulas:  <b>Maximum spaces =</b> <math display="block">\frac{5 \times \text{net floor area of buildings on that part of the site in sq m}}{1000 \text{ sq m}}</math> or <math display="block">\frac{12 \times \text{that part of the site area in sq m}}{1000 \text{ sq m}}</math></li></ul> <b>Motorcycle parking rates</b> All buildings that provide on-site car parking must provide motorcycle parking for the use of occupants and visitors, at a minimum rate of one motor cycle parking space for every 100 car parking spaces, unless the responsible authority is satisfied that a lesser number is sufficient.		

Schedule to Parking Overlay



## Clause 52.27 Licensed premises

This includes:

<b>52.27</b> 31/07/2018 VC148	<b>LICENSED PREMISES</b> <b>Purpose</b> 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. <b>Scope</b> These provisions apply to premises licensed, or to be licensed, under the <i>Liquor Control Reform Act 1998</i> . <b>Permit required</b> A permit is required to use land to sell or consume liquor if any of the following apply: • A licence is required under the <i>Liquor Control Reform Act 1998</i> . • A different licence or category of licence is required from that which is in force. • The hours of trading allowed under a licence are to be extended. • The number of patrons allowed under a licence is to be increased. • The area that liquor is allowed to be consumed or supplied under a licence is to be increased. This does not apply: • To a limited licence. • To a licence to manufacture liquor. • 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 variation that reduces the hours of trading allowed under a licence. • To a variation that reduces the number of patrons allowed under a licence. • To a variation that reduces the area within which liquor is allowed to be consumed or supplied under a licence. • To a variation of licence at the initiative of the Victorian Commission for Gambling and Liquor Regulation, pursuant to Section 58 of the <i>Liquor Control Reform Act 1998</i> . • To a variation of licence for a variation prescribed in Part 6, Regulation 31 of the <i>Liquor Control Reform Regulations 2009</i> . • If a different licence or category of licence is required solely as a result of changes to licence categories. • To a licence to sell only packaged liquor for consumption elsewhere issued before 8 April 2011. The schedule to this clause may specify that a permit may not be granted to use land to sell or consume liquor under a particular type of licence. <b>Referral of applications</b> An application must be referred and notice of the application must be given in accordance with Clause 66 of this scheme. <b>Decision guidelines</b> Before deciding on an application, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:	<ul style="list-style-type: none"><li>• The Municipal Planning Strategy and the Planning Policy Framework.</li><li>• The impact of the sale or consumption of liquor permitted by the liquor licence on the amenity of the surrounding area.</li><li>• The impact of the hours of operation on the amenity of the surrounding area.</li><li>• The impact of the number of patrons on the amenity of the surrounding area.</li><li>• The cumulative impact of any existing licensed premises and the proposed licensed premises on the amenity of the surrounding area.</li></ul>
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### Clause 52.27 Licensed premises (from Victoria Planning Provisions, but same in Melbourne Planning Scheme)

There is nothing relevant in the schedule to Clause 52.27. As can be seen, a permit is required under 52.27.

## Clause 52.34 Bicycle facilities

This includes:

<b>52.34</b> 31/07/2018 VC148	<b>BICYCLE FACILITIES</b> <b>Purpose</b> To encourage cycling as a mode of transport. To provide secure, accessible and convenient bicycle parking spaces and associated shower and change facilities.
<b>52.34-1</b> 18/11/2016 VC37	<b>Provision of bicycle facilities</b> A new use must not commence or the floor area of an existing use must not be increased until the required bicycle facilities and associated signage has been provided on the land. Where the floor area occupied by an existing use is increased, the requirement for bicycle facilities only applies to the increased floor area of the use.
<b>52.34-2</b> 31/07/2018 VC148	<b>Permit requirement</b> A permit may be granted to vary, reduce or waive any requirement of Clause 52.34-5 and Clause 52.34-6.
<b>52.34-3</b> 31/07/2018 VC148	<b>Exemption from notice and review</b> An application is exempt from the notice requirements of section 52(1)(a), (b) and (d), the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the Act.
<b>52.34-4</b> 08/06/2019 VC159	<b>Decision guidelines</b> Before deciding on an application, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate: <ul style="list-style-type: none"><li>• Whether the proposed number, location and design of bicycle facilities meets the purpose of this clause.</li><li>• The location of the proposed land use and the distance a cyclist would need to travel to reach the land.</li><li>• The users of the land and their opportunities for bicycle travel.</li><li>• Whether showers and change rooms provided on the land for users other than cyclists are available to cyclists.</li><li>• The opportunities for sharing of bicycle facilities by multiple uses, either because of variation of bicycle parking demand over time or because of efficiencies gained from the consolidation of shared bicycle facilities.</li><li>• Australian Standard AS 2890.3 1993 Parking facilities Part 3: Bicycle parking facilities.</li><li>• Any relevant bicycle parking strategy or equivalent.</li></ul>
<b>52.34-5</b> 08/06/2019 VC159	<b>Required bicycle facilities</b> Tables 1, 2 and 3 to this clause set out the number and type of bicycle facilities required. Bicycle facilities are required if the use is listed in column 1 of the table. The number of bicycle facilities required for a use is the sum of columns 2 and 3 of the tables. If in calculating the number of bicycle facilities the result is not a whole number, the required number of bicycle facilities is the nearest whole number. If the fraction is one-half, the requirement is the next whole number. A bicycle space for an employee or resident must be provided either in a bicycle locker or at a bicycle

### Relevant section of Clause 52.34 Bicycle facilities (from Victoria Planning Provisions, but same in Melbourne Planning Scheme)

There is no separate bicycle parking requirement for Bar, however Clause 52.34 Bicycle facilities specifies that for a "Retail premises other than specified in this table" (which includes Bar/Tavern), bicycle parking spaces must be provided at the following rates: for "Employees", "1 to each 300 sq m of leasable floor area" and "for "Visitors", "1 to each 500 sq m of leasable floor area". Note: Clause 52.34-5 states, "If in calculating the number of bicycle facilities the result is not a whole number, the required number of bicycle facilities is the nearest whole number. If the fraction is one-half, the requirement is the next whole number". Thus there needs to be at least 150sqm of relevant floor area (ie 0.5 Employee space to be rounded up to 1 space) for any bicycle parking space requirement to apply.

While the Bar/Tavern will occupy a larger area, only the bar (shipping container) and the decks itself actually contains any leasable floor area (which has to be at least be a "floor" not simply an area). There is thus too little proposed leasable floor area to generate a requirement of even 1 bicycle parking space. As such, the requirements of this clause are fully satisfied. Note: however, there is bicycle parking near the site.

### **Summary of applicable permit requirements**

In this case a planning permit (or an amendment to an existing permit) is required to:

- Use land in the CCZ3 for a Tavern (Bar) (Clause 37.04).

Notes:

- Unlike other zones in the MPS (and almost all other planning schemes), Clause 52.27 Licensed premises does not apply in the Capital City Zone, and hence does not trigger any requirements for the proposal. Similarly Clause 52.06 Car parking only applies when onsite car parking *is* to be provided (not when it is not to be provided, which is the situation in almost all other).
- The proposal seeks to make permanent the existing use of the land for a Tavern (Bar). All "buildings and works" associated with that use already form part the existing conditions of the site. I have been asked to seek approval only in relation to the (licensed) *use* of the land; any compliance issues with the existing buildings and works should be taken up separately with the land owner.

### **Introduction to relevant state, regional and local planning policy**

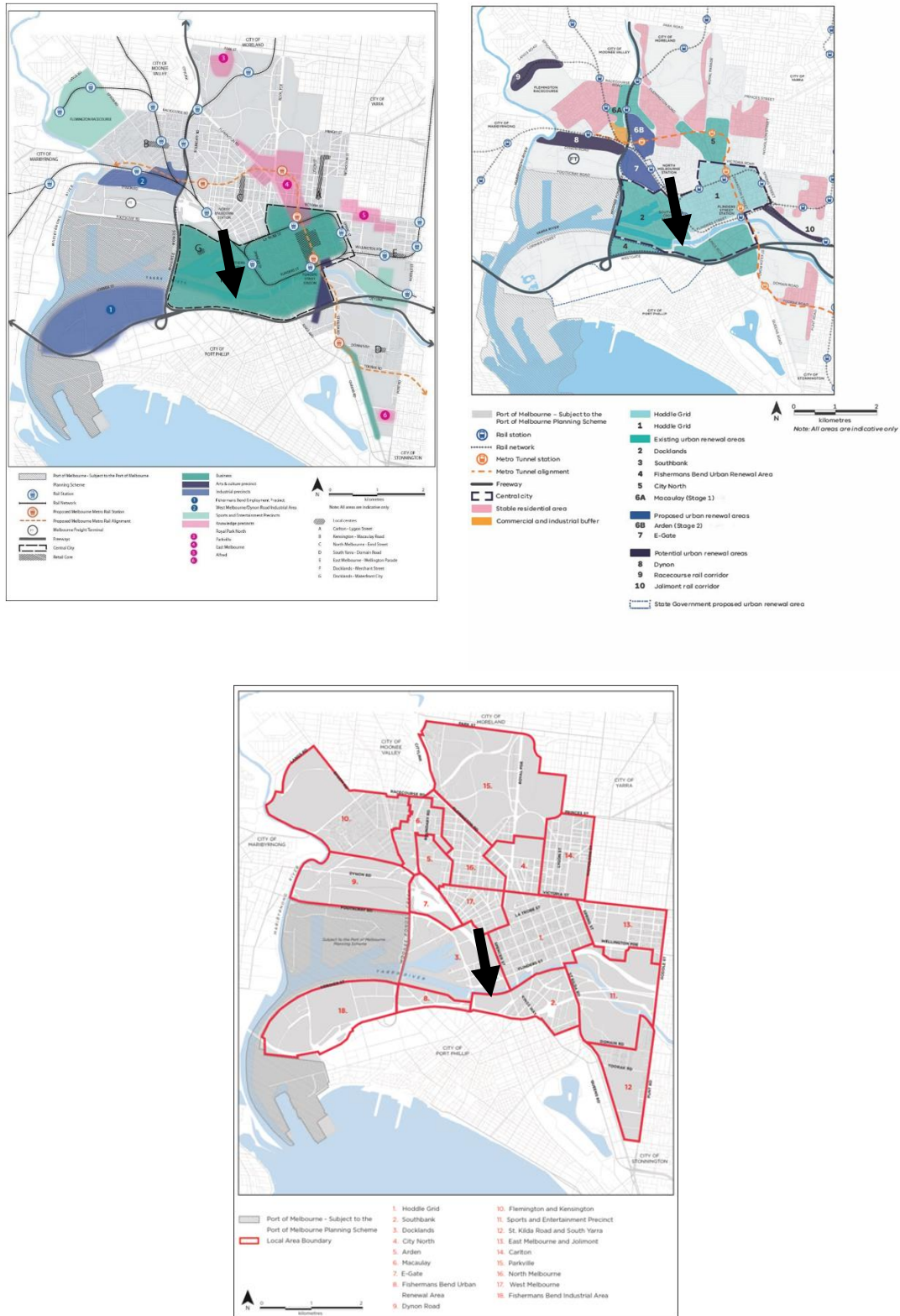
#### **State and Regional Policy**

There are several relevant state policies, mainly relating to economic development and land use compatibility. Regional policies include Clauses 11.03-1R Activity centres - Metropolitan Melbourne, 17.01-1R Diversified economy - Metropolitan Melbourne, 17.04-1R Tourism in Metropolitan Melbourne, 18.01-3R Sustainable and safe transport - Metropolitan Melbourne and 18.02-3R Principal Public Transport Network. These are also all listed (and responded to) in the "merits" section of this report, below.

#### **Local policy**

At Clause 02.04 Strategic Framework Plans: on the Economic Development plan, the site is in the designated Melbourne CBD "Business" area; on the Growth Area Framework Plan, it is in the designated "Urban Renewal Area"; on the Local Areas Plan, it is in "South Bank"; and on the South Bank Plan, it is in the "Melbourne Convention and Exhibition Centre site".





At Clause 02.04 Strategic Framework Plans: on the Economic Development plan, the site is in the designated Melbourne CBD "Business" area; on the Growth Area Framework Plan, it is in the designated "Urban Renewal Area"; on the Local Areas Plan, it is in "South Bank"; and on the South Bank Plan, it is in the "Melbourne Convention and Exhibition Centre site". Site location indicated with arrow

Relevant sections of the Municipal Planning Strategy (MPS) include: 02.03-3 Environmental risks and amenity/Amenity, safety and noise. This includes:

**02.03-3 Environmental risks and amenity**  
21/09/2022

**Amenity, safety and noise**

The City has licensed premises that provide opportunities for social interaction and a vital night-time economy providing music, food and entertainment. Well managed licensed premises contribute positively to the activity, character and image of the City. Small licensed premises are particularly important to the vitality of the Central City as a 24 hour city.

The policies of relevance to the application are Clauses: 11.03-6L-12 Southbank; and 13.07-1L-04 Licensed premises. These include:

**11.03-6L-12 Southbank**  
21/09/2022  
L2000000

**Policy application**

This policy applies to land shown as 'Local Area Boundary' on the Southbank Plan to this clause.

**Economic development strategies**

Support arts, entertainment, cultural, educational uses in Southbank, especially in the Arts Precinct.  
Support Southbank's development as an extension of the Central City, providing a mix of commercial and residential land uses.  
Support a mix of uses, including residential development, with ground floor retail and small-scale business uses.  
Support the ongoing operation and establishment of businesses that provide professional and business support services to the Capital City Zone and the Mixed Use Zones of Southbank.

**13.07-1L-04 Licensed premises**  
21/09/2022  
L2000000

**Policy application**

This policy applies to applications for licensed premises under Clause 52.27 or for the use of land for a bar, hotel or nightclub in the Capital City Zone and Docklands Zone.

**Objectives**

To identify appropriate locations and trading hours for licensed premises.  
To minimise adverse impacts from licensed premises on the amenity of the area.  
To maintain the positive character, image and function of the City.  
To ensure that the cumulative impacts of licensed premises are assessed where venues are clustered.

**Strategy**

Ensure licensed premises will not have an unreasonable impact on the amenity of the surrounding area, including through noise, patron numbers and hours of operation.

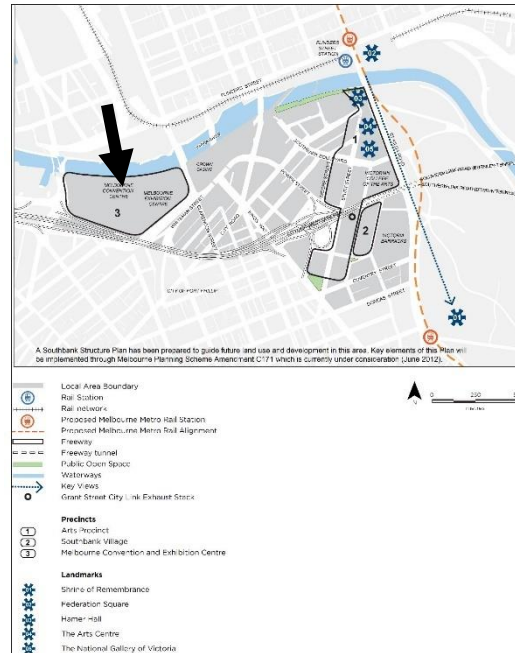
**Policy guidelines**

Consider as relevant:

- Ensuring uses that regulate and monitor their noise, and that make use of noise limiters.
- Minimising noise impacts associated with waste management and bottle crushing by incorporating measures such as:
  - On site storage of waste.
  - The use of on-site bottle crushers within noise proof enclosures.
  - Avoiding waste collection before 7am and after 9pm or earlier when the licensed premises is closed.
- Discouraging licensed premises in the Residential Zones.
- Discouraging licensed premises in the Mixed Use Zone where the predominant surrounding land use is residential.
- Limiting the number of patrons permitted in a licensed premise to:
  - Manage any unreasonable impact on the amenity of the surrounding uses.
  - The maximum occupancy capacity of the premises, as determined by the *Building Act 1993*.
- Encouraging bars, hotels and nightclubs in the Capital City Zone and Docklands Zone that:
  - Accommodate less than 100 patrons.
  - Have appropriate noise attenuation.
- Limiting hours of operation of bars, hotels and nightclubs in the Capital City Zone and Docklands Zone to 1am.
- Limiting hour of operation of licensed premises:
  - In the General Residential Zone to 9am – 6pm.
  - In the Mixed Use Zone to 11pm.
  - In the commercial zones to 11pm if the licensed premise is within 30 metres of a residential zone, or 1am elsewhere.
- In the Capital City Zone and Docklands Zone, limiting the use of outdoor areas (including smoking areas, rooftops and open courtyards) to 1am, and in noise sensitive areas, limiting alcohol consumption in outdoor areas to 11pm.
- Limiting the number of patrons permitted in a licensed premise to manage any unreasonable impact on the amenity of the surrounding uses and the maximum occupancy capacity of the premises, as determined by the *Building Act 1993*.
- Applications to extend operating hours beyond the hours otherwise specified for indoor and outdoor areas within this policy will only be supported where the further extension of hours will not unreasonably impact on the amenity of the surrounding area.

On the Southbank Plan at Clause 11.03-6L-12 Southbank, the site is in the designated larger Melbourne Convention and Exhibition Centre site.





**On the Southbank Plan at Clause 11.03-6L-12 Southbank, the site is in the designated larger Melbourne Convention and Exhibition Centre site. Site location shown with arrow**

### The merits of the application

The proposal will generally achieve the outcomes sought by the Melbourne Planning Scheme, by being associated with a Tavern (Bar) in the Capital City-zoned Southbank Local Area. It will achieve good economic development outcomes, and through its appropriate location, nature, scale and trading times, will achieve good amenity outcomes including by being suitably separated from the nearest traditional residential area.

More specifically, the proposal is consistent with all relevant policy and other provisions:

- 02.03-3 Environmental risks and amenity/Amenity, safety and noise. The proposal is fully consistent with the statement in Clause 02.03-3 that, "The City has licensed premises that provide opportunities for social interaction and a vital night-time economy providing music, food and entertainment. Well managed licensed premises contribute positively to the activity, character and image of the City. Small licensed premises are particularly important to the vitality of the Central City as a 24 hour city".
- 11.03-1S Activity centres and 11.03-1R Activity centres - Metropolitan Melbourne. Clause 11.03-1S encourages, "the concentration of major retail, residential, commercial, administrative, entertainment and cultural developments into activity centres which provide a variety of land uses and are highly accessible to the community".

Clause 11.03-1R, includes the strategy, "Support the development and growth of Metropolitan Activity Centres by ensuring they: Are able to accommodate significant growth for a broad range of land uses; Are supported with appropriate infrastructure; Are hubs for public transport services; Offer good connectivity for a regional catchment; [and] Provide high levels of amenity.

The proposal will achieve this simply by involving a licensed Tavern (Bar) in the Southbank Local Area.

- 11.03-6L-12 Southbank. While the site is not in the Arts Precinct (where such uses are especially supported), this policy's Economic development strategies include to "Support arts, entertainment, cultural, educational uses in Southbank ..." generally, including therefore the proposal.
- 13.05-1S Noise management and 13.07-1S Land use compatibility. Given the combination of its site context (in Southbank Local Area); contained location (well separated from residential uses); entry/exit

location (Polly Woodside Park); scale (small); music (background only); trading times (usual latest, 11pm); setback distances (see below) from residential and/or other sensitive uses; and most likely (though predominantly non-residential areas) walking routes of patron egress to car parking, public transport, taxis etc, the proposal is unlikely to result in unreasonable noise emissions.

This includes because noise emissions would also be commensurate with ambient noise levels currently around this busy area which includes significant non-residential uses also in Southbank Local Area and Convention Centre Place itself. The residential zones nearest to the site are about 1km to its south. There are no Dwellings or other accommodation uses apparent along immediately near the site other than on the north side of the river.

This is an appropriate distance for the above reasons, and especially given the site's activity centre location, the ceasing of licensed trading at 11pm (except for New Year's Eve) and that patrons will enter/exit the site via Polly Woodside Park only.

- 13.07-1L-04 Licensed premises. The following sets out the proposal's compliance with this policy:

Policy guidelines	How the proposal responds
<i>Consider as relevant:</i>	
<i>Ensuring uses that regulate and monitor their noise, and that make use of noise limiters.</i>	No music other than background music typical to the relevant type of licensed premises is proposed. Section 9a of the Liquor Control Reform Act 1998 states, "background music level", in relation to premises, means a level that enables patrons to conduct a conversation at a distance of 600 millimetres without having to raise their voices to a substantial degree" (this can apply to any persons). This measure, which can refer to any persons is also a "rule of thumb" used in planning enforcement since "background music" is commonly referred to in permit conditions. Background music noise levels will be determined by simple observation.
<i>Minimising noise impacts associated with waste management and bottle crushing by incorporating measures such as:</i>  <i>– On site storage of waste.</i>  <i>– The use of on-site bottle crushers within noise proof enclosures.</i>  <i>– Avoiding waste collection before 7am and after 9pm or earlier when the licensed premises is closed.</i>	<p>A waste storage area on the site will be used for the storage of waste including from the proposed sale/consumption of liquor. This will be well-separated from the nearest sensitive uses.</p> <p>No bottle crushers are proposed.</p> <p>Except with the prior written consent of the Responsible Authority, no bottles or other waste material will be removed from the site between 9pm-7am (seven days per week).</p>
<i>Discouraging licensed premises in the Residential Zones.</i>  <i>Discouraging licensed premises in the Mixed Use Zone where the predominant surrounding land use is residential.</i>	NA
<i>Limiting the number of patrons permitted in a licensed premise to:</i>  <i>– Manage any unreasonable impact on the amenity of the surrounding uses.</i>  <i>– The maximum occupancy capacity of the premises, as determined by the Building Act 1993.</i>	<p>While no separate Patron Capacity Assessment has been submitted, under the Building Act 1993 the Council has already issued an Occupancy Permit for Place of Public Entertainment (POPE), which allows, "A maximum number of 300 persons are permitted to be accommodated within the event boundaries at any one time during the event".</p> <p>Adequate area, exits, and toilets will be provided for staff and patrons.</p>
<i>Encouraging bars, hotels and nightclubs in the Capital City Zone and Docklands Zone that:</i>	



<p>– Accommodate less than 100 patrons.</p> <p>– Have appropriate noise attenuation.</p>	<p>While the proposed patron capacity will <i>not</i> be less than 100 patron, this is appropriate given the zoning and site context as well as the proposal's nature, trading times and setback distances from residential uses.</p> <p>The site is in the mixed-use Southbank Local Area "neighbourhood", with public and private uses, mainly within buildings of various scales.</p> <p>Noise emissions and other amenity impacts will be limited:</p> <ul style="list-style-type: none"> <li>• Noise (including music at background level only) will be commensurate with a Tavern (Bar) of which many exist nearby; and</li> <li>• There are no dwellings immediately near the site, however if there were, they would be also in the Capital City Zone: the above planning principle, that the level of amenity in more purely residential areas should not be expected in such locations, applies.</li> </ul>
<p>Limiting hours of operation of bars, hotels and nightclubs in the Capital City Zone and Docklands Zone to 1am.</p>	<p>The proposed hours (the latest usual proposed closing time is 11pm) are within those allowed by the policy for a licensed premises with an outdoor area in the Capital City Zone.</p>
<p>Limiting hour of operation of licensed premises:</p> <p>– In the General Residential Zone to 9am – 6pm.</p> <p>– In the Mixed Use Zone to 11pm.</p> <p>– In the commercial zones to 11pm if the licensed premise is within 30 metres of a residential zone, or 1am elsewhere.</p>	
<p>In the Capital City Zone and Docklands Zone, limiting the use of outdoor areas (including smoking areas, rooftops and open courtyards): to 1am; and in noise sensitive areas, limiting alcohol consumption in outdoor areas to 11pm.</p>	
<p>Limiting the number of patrons permitted in a licensed premise to manage any unreasonable impact on the amenity of the surrounding uses and the maximum occupancy capacity of the premises, as determined by the Building Act 1993.</p>	<p>This is addressed above.</p>
<p>Applications to extend operating hours beyond the hours otherwise specified for indoor and outdoor areas within this policy will only be supported where the further extension of hours will not unreasonably impact on the amenity of the surrounding area.</p>	<p>NA</p>

The Policy Objective, "To ensure that the cumulative impacts of licensed premises are assessed where venues are clustered", is addressed in the Cumulative Impact Assessment.

- 17.01-1S Diversified economy, 17.01-1R Diversified economy - Metropolitan Melbourne, 17.02-1S Business, 17.02-2S Out-of-centre development, 17.03-1S Industrial land supply, 17.03-2S Sustainable industry, 17.04-1S Facilitating tourism and 17.04-1R Tourism in Metropolitan Melbourne. The proposal will help to strengthen and diversify the economy, involving a business use on a site that the planning system has clearly "earmarked" for business, and concerns a tourism facility, as well as attracting visitors generally to South Wharf.

- 18.01-1S Land use and transport integration, 18.02-1S Walking, 18.02-2S Cycling, 18.02-3S Public transport, 18.01-3R Sustainable and safe transport - Metropolitan Melbourne and 18.02-3R Principal Public Transport Network – by being in a “walkable” neighbourhood, having access to bicycle facilities, and having excellent public transport access including both being in the Principal Public Transport Network Area (PPTNA) and within walking distance of the Night Network.
- 19.02-3S Cultural facilities, which seeks: “To develop a strong cultural environment and increase access to arts, recreation and other cultural facilities”, with the proposal falling under this broad umbrella.
- 37.04 Capital City Zone. While the serving of liquor does not require a permit under the zone, zoning sets the policy context for assessment of the application and it is noteworthy that the proposal is associated with a commercial use (Tavern (Bar)) in the Capital City Zone.

As above, the CCZ3 - Southbank Purpose includes: “To implement the Municipal Planning Strategy and the Planning Policy Framework”, “To enhance the role of Melbourne’s central city as the capital of Victoria and as an area of national and international importance”, “To develop Southbank as an extension of the central city, providing for ... commercial ... land uses that complement the capital city function of the locality”, “To provide uses at ground floor ... to promote a visual link with, and facilitate the passive surveillance of, the public realm”, and “To support ... retail ... uses along pedestrian corridors”, all of which the proposal will achieve.

Furthermore, it indirectly encourages the proposal by seeking “To implement the Municipal Planning Strategy and the Planning Policy Framework”, compliance with which is detailed elsewhere.

While the CCZ3 - Southbank also seeks “To develop Southbank as an extension of the central city, providing for ... residential land uses”, in accordance with the long-established general planning principle, commercial uses, such as those associated with the commercial supply of liquor (and vice versa), are what residents should reasonably expect in the Southbank Local Area. It is also to be expected that new residential uses will be accommodated in purpose-built apartment buildings that incorporate good acoustic attenuation.

This is consistent with what Presiding Senior Member Komesaroff and Member Davies of the Victorian Civil and Administrative Tribunal wrote in *Athina Windsor Nominees Pty Ltd v Stonnington CC* (includes Summary) (Red Dot) [2011] VCAT 121 (2 February 2011), at paras 111-120):

***Reasonable amenity expectations of residents within or abutting an Activity Centre***

*One critical issue in this case is the conflict between prima facie reasonable locations for taverns or bars and reasonable expectations of residents encouraged to live in and around an Activity Centre.*

*It is trite and oft repeated that residents who live in or adjacent to an Activity Centre cannot expect the same amenity as that experienced by residents in the quiet heart of a residential zone: Indeed, they must expect a much lower level of residential amenity.*

*What does this mean in this case? It must mean that residents experience hustle and bustle including noise all day and into the night. Examples are the tram along Chapel Street, the train through Windsor Station, fire trucks leaving Windsor Fire Station, cars along Chapel Street and in council’s car park behind the subject site, customers shopping along Chapel Street and patrons enjoying the entertainment precinct for which Chapel Street is famous. It also means that if trading hours change and expand into evenings and weekends, they must experience extended trading hours. All this makes for a vibrant activity centre.*

*Advantages enjoyed by these residents are the ability to walk to shops, schools, services, cafes, restaurants and bars, hop on convenient and multi directional public transport, and enjoy vibrant street life.*

*Amongst other reasons such as halting urban sprawl and increasing use of public transport, consistent government policy over the last decade has been to encourage shop top housing and higher residential density in and around Activity Centres. This provides a synergy between customers for activity centres and, for the residents, easy access to shops, cafes, restaurants, services and transport.*

*Added to the above mix is the expectation by licensees that if they cannot conduct business within an Activity Centre, and more particularly in the renowned Chapel Street Tourist and Entertainment Precinct, where can they locate?*

Of note is that although much of Chapel Street is in a Principal or Major Activity Centre, the Windsor section referred to in this decision was (and still is) in a Large Neighbourhood Activity Centre. It was/is

thus not especially high up the activity centre hierarchy but still considered by VCAT to be appropriate for a Tavern (Bar) with 200-patron maximum capacity and the latest closing time of 1am.

While the subject site is not in “Chapel Street”, the principle is relevant to the Southbank Local Area<sup>5</sup>; the proposal is also not one that would *only* be appropriate in a large activity centre but is of a nature, scale and trading times fully commensurate with its neighbourhood.

### **Cumulative Impact Assessment**

#### **General introduction to Cumulative Impact Assessment**

Pursuant to page 2 of Planning Practice Note 61, “Licensed premises: Assessing cumulative impact”, Department of Environment, Land, Water and Planning, June 2015 (“PPN61”), a formal Cumulative Impact Assessment IS required in this case because, as shown in the data further below, the site IS in a “cluster” of licensed premises (15 existing or proposed licensed premises within 500m of the site, or 3 within 100m) and the proposal (albeit only once per year) DOES include existing or proposed licensed trading after 11pm<sup>6</sup>.

PPN61 is also a practice note only that essentially expands upon one of the decision guidelines of Clause 52.27. It is not a mandatory requirement of the scheme, and it is generally accepted that its requirements apply most appropriately to licensed premises that are primarily high capacity and/or late-night licensed premises rather than smaller ones with earlier closing times.

However, since Clause 52.27 does require consideration of “the cumulative impact of any existing licensed premises and the proposed licensed premises on the amenity of the surrounding area” and page 1 of PPN61 itself states, “this practice note can assist a council and a permit applicant to identify and address whether the proposal for a new or modified licensed premises is likely to contribute to a cumulative impact within an area”, it is appropriate to provide a cumulative impact assessment under PPN61.

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<sup>5</sup> An early appeal (AAT) decision to discuss “reasonable expectations”, *Logie v Campaspe Shire Council and Murray Goulburn Co-operative Ltd.* (Appeal Nos. 1997/80066, 1998/21359 and 1998/2136, did so in relation to a residential/industrial zone interface

<sup>6</sup> PPN61, page 2





Department of Transport and Planning

#### Cumulative impact decision guideline

The cumulative impact of licensed premises is referenced in the planning scheme decision guidelines of clause 52.27 (Licensed Premises). The relevant decision guideline requires a council to consider:

*The cumulative impact of any existing licensed premises and the proposed licensed premises on the amenity of the surrounding area.*

Although this decision guideline needs to be considered for any application required under clause 52.27, the extent of the assessment should be proportional to the likely impact of the proposal. A modest proposal would not require a detailed analysis, but there are instances where a more robust assessment of cumulative impact is required.

The following guidance can assist:

- a council when assessing the extent that a proposed licensed premises will contribute to an overall cumulative impact within an area.
- a permit applicant to include appropriate measures as part of their proposal to address and manage any identified negative cumulative impact.

#### What is a cluster?

To determine whether a cluster of licensed premises exists, the following should be considered:

- the number and type of licensed premises in an area
- their distance from the subject land
- whether they can be easily accessed from the subject land.

As a general guide, a cluster would occur where there are:

- three or more licensed premises (including the proposed premises) within a radius of 100 metres from the subject land; or
- 15 or more licensed premises (including the proposed premises) within a radius of 500 metres from the subject land.

The diagram below provides an example of how to determine whether a cluster exists.

#### What is the cumulative impact assessment area?

The area to be included in a cumulative impact assessment should be all land within a 500 metre radius of the proposed venue, unless there is another logical boundary that takes into account relevant features – these might include a major impassable physical barrier (for example, a freeway or watercourse) or another nearby cluster of licensed premises.

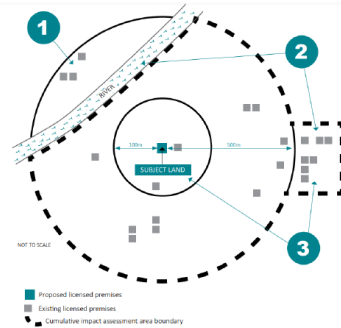
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Department of Transport and Planning

#### Example of a cumulative impact assessment area



#### Key:

##### 1. IMPASSABLE PHYSICAL BARRIERS

These licensed premises are separated from the subject land by an impassable river, so should not be used when determining the cumulative impact assessment area.

##### 2. CUMULATIVE IMPACT ASSESSMENT AREA

The area to be included in a cumulative impact assessment would normally be all land within a 500m radius of the subject land, however in this example the area has been modified to take into account:

- an impassable river
- a nearby cluster of licensed premises that are clearly relevant when assessing cumulative impact.

##### 3. CLUSTER

In this example there is a cluster because, including the proposed premises, there are:

- three licensed premises within a 100m radius of the subject land, and
- 20 licensed premises in the cumulative impact assessment area.

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### PPN61 providing details of the cumulative impact assessment guideline (of Clause 52.27), what is a cluster and what is a cumulative impact assessment area

While the planning scheme does not define “cumulative impact”, the Statement of Policy on “Assessment of the cumulative impact of licensed premises” pursuant to the Liquor Control Reform Act 1998, issued by the Victorian Government on 5 October 2010, includes:

***Cumulative Impact** refers to the impacts that result from a concentration of licensed premises in a defined area. Evidence has identified that cumulative impact is associated with a range of positive and negative outcomes that arise from the combination of many factors such as physical and environmental setting, the mix of premises and their operating conditions.*

*The positive outcomes can include the creation of a local ‘identity’ or status as an entertainment destination, enhanced vitality, economic benefits, and an increase in consumer choice. The negative outcomes of cumulative impact can include crime, a loss of amenity, and anti-social behaviours.*

*Potential cumulative impacts vary between locations, depending on the number and type of licensed premises, and the capacity of the local area to accommodate the concentration e.g. the availability of late night transport.*

PPN61 expands upon this, stating<sup>7</sup>:

*Cumulative impact refers to both positive and negative impacts that can result from clustering a particular land use or type of land use. Potential cumulative impact from a cluster of licensed premises will vary between locations, depending on the mix and number of venues and whether the area is a destination for activities associated with the supply of alcohol. Cumulative impact is a product of the number and type of venues present, the way they are managed and the capacity of the local area to accommodate those venues.*

***Negative** cumulative impacts can include increased occurrences of:*

- *nuisance including noise and anti-social behaviour from intoxicated persons*
- *infrastructure capacity problems including limited availability of transport and car parking for patrons and local residents*
- *violence and perceived threats to safety*

<sup>7</sup> PPN61, page 2

- *crime including vandalism, trespass and property damage.*

**Positive** cumulative impact can include:

- *the creation of a local 'identity' or status as an entertainment or tourism destination*
- *enhanced vitality of an area*
- *economic benefits*
- *increase in consumer choice*
- *increased ability to manage impacts, for example by concentrating venues around transport to aid dispersal of patrons.*

*The clustering of licensed premises may lead to a negative impact even though any given venue in the cluster may be well run and have minimal impact. An area might reach a 'saturation point' where an additional licensed premises or a particular type of licensed premises is likely to impact negatively on the surrounding area. Alternatively, there may be a positive cumulative impact where an additional premises will enhance the character or vibrancy of an area.*

Thus, a licensed premises proposal can result in positive or negative outcomes for its area. Of note is, although licensed premises can have disbenefits, they also create social and economic benefits. For example, the "Yarra Night Time Economy Strategy 2014-2018" found that the City of Yarra's Night Time Economy (NTE) contributes 8.4% of jobs to Yarra (2,976 jobs), with the economic benefits of the NTE estimated to outweigh costs at a ratio of 2:1". As well as providing employment (including for local residents), some of these economic benefits end up (via rates and other taxes) as Council income and is used in part to pay for services such as street cleansing and public rubbish collection.

PPN61 is divided into five sections, "Planning policy context", "Surrounding land use mix and amenity", "The mix of licensed premises", "Transport and dispersal" and "Impact mitigation". Each is now addressed below.

#### **1. Planning policy context**

State and local policy, zoning and other planning scheme provisions can provide guidance about appropriate and preferred amenity and land use outcomes for an area. These provisions may relate to the role of an activity centre, mix of uses in an area and appropriate locations for entertainment uses. They may also inform assessments about reasonable amenity for a particular area.

#### **Existing context**

*What are the policy, zoning and other planning scheme provisions that are relevant to the surrounding area?*

*What amenity, land use and other planning outcomes do these provisions encourage?*

#### **Assessment**

- *Is the proposal consistent with the planning outcomes encouraged in the policy, zoning and other planning scheme provisions for the area?*

As discussed above, the state and local policy, zoning and other planning controls all support the proposal.

## **2. Surrounding land use mix and amenity**

Existing amenity levels provide a basis to assess the potential cumulative impact of a proposal, but the assessment should also weigh this against the planning policy context.

The mix of land uses is important in determining the existing amenity level of an area. For example, a mix of entertainment and other uses can lead to an area being perceived as an entertainment or tourism destination. However, the location of sensitive uses, such as houses, schools or community and medical facilities, can increase amenity expectations for an area.

A diversity of uses and activities can add to the vibrancy and amenity of an area. An environment with diversity of uses and activities may help mitigate potential harms and reduce unreasonable negative cumulative impact. Late night uses that do not focus on serving alcohol provide alternative activities for visitors, resulting in better patron behaviour in an area.

Data to determine existing licensed premises' impacts can be sourced from the council complaints database and site observations.

### **General introduction to the different types or groups of licensed premises**

This section is intended to provide an overview of what different groups of licensed premises exist and what amenity impacts each is likely to have. I have described each formal licence category in an attachment.

There are about ten categories of licence, and a similar number of statutory planning land uses with which they can be associated. It is difficult to divide up neatly the different groups of licensed premises because, while some are distinct from the others, there are also many shared features. However, having carried out numerous cumulative impact assessments since 2009, in my opinion, based on both the mix and the focus of the goods and services provided, there are four groups of licensed premises.



Licensed premises group	Likely potential amenity impacts
<p>The first (and most common) group is “<i>food-based licensed premises</i>”. This serves liquor in the context of its predominant activity being the preparation of meals for consumption on the premises. This is important because page 4 of PPN61 says, “Venues that serve food or meals are shown to be less at risk of excessive alcohol consumption”), and food-based licensed premises <i>usually</i> have both moderate trading hours (closing at/before 11pm) and small patron capacities (less than 100 patrons). They also provide table and chairs for most or all patrons and have high staff-to-patron ratios, which are further positive attributes influencing patron behaviour. Patrons also tend to leave in small groups shortly after finishing meals, rather than waiting until closing and exiting in a flood<sup>8</sup>.</p>	<p>Food-based licensed premises, which include Restaurants and Cafes (not defined in the planning scheme but often referred to generically as Food and drink premises) thus have amongst the least cumulative and other amenity impacts.</p> <p><i>Impacts can include: music noise; patron noise (onsite and offsite), and parking competition and vehicle noise. Music and patron noise are both usually quiet. Anti-social behaviour is largely non-existent.</i></p> <p><i>Note: I have not included plant noise and flue odour, since these would occur whether or not liquor is served. Waste management noise is similar, though for instance emptying bottles and cans into a bin is noisier than food scraps.</i></p>
<p>The second group is the “<i>bar-based licensed premises</i>”, which, while it can have various features such as a public bar, a dining/bistro room, a band room/dance floor, sports bars/gaming/TAB facilities, a bottle shop, function rooms, and accommodation, ultimately revolves around its selling liquor for consumption on the premises (ie at a “bar”)<sup>9</sup>.</p> <p>They almost always operate under On-premises, General, Late-night (General) or Late-night (On-premises) licences, often with larger patron capacities and later trading times (though they can also be both small and early closing); and, being often older than other licensed premises, occupy prominent positions in many towns and suburbs. In the form of pubs in particular, “<i>bar-based licensed premises</i>”, are a central part of Australian (and Victorian) culture and have broad appeal to many sections of the community<sup>10</sup>. Stand-alone Bar uses are becoming increasingly common, however.</p> <p>A sub-group of the second group is the “<i>vertical bar</i>”. The key VCAT decision involving the concept of “cumulative impact”- <i>Swancom Pty Ltd v Yarra CC</i> (includes Summary) (Red Dot) [2009] VCAT 923 (10 June 2009 - makes a distinction between premises providing “vertical” drinking and other licensed premises. At para 71, Swancom says, “A ‘vertical bar’ is characterised as being predominantly stand-up drinking, with limited or no seating, and often in crowded venues”. At para 53 it says, “A late night ‘vertical bar’ will, for example, have a very different impact to a seated restaurant closing at 11 pm”. It would typically operate under a General or an On-premises licence and especially, a Late night (General) or a Late night (On-premises) licence<sup>11</sup>. True vertical bars (eg Nightclubs) are rare and tend to only exist in highly urban areas.</p>	<p>While they often provide meals and other food, they are usually not legally required to do so and/or not at all times they are serving liquor. Often combined with late night trading and large maximum patron capacities, this group has the highest amenity impacts potential of the four.</p> <p><i>Impacts can include: music noise; patron noise (onsite and offsite); anti-social behaviour including rowdiness, assault, street fouling, vandalism and litter; waste management noise; and parking competition and vehicle noise.</i></p> <p>Note: this does not mean that they are necessarily inappropriate, which is ultimately dependant on the site context, including existing conditions, zoning (under which the associated land uses often do not require a permit), and policy/the activity centre hierarchy.</p> <p>In general, the higher in the hierarchy an activity centre is, the more appropriate it is to accommodate licensed premises of a commensurate intensity. As well as from a statutory planning perspective, this is also because such areas usually have the best services and facilities, such as public transport, taxi ranks, onstreet and offstreet parking (especially during relevant peak demand times), public toilets, street furniture, rubbish bins and police stations.</p> <p>In addition, more intensive licensed premises are often in fully commercial areas fronting major streets or roads and have other amenity impact mitigation measures (patron management, security, noise attenuation, onsite parking) that are better than for less intensive ones.</p>

8 While these commonly apply to licensed premises trading under BYO Permits and Restaurant and Cafés Licences, they often also include ONES with On-premises licences. Licensed restaurants, cafes, generic Food and drink premises and (in some cases) Function centres, Wineries, Hotels and Bars can sometimes be considered food-based licensed premises. Some also have Limited Licences allowing the delivery of packaged liquor, but this is usually restricted to both a certain quantity of liquor and the delivery of meals

9 This is not to be confused with a tourist Hotel or Motel, which while often having very large, licensed patron capacities and extensive trading times (and which may also have a restaurant) primarily provide accommodation rather than liquor

10 The mix of goods and services provided means that their focus often changes over the course of a trading day – many are similar to cafes (although with beer rather than coffee) during the day, restaurants at mealtimes, and nightclubs later on. They attract a wide range of patrons, including individuals, families, friendship groups, sporting clubs and even small associations. A Bar (or Tavern) is similar, though (often, much) smaller and with less features, including usually no accommodation or ability to sell liquor for consumption off the premises, though this is changing (the real difference is often one of scale – pubs are generally larger, bars generally smaller). These typically operate under On-premises or Late night (On-premises licences) (or in rare cases, Producers

<p>The third group is the “<i>packaged liquor-based licensed premises</i>”, which allows the sale of liquor (usually packaged) for consumption off the premises (ie take-away liquor). This can occur under a few different licences, including General, Late-night (General) and Producer’s but (since these licences also allow on-premises consumption of liquor) its clearest example is the Packaged Liquor licence (or in rare cases, a Late night (Packaged Liquor) licence).</p> <p>Bottle shops were once almost exclusively associated with Hotels; but are now almost equally associated with Supermarkets, or are stand-alone (usually in commercial areas). Some bottle shops also now have General licences, allowing them to sell liquor for consumption on or off the premises (usually with small bars and patron capacities). Due to zoning restrictions, these are generally only found in commercial areas.</p> <p>Note: I have included online sales of packaged liquor in the group below.</p>	<p>Because customers purchase liquor that they then consume elsewhere, the sale of liquor from a “bottle shop” generally does not have a direct impact on the amenity of its immediate area.</p> <p><i>Impacts can include: litter; and parking competition and vehicle noise.</i></p>
<p>The fourth group consists of “<i>miscellaneous licensed premises</i>” such as ones associated with sporting clubs/community organisations, ones selling liquor by wholesale, the internet or in other minor ways (such as in hampers) or ones for the sale of liquor manufactured on the same (wineries, breweries, distilleries etc) site.</p> <p>Although many could also be categorised as food-based licensed premises, Function centre, Restricted place of assembly and Restricted recreation facility are in this group. These variously operate under Full Club, Limited, On-premises, Pre-retail, Producer’s or Restricted Club licences.</p>	<p>Either due to their natures (some involve community organisations, or the consumption of liquor is simply not the main activity associated with the use or where patrons are well known to each other, which tempers their behaviour) or locations (eg sporting clubs, wineries and breweries etc tend to be in public open space, rural or industrial areas that are often well-separated from the nearest residential or other sensitive uses), these tend not to have major amenity impacts.</p> <p><i>Impacts can include: limited anti-social behaviour including litter; and parking competition and vehicle noise.</i></p>

Does the subject land adjoin sensitive uses?

The residential zones nearest to the site are about 1km to its south. There are no Dwellings or other accommodation uses apparent along immediately near the site other than on the north side of the river. Pedestrian access to the site is directly from the footpaths next to the site.

What is the relationship between licensed premises and other uses in the area?

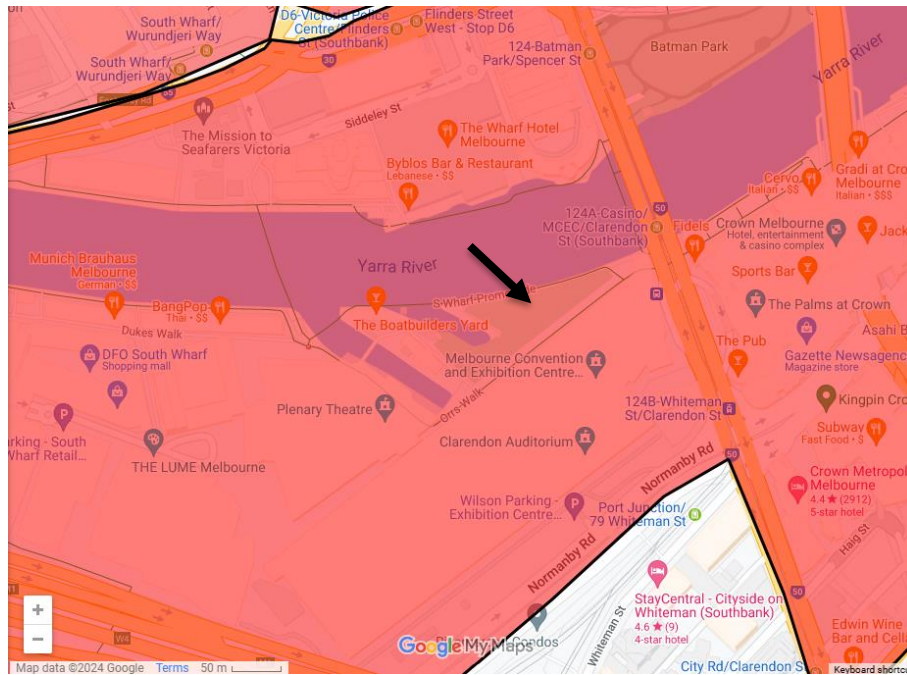
South Wharf is an older area subject to urban renewal and has history as a centre of both older and newer licensed uses. According to <https://liquor.vcglr.vic.gov.au>, there are 20 existing licences in South Wharf (the whole area, not just within 500m of the site). Most have a five-star rating - indicating good management over at least the last three years (please refer to the attachments for how the five-star rating system works).

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licences) Similarly Bottle shops typically do not sell liquor for consumption on the premises but this is also changing. However, I think the main feature of a pub is not so much that it sells liquor for consumption on or off the premises but that it provides a wide range of goods and services including its main focus being what happens “on” the premises rather than “off”.

11 Post 11pm (or 12am) licensed trading times are often a good indicator of what is a vertical bar; the best example is a late-night, high-capacity Nightclub, Hotel or Bar. However, this also does not mean that every Nightclub, Hotel and Bar is a vertical bar; in fact, many are quite the opposite, providing lower density “lounge” atmospheres with substantial seating and meals (and, as noted below in relation to Hotels, can have different foci at different times). Vertical bars are also not in themselves inappropriate, and many planning schemes encourage them in locations such as Major and Principal Activity Centres

The site IS in a “designated area” declared by the Director of Liquor Licensing under Section 147 of the Liquor Control Reform Act to be an entertainment precinct where significant alcohol-related violence or anti-social behaviour occurs. However, there appear to be no recent online media articles suggesting that there is a significant alcohol-related anti-social behaviour problem in South Wharf.



Map from VCGLR website, with the site (marked with an arrow) and the nearest Designated Area(s) shown<sup>12</sup>

According to [www.austlii.edu.au](http://www.austlii.edu.au), there have been 0 relevant<sup>13</sup> (publicly-available) VCAT cases involving the search terms “52.27 and South Wharf and Melbourne CC” (note: this is for all of South Wharf, not just within 500m of the site) for the last twenty-five or so years.

What are the local crime statistics related to licensed premises?

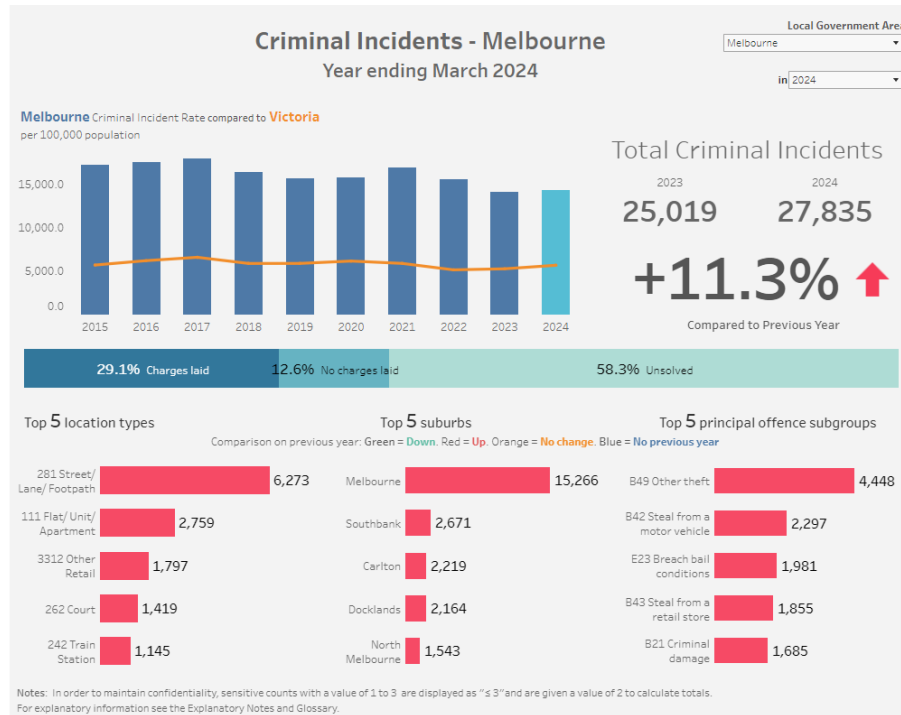
Local crime statistics related to licensed premises themselves and/or in the area within 500m of the site); are difficult for the public to obtain: [www.crimestatistics.vic.gov.au](http://www.crimestatistics.vic.gov.au) only includes statistics for ALL crimes or criminal incidents in ALL of Melbourne (Municipality).

I have thus not obtained “local crime statistics related to licensed premises” in the area (because as far as I aware it is impossible to obtain statistics specific within 500m of the site); I instead discuss below the issue of liquor consumption-related crime (and public safety) in Melbourne (Municipality) and South Wharf.

<sup>12</sup> According to its website, “The VCGLR can declare an entertainment precinct where alcohol-related violence and antisocial behaviour has occurred, to be a ‘designated area’. Victoria Police have the power to ban people from licensed premises and designated areas for up to 72 hours for offences including drunkenness, physical assault, destroying or damaging property and failure to leave licensed premises. Police also have the power to seek a court order to ban repeat offenders ... for up to 12 months”

<sup>13</sup> “Relevant” here involves only ones concerning the sale/consumption of liquor at sites actually located in South Wharf itself.





Screenshot from Crime Statistic Agency Victoria showing criminal incident rates in Victoria (line) and Melbourne (columns)

As can be seen, in the year ending in March 2024, the rate of all criminal incidents per 100,000 population in Melbourne was much higher than for Victoria as a whole, and Melbourne's "Top 5 Suburbs" for criminal incidents includes if not South Wharf itself, the adjoining areas of Melbourne, Southbank and Docklands. This seems to be because the central nature of the City of Melbourne and the Melbourne CBD itself attract a vast number of people including those who commit crime.

It is hard to say exactly what is the role of the sale or consumption of liquor in these statistics: theft, burglary and criminal damage can all occur whether or not an offender has consumed liquor, and the statistics here do not allow a distinction to be made. Also, some offences, such as "Breach bail conditions", "Steal from a motor vehicle" and "Steal from a retail store" have no apparent relationship with licensed premises; "Criminal damage" and "Other theft" *may* have a relationship but the nature of the relationship is unclear.

Are there other premises open after 11pm?

There are many licences applying within 500m (see tables in next section) that allow post-11pm trading.

What is the existing level of amenity in the area?

What are the reasonable amenity expectations in the area?

The existing level of amenity in the area is that of a Capital City Zone in the Southbank Local Area and its immediate surrounds. "Reasonable amenity expectations in the area" are that commercial activities (including licensed premises) should be expected in commercial areas (such as in the CCZ3 - Southbank).

Reasonable amenity expectations should also be tempered by the level in the activity centre hierarchy that a particular activity centre occupies, which is especially relevant to the intensity – including its nature, trading times, patron capacity, seating provision, food provision and music provision – of a licensed premises proposal). This is consistent with both VCAT case law and how Councils generally view this issue.

*As stated above in relation to the Capital City Zone, this is also consistent with the relevant VCAT decisions regarding licensed premises in activity centres in general.*

Will the proposal significantly increase the number of patrons near sensitive uses at any time?

*Given the location and planning policy context, will the proposal generate amenity impacts beyond what is reasonable?*

The proposal will NOT significantly increase the number of patrons near sensitive uses at any time. This includes because of the site's separation distance from the nearest residential uses, all patron access being to a non-residential area, *and the lack of any increase to existing patron capacity*. Given the location and planning policy context, the proposal will NOT generate amenity impacts beyond what is reasonable.

**3. The mix of licensed premises**

The mix of licensed premises in an area can influence potential cumulative impacts. For example, an area with a mix of restaurants, cinemas and small bars may have fewer impacts than an area with primarily large bars and nightclubs.

Late-night trading hours for licensed premises have been associated with increased anti-social behaviour including violence. Licensed premises open after 11pm are considered a greater risk to the surrounding area. Reduced trading hours may therefore reduce the risks of late-night alcohol-related incidents.

Licensed premises with a patron capacity over 200 may pose a greater risk of alcohol-related incidents and result in a negative cumulative impact.

A packaged liquor outlet located within the surrounding area provides an opportunity for patrons to purchase and consume alcohol before, in between or after entering licensed premises. These activities, particularly in excessive quantities, can increase the likelihood of anti-social behaviour and public disturbances.

**Existing context**

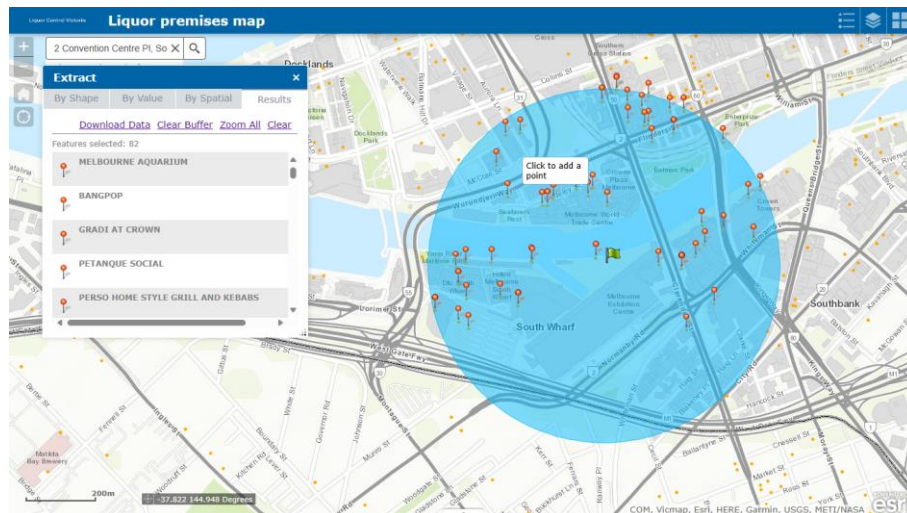
*What is the mix of licensed premises in the area?*

*Do any licensed premises cater for more than 200 patrons?*

*How many and what type of licensed premises (especially high-capacity venues and packaged liquor outlets) operate after 11pm?*

*Do licensed premises commonly operate at capacity and is queuing outside common?*

*Do many licensed premises in the area show a high ratio of standing to seating?*



Map from Liquor Control Victoria (LCV) (former Victorian Commission for Gambling and Liquor Regulation/VCGLR) website, with circle representing a 500m radius around the site (shown with flag) and the pins or dots showing location of existing licensed premises in and around this area. Some pins may represent more than one licensed premises on the same (larger) site; some licensed premises may not be shown

Based on information downloaded from the Liquor Control Victoria (LCV) (former Victorian Commission for Gambling and Liquor Regulation/VCGLR) website, all existing liquor licences or BYO permits relating to sites within 500m of the site (the area that PPN61 requires consideration of) are shown in the following table (a description of each licence category including BYO permit is provided in Attachment 1):

Licence No.	Licence category	Premises name	Street Address <sup>14</sup>	Number of BYO permits or licences	Percentage of total (rounded to nearest whole number <sup>15</sup> )
	BYO Permit			0	0%
	Full Club Licence			0	0%
33120485	General Licence	CROWNE PLAZA MELBOURNE	CNR SIDDLEY & SPENCER STREETS	16	19%
31956149	General Licence	CANVAS APARTMENT HOTEL	556-560 FLINDERS STREET		
33120558	General Licence	THE GREAT SOUTHERN HOTEL - MELBOURNE	44 SPENCER STREET		
31908633	General Licence	YHA	562 FLINDERS STREET		
33121952	General Licence	GAYLORD	33 SPENCER STREET		
31958866	General Licence	HYATT CENTRIC MELBOURNE	25 DOWNIE ST		
31953531	General Licence	PAN PACIFIC MELBOURNE	21-37 LORIMER STREET		
31959511	General Licence	MELBOURNE CONVENTION AND EXHIBITION CENTRE	1 CONVENTION CENTRE PLACE		
31957268	General Licence	NOV MELBOURNE SOUTH WHARF HOTEL	7 CONVENTION CENTRE PL		
33120794	General Licence	HOTEL INDIGO MELBOURNE FLINDERS	24-40 SPENCER STREET, CNR FLINDERS LANE		
31959587	General Licence	EVERGREEN LOUNGE	SHOP 130, 8 WHITEMAN STREET		
33121407	General Licence	STUBBY CAFE, BAR & RESTAURANT	16 SPENCER ST		
31963340	General Licence	THE WHARF HOTEL	TENANCY G17, WORLD TRADE CENTRE, 18-38 SIDDELEY STREET		
31956872	General Licence	THE BOHEMIAN RESTAURANT BAR	35 DUKES WALK		
31957349	General Licence	CROWN CELLAR & CO	CROWN ENTERTAINMENT COMPLEX, U 60, 8 WHITEMAN STREET		
31957755	General Licence	THE MELBOURNE CELLAR DOOR	25 DUKES WALK		
31922247	Late night (general) Licence	GING THAI	SHOPS 11 & 12, 8 WHITEMAN STREET, CROWN ENTERTAINMENT COMPLEX	3	4%
31951050	Late night (general) Licence	CROWN ENTERTAINMENT COMPLEX	8 WHITEMAN STREET		
31951733	Late night (general) Licence	BISTRO GUILLAUME	TENANCY 10/8 WHITEMAN STREET, CROWN ENTERTAINMENT COMPLEX		
32254126	Late night (on-premises) Licence	KING PIN LOUNGE	SHOP 120, 8 WHITEMAN STREET, CROWN ENTERTAINMENT COMPLEX	9	11%
31822895	Late night (on-premises) Licence	CERVO & CAFFE D'ORO	SHOPS 28 & 10A, 8 WHITEMAN STREET CROWN ENTERTAINMENT COMPLEX		
32351897	Late night (on-premises) Licence	HOLEY MOLEY CROWN	SHOP 121-124 & 127, LEVEL 1, CLARK STREET BUILDING, CROWN CASINO 8 WHITEMAN STREET		
31821530	Late night (on-premises) Licence	OCEAN 12 CLUB	SHOP 51, 8 WHITEMAN STREET, CROWN ENTERTAINMENT COMPLEX		
31821564	Late night (on-premises) Licence	THE ATLANTIC RESTAURANT	SHOP 18 & 19, 8 WHITEMAN STREET, CROWN ENTERTAINMENT COMPLEX		
32301494	Late night (on-premises) Licence	TWR BAR	8 WHITEMAN STREET, CROWN ENTERTAINMENT COMPLEX		
31821491	Late night (on-premises) Licence	CO. AT CROWN	SHOP 53, 8 WHITEMAN STREET, CROWN ENTERTAINMENT COMPLEX		
32321046	Late night (on-premises) Licence	AERIAL EVENTS	TENANCY VG01, 17 DUKES WALK		
31821506	Late night (on-premises) Licence	THERAPY NIGHTCLUB	SHOP 52, 8 WHITEMAN STREET, CROWN ENTERTAINMENT COMPLEX		
36135714	Limited Licence	BANGPOP	35 SOUTH WHARF PROMENADE	8	10%
36148254	Limited Licence	SHOWTIME EVENT CENTRE	UNIT G033 DFO		
36172253	Limited Licence	ON A BOAT	WTC WHARF - WHARF LANE, 18-38 SIDDELEY STREET		

<sup>14</sup> Addresses may have been simplified in some cases. All sites are listed as being in South Wharf or an adjoining suburb

<sup>15</sup> Numbers may not add up to 100% due to individual rounding



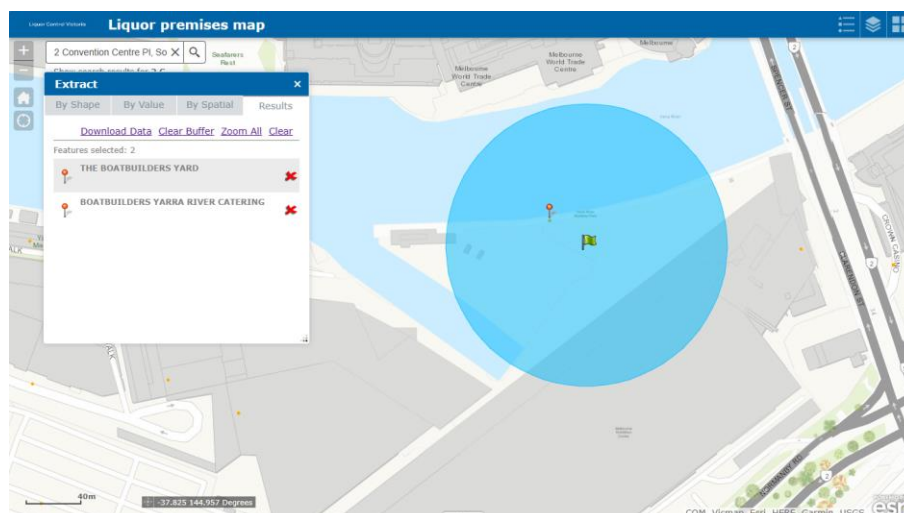
Licence No.	Licence category	Premises name	Street Address <sup>14</sup>	Number of BYO permits or licences	Percentage of total (rounded to nearest whole number <sup>15</sup> )
36105557	Limited Licence	CROWN EVENTS	CROWN FUNCTION ADMINISTRATION PART OF CROWN ENTERTAINMENT COMPLEX, 8 WHITEMAN STREET		
36125036	Limited Licence	BOATBUILDERS YARRA RIVER CATERING	ADMINISTRATION OFFICE , YARRA RIVER CATERING PTY LTD PART OF 23 SOUTH WHARF PROMENADE		
36054829	Limited Licence	CROWN ENTERTAINMENT COMPLEX	8 WHITEMAN STREET		
36148173	Limited Licence	GRAND HOTEL	33 SPENCER STREET		
36135706	Limited Licence	THE COMMON MAN RESTAURANT BAR	39 DUKES WALK		
32254655	On-Premises Licence	MELBOURNE AQUARIUM	CNR KINGSWAY & QUEENS WHARF ROAD	18	22%
32372039	On-Premises Licence	PETANQUE SOCIAL	CROWN RIVERSIDE, 8 WHITEMAN STREET		
32321224	On-Premises Licence	THE GENERAL ASSEMBLY SOUTH WHARF	29 SOUTH WHARF PROMENADE		
32316813	On-Premises Licence	SHEDS 3,4 AND 5	37-39 SOUTH WHARF PROMENADE		
32305977	On-Premises Licence	THE BOATBUILDERS YARD	SHED 4, SOUTH WHARF		
32315875	On-Premises Licence	TESSIE PEARL HOTEL	TG - 04 & 05, DUKES WALK		
32284951	On-Premises Licence	THE MISSION TO SEAFARERS VICTORIA	717 FLINDERS ST		
32300189	On-Premises Licence	MELBOURNE PUBLIC	FG 02, 20 CONVENTION CENTRE PLACE		
32311156	On-Premises Licence	MANTONG KITCHEN	PART OF LVL 1 WEST END DEVELOPMENT CROWN ENTERTAINMENT COMPLEX		
32301216	On-Premises Licence	RIVERS EDGE EVENTS	LC15, WORLD TRADE CENTRE WHARF 18-38 SIDDELEY STREET		
32377453	On-Premises Licence	LE MARTINI	SHOP 17A, CROWN MELBOURNE, 8 WHITEMAN STREET		
32257001	On-Premises Licence	CROWN COLLEGE	CROWN ENTERTAINMENT COMPLEX CNR WHITEMAN & CLARENDON STREETS		
32306575	On-Premises Licence	SOUTH WHARF MEAT MARKET	SHED 10, SOUTH WHARF PROMENADE		
31821603	On-Premises Licence	VILLAGE CROWN CINEMAS	8 WHITEMAN STREET, CROWN ENTERTAINMENT COMPLEX		
32306981	On-Premises Licence	THE COMMON MAN RESTAURANT BAR	39 DUKES WALK		
32345511	On-Premises Licence	MELBOURNE CONVENTION AND EXHIBITION CENTRE	MELBOURNE CONVENTION CENTRE, 1 CONVENTION CENTRE PL		
32336813	On-Premises Licence	SPEAKEASY THEATRE	522 FLINDERS ST		
31820738	On-Premises Licence	MELBOURNE EXHIBITION CENTRE	2 CLARENDON STREET		
32061507	Packaged Liquor Licence	IGA CLARENDON	63-67 WHITEMAN STREET	4	5%
32058619	Packaged Liquor Licence	ROYALE LIQUOR & FOOD STORE	58-62 SPENCER STREET		
32061379	Packaged Liquor Licence	CELLARBRATIONS FLINDERS STREET	573 FLINDERS STREET		
32068656	Packaged Liquor Licence	CELLARBRATIONS AT SOUTH WHARF	TENANCY G-0010 RONA WALK, DIRECT FACTORY OUTLET BUILDING		
33751595	Pre-retail Licence	CROWN ENTERTAINMENT COMPLEX	8 WHITEMAN STREET	1	1%
	Producer's Licence			0	0%
36305783	Remote Seller's Licence	COLLINS SQUARE HOSPITALITY GROUP	LEVEL 4, 707 COLLINS STREET	1	1%
32290198	Restaurant and cafe Licence	GRADI AT CROWN	SHOP 25, CROWN ENTERTAINMENT, COMPLEX, 8 WHITEMAN STREET	22	27%
32364361	Restaurant and cafe Licence	PERSO HOME STYLE GRILL AND KEBABS	15 GROUND 60 SIDDELEY STREET		
32328234	Restaurant and cafe Licence	IZAKAYA HOUSAKU	TENANCY T4, 9 KATHERINE PLACE		
32318784	Restaurant and cafe Licence	CHERRY & TWIGS	SHOP 1B/555 FLINDERS LANE		
32354057	Restaurant and cafe Licence	BABABOI FOODHALL	11 GEM PL		
32329125	Restaurant and cafe Licence	BABABOI	16/60 SIDDELEY STREET		
32310354	Restaurant and cafe Licence	THE HENLEY CROWN MELBOURNE	GRD FLOOR & BASEMENT CROWN TOWERS HOTEL PORTE COCHERE NORTHERN END		

Licence No.	Licence category	Premises name	Street Address <sup>14</sup>	Number of BYO permits or licences	Percentage of total (rounded to nearest whole number <sup>15</sup> )
32244888	Restaurant and cafe Licence	LUCKY CHAN	SHOP 31, 8 WHITEMAN STREET, CROWN ENTERTAINMENT COMPLEX		
32338271	Restaurant and cafe Licence	NANDO'S	551 FLINDERS STREET		
32368218	Restaurant and cafe Licence	RIVER KEBAB & GRILL	520-522 FLINDERS ST		
32349913	Restaurant and cafe Licence	GOKOTTA KAFFE	1 VILLAGE ST		
32351261	Restaurant and cafe Licence	SERGI BOY	TENANCY 1 & 2, 691 COLLINS STREET		
32303624	Restaurant and cafe Licence	MAN MO @ WTC	G14 GROUND LEVEL, 18-38 SIDDLEY STREET		
32315362	Restaurant and cafe Licence	EJ'S CATERING	44 SPENCER STREET		
31821548	Restaurant and cafe Licence	CAFE BACIS	SHOP 21, 8 WHITEMAN STREET CROWN ENTERTAINMENT COMPLEX		
32298714	Restaurant and cafe Licence	MR HIVE KITCHEN & BAR	SHOP 140, 8 WHITEMAN STREET CROWN ENTERTAINMENT COMPLEX		
32302131	Restaurant and cafe Licence	BYBLOS BAR & RESTAURANT	G12 GROUND & MEZZANINE LEVELS, 18-38 SIDDLEY STREET		
32290423	Restaurant and cafe Licence	SPICE TEMPLE MELBOURNE	SHOP 7 CROWN ENTERTAINMENT COMPLEX 8 WHITEMAN STREET		
32359950	Restaurant and cafe Licence	THEM AUTHENTIC VIETNAMESE CUISINE & ROLLS	13A, 60 SIDDELEY STREET		
32317160	Restaurant and cafe Licence	MAD MEX SOUTH WHARF	FB008, DFO SOUTHWARF, 20 CONVENTION CENTRE PLACE		
32287713	Restaurant and cafe Licence	NOBU MELBOURNE	SHOP 6 CROWN ENTERTAINMENT COMPLEX 8 WHITEMAN STREET		
32298031	Restaurant and cafe Licence	TOKYO MAKI	SHOP 5, 547 FLINDERS STREET		
	Restricted Club Licence			0	0%
<b>Total</b>				<b>82</b>	<b>100%</b>

Given the site's Capital City zone and Southbank Local Area location, this number and mix is unsurprising: as can be seen, General, Late night (general), Late night (on-premises), On-premises, and Restaurant and café licences all feature prominently, reflecting the importance of entertainment/hospitality to this area.

In terms of their patron capacities and closing times, while I have not transcribed the patron capacities for latest closing times for all licences/BYO permits applying to land within 500m of the site, I have done so for licences or permits applying within 100m of the site (below).

The 100m distance is relevant not only because it is one of the only two distances mentioned in PPN61 but also because it is a reasonably large buffer to expect that many issues associated with clusters of licensed premises (eg compounded noise from different licensed premises, footpath congestion due to the arrival/departure of patrons or onstreet queueing of different licensed premises, competition between patrons for taxis and parking, etc) would either not arise or be easily able to dissipate.



Map from Liquor Control Victoria (LCV)/Victorian Gambling and Casino Control Commission (VGCCC) (former Victorian Commission for Gambling and Liquor Regulation/VCGLR) website, with circle representing a 100m radius around the site (shown with arrow) and the pins or dots showing location of existing licensed premises in and around this area. Some pins may represent more than one licensed premises on the same (larger) site; some licensed premises may not be shown

Further details of the above, including patron capacities and closing times, are shown in the below table:

No.	Licence	Premises name	Street Address	Maximum licensed patron capacity <sup>16</sup>	Latest licensed closing time <sup>17</sup>	Comments (based on licences, licensed premises websites, internet-based reviews, site inspections, personal experience etc)
36125036	Limited Licence	BOATBUILDERS YARRA RIVER CATERING	ADMINISTRATION OFFICE , YARRA RIVER CATERING PTY LTD PART OF 23 SOUTH WHARF PROMENADE	NA	1am	Food-based licensed premises
32305977	On-Premises Licence	THE BOATBUILDERS YARD	SHED 4, SOUTH WHARF	1438	1am	Food-based licensed premises. Also has weddings and other functions

The existing licence at the site does not appear in the above tables because it is only a Temporary licence. For comparison purposes, I have however included it in its own table, below.

<sup>16</sup> Either due to their type or age, some licences do not contain a formal patron capacity condition

<sup>17</sup> Many licences specify different allowable trading/closing times for different days (usually earlier closing times for days earlier in the week, and later ones later in the week). This represents latest closing time at least one day per week excluding special occasions such as New Year's Eve. Some licensed premises, particularly those with Restaurant and café or Packaged Liquor Licences often close earlier in reality than their licences allow

No.	Licence	Licensee	Street Address	Maximum licensed patron capacity <sup>18</sup>	Latest licensed closing time	Comments (based on licences, licensed premises websites, internet-based reviews, site inspections, personal experience etc)
90177730	LIMITED LICENCE	TAMARA ALLEN PTY LTD	MELBOURNE CONVENTION CENTRE – FORES SOUTH WHARF SOCIAL NORMANBY ROAD SOUTH WHARF 3006	300	11pm	

*As can be seen, within 100m of the site, there are two significant licensed premises, one of which is operating under a temporary licence at the site, and the other which can trade until 1am with up to 1438 patrons.*

*This is the Boatbuilders Yard, which operates under the following licence, which contains conditions requiring there to be registered crowd controllers when the capacity exceeds specified limits:*

ON-PREMISES LICENCE

Licence No. 32305977

Subject to the provisions of the Liquor Control Reform Act 1998 and any conditions specified in the licence, the licensee is authorised to supply liquor up to and including 31 December 2024

Licensee	SHED 4 (VIC) PTY LTD (ACN 138 533 605)	Address	SHED 4 SOUTH WHARF MELBOURNE 3006
Address for service of notices	BLUEROCK ACCOUNTING ATTN: STEPHANIE LEVEL 16, 414 LA TROBE STREET MELBOURNE 3000	Licensed premises address	SHED 4 SOUTH WHARF MELBOURNE 3006
Trading as	THE BOATBUILDERS YARD		

Additional person(s) endorsed on licence  
THOMAS RIDER - approved as nominee, and is liable as if the licensee, until ceasing to manage and control the licensed premises.

GENERAL INFORMATION  
A liquor licence does not override local laws, planning schemes and conditions on planning permits. It is the responsibility of the licensee to ensure they comply with these and all conditions of a planning permit above what is specified on the liquor licence. Where the trading hours on your planning permit are less than the trading hours on this liquor licence, you must comply with the hours on the planning permit.

TYPE OF LICENCE  
This licence is an on-premises licence and authorises the licensee to supply liquor on the licensed premises for consumption on the licensed premises during the trading hours specified below.

AMENITY  
The licensee shall not cause or permit undue detriment to the amenity of the area to arise out of or in connection with the use of the premises to which the licence relates during or immediately after the trading hours authorised under this licence.

When live or recorded amplified music other than background music is provided:  
• The licensee shall install and maintain a surveillance recording system able to clearly identify individuals, which shows time and date and provides continuous images of all entrances and exits, bars and entertainment/licence floor areas. The surveillance recording system must operate from 30 minutes before the start of the entertainment being provided, until 30 minutes after closure. A copy of the recorded images must be available upon request for immediate viewing or removal by the Victoria Police, or a person authorised in writing by the Victorian Commissioner for Gambling and Liquor Regulation, or otherwise retained for at least one month. The position of the cameras will be to the satisfaction of the Licensing Inspector.  
• Signs, as described below, are to be displayed in all areas subject to camera surveillance. Such signs shall read: "For the safety and security of patrons, staff this area is under electronic surveillance".  
• No external loudspeaker must be installed or used on the northern facade of Shed 4 at any time.  
• When patron numbers exceed 100 patrons, two registered crowd controllers are to be engaged for the first additional 100 patrons or part thereof and one (1) registered crowd controller for every further 100 patrons or part thereof from 7 p.m. until 30 minutes after closing time on Thursday, Friday, Saturday and Sunday.  
• At any other time, two (2) registered crowd controllers are to be employed once patron numbers exceed 500 and one (1) crowd controller for every further 100 patrons.  
• Live or amplified music may be played within the internal area and in outdoor areas B and E, such that the music noise level from the premises shall at no time exceed the Leq 54 dB(A) at 60 Siddley Street, Flanders Wharf.  
• Music from the internal area and outdoor areas B and E shall be controlled and monitored by a noise limiter capable of recording such that the music noise level from the premises shall at no time exceed the Leq 54 dB(A) at 60 Siddley Street, Flanders Wharf.  
• The Leq 54 dB(A) Condition does not apply to New Year's Eve, however, the licensee must ensure SEPP N-2 compliance for the premises for the period.

ON-PREMISES LICENCE

Licence No. 32305977

Page 2

CONDITIONS OF LICENCE (Continued)

- The noise limiter equipment is to be fitted to the sound system of the licensed premises, and must be capable of storing all noise levels measured by the limiter in the preceding 30 days.
- The control to the noise limiter needs to be tamper proof, locked and accessed by designated staff only. A register of access to the noise limiter should be maintained.
- Data from the noise limiter equipment, is to be made available at the request of Victoria Police, Melbourne City Council, or the Commission.

MAXIMUM CAPACITIES

1438 Patrons (of whom no more than 157 patrons are permitted in the internal area).

When areas C and D on the licensed plan (Endorsed Plan 2) are closed, the maximum number of patrons shall be 1233 patrons.

TRADING HOURS

Sunday	Between 10am and 1am the following day
Good Friday & ANZAC Day	Between 12 noon and 1am the following day
On any other day	Between 9am and 1am the following day

The areas marked C and D on the licensed plan (Endorsed Plan 2) are not permitted to trade after 10pm on Sunday, Monday, Tuesday and Wednesday.

End of Conditions - Printed on 07/08/2024

*The Boatbuilders Yard also has a five-star licence rating, which as above, indicates good management over at least the last three years (please refer to the attachments for how the five-star rating system works):*

<sup>18</sup> Either due to their type or age, some licences do not contain a formal patron capacity condition



The screenshot shows the website of the Victorian Commission for Gambling and Liquor Regulation. The header includes the logo and navigation links: home, search permanent licences, search temporary licences, search liquor licence applications, feedback, and login. The main content area displays search results for 'THE BOATBUILDERS YARD, MELBOURNE 3006'. The results include the licence type (On-premises), licensee (SHED 4 (VIC) PTY LTD), nominee (RIDER, THOMAS), star rating (5 Stars), and demerit points (0 Points). There are links to 'View Licence' and 'Google Map'. A sidebar on the left provides additional search information and a list of results.

**Liquor Licences and Applications Online**

Victorian Commission for Gambling and Liquor Regulation

home search permanent licences search temporary licences search liquor licence applications feedback login

**Liquor Licences and Applications Online**

**Search Results**

Results based on the following search item:  
Licence Number = 32305977

Listing displayed in the following order: by  
Premises name, then by  
Suburb, Licence number

Licence found: 1

**Search Results**

**Permanent Licences**

**32305977 THE BOATBUILDERS YARD, MELBOURNE 3006**

Licence Type: On-premises  
Licensee: SHED 4 (VIC) PTY LTD  
Nominee: RIDER, THOMAS  
Star Rating: ★★★★★ (5 Stars)  
Demerit Points: 0 Points

[View Licence](#) [Google Map](#)

- END OF LIST -  
[Return to Top](#)

While The Boatbuilders Yard, is licensed to trade until 1am, its website indicates that it actually closes earlier than this (at least at the time of writing this report):

The screenshot shows the website of The Boatbuilders Yard. The header features a navigation menu: MENUS, BOOKINGS, WHAT'S ON, FUNCTIONS, CONTACT, and GIFT CERTIFICATES. The main content area displays a welcome message and contact information. The address is 23 South Wharf Promenade South Wharf, VIC 3006. The phone number is 03 9686 5088. The opening hours are listed as Mon-Tues 9am - 9pm, Wed-Thurs 9am - 10pm, Fri-Sat 9am - 11pm, and Sun 9am - 9pm. There is a link to 'Get Directions'.

MENUS BOOKINGS WHAT'S ON FUNCTIONS CONTACT GIFT CERTIFICATES

**WELCOME TO THE BOATBUILDERS YARD**

[MAKE A BOOKING](#) [SEE OUR MENUS](#)

23 South Wharf Promenade South Wharf, VIC 3006

[Get Directions](#)

03 9686 5088

Mon-Tues 9am - 9pm  
Wed-Thurs 9am - 10pm  
Fri-Sat 9am - 11pm  
Sun 9am - 9pm

While The Boatbuilders Yard has a large patron capacity (as will the Tavern (Bar)), the area's public infrastructure is adequate to cope with it. This includes that accommodating footpaths, bike parking, public transport (including in the Night Network), taxi ranks and public toilets, all exist immediately near or in the area of the site.

Are there any local laws regulating consumption of liquor in public spaces?

The following local law applies:



## Melbourne City Council

### Activities Local Law 2024

#### Part 3 Consumption of Liquor

Introduction: This Part aims to provide for the responsible management of public places so as to enhance the enjoyment of them by the general public, especially during major events. The provisions control the consumption of liquor in public places and other places within certain areas of the municipality and during certain periods of the year. Clause 1.8 identifies the areas and the periods during the year to which this Part applies.

##### Consumption and possession of liquor is prohibited in certain circumstances

###### 3.1 A person must not:

- (a) in or at a public place; or
- (b) in or on a vehicle which is on or at a public place,

consume any liquor or have in their possession or control any liquor other than liquor in a sealed container in that part of the municipality prescribed by the Council pursuant to clause 1.8 of this Local Law.

Note: Maps showing the prescribed area or areas where the consumption of liquor is prohibited throughout the year or at some times of the year are available by visiting the Council's web site at [www.melbourne.vic.gov.au](http://www.melbourne.vic.gov.au).

###### 3.2 Clause 3.1 does not apply to a person:

- (a) taking part in a festival or event in respect of which the Council has granted a permit for persons to consume liquor or to have in their possession or control any liquor other than liquor in a sealed container; or
- (b) within authorised premises or licensed premises under the Liquor Control Reform Act 1998 or any subsequent legislation relating to the serving and consumption of liquor;
- (c) who has been granted a permit to take liquor into an area prescribed by the Council pursuant to clause 1.8.

###### 3.3 Where an authorised officer believes on reasonable grounds that a person is contravening or has contravened clause 3.1, the authorised officer may direct the person to seal any container or dispose of the contents of any unsealed container.

*Is there any evidence of problems apparent in the area, such as property damage or littering, that may be attributed to alcohol related incidences?*

*Are complaints (for example, to council or Victoria Police) about licensed premises already being generated in the area?*

*Are there any known enforcement proceedings against licensed premises in the surrounding area?*

These questions are extremely difficult to answer because of the difficulty of obtaining relevant information, which is not necessarily available to the public, including for privacy reasons, not necessarily reported publicly (eg littering) and/or quickly addressed (eg vandalism of a fence or a car). Furthermore, the motives behind property damage are not necessarily obvious, since the breaking of a shop window at 2am on a Saturday could be done by a drunken hooligan, a mentally-ill person or a member of crime gang.

Although, in my site inspection, I did not see any evidence of either property damage or littering (eg no empty alcohol bottles or cans) that may be necessarily attributed to alcohol related incidence, (long-term) problems that may be specifically associated with clusters of licensed premises generally include: property damage; violence; noise, street fouling; litter; and other anti-social behaviour.

However, the availability of police, public transport (even where limited), taxis, parking, rubbish bins, public benches, street cleansing, graffiti cleaning, however go towards ameliorating these issues.

And while it might seem that licensed premises thus impose costs to government (and society), they also create significant economic benefits (the previously-mentioned Yarra Night Time Economy Strategy states that "the economic benefits of the [Night Time Economy is] estimated to outweigh costs at a ratio of 2:1"), some of which ends up as Council rates (and state and federal taxes), which in turn pay for relevant services.

Given the existence of licensed premises in South Wharf and nearby suburbs/areas, it would be unlikely if there were never complaints (or enforcement proceedings) against any of them. However, it is also assumed that there would also be a much larger number against which enforcement proceedings have never been taken. In addition, while it is understood that demerit points do not cover all possible offences

applying to licensed premises, it is at least relevant to note that few premises in South Wharf seem to have lost demerit points.

Two searches at [www.austlii.edu.au](http://www.austlii.edu.au) for VCAT decisions containing the words “Melbourne and enforcement order and licensed premises and South Wharf” and “enforcement proceedings and licensed premises and South Wharf” both produced 0 *relevant* results (ie results relating to *actual* enforcement proceedings against licensed premises in South Wharf).

### **Assessment**

*Does the proposal contribute to the diversity of activities and vibrancy in the area?*

*Will the proposal reinforce any existing or create any new impacts arising from the mix of uses in the area?*

*The proposal will expand the site’s existing contribution to the diverse range of activities in the area, and will have a positive impact thereon. It will provide patron/consumer choice by providing a new (permanent) licensed Tavern (Bar) use, while at the same time mitigating its amenity impacts including by its location in a tourist area well away from the nearest residential area and uses, and compliance with any amenity-protection conditions applying under its planning permit and liquor licence.*

#### **4. Transport and dispersal**

Whether patrons leaving or moving between licensed premises are likely to pass through areas with sensitive uses is an important consideration.

How patrons leave the licensed premises at closing time can have a significant impact on the amenity of an area. Consider how patrons will leave the area and the routes they will take, including the location and availability of taxi ranks, car parks and public transport services. The quality and frequency of services is a factor because it will influence the length and time that patrons spend in an area. Patrons generally maintain better behaviour when they are not delayed in travelling home.

A concentration of high-risk licensed premises closing at similar times may lead to difficulties in safe and orderly patron dispersal. This can be addressed by staggering the operating hours because there will be fewer people on the street trying to leave the area at one time.

### **Existing context**

*Do closing hours between venues coincide closely or is there a spread of closing hours?*

*Is there a high number of patrons on the streets after 11pm?*

Existing licensed closing times for venues near the site are set out above. There is a diversity of closing hours and while many licensed premises have the same closing hours, this does not in itself mean that “hours between venues coincide closely”.

This is because: not all premises would necessarily operate to their latest licensed closing times; not all patrons would wait until closing time to leave (especially in food-based licensed premises, where patrons usually leave just after they finish meals, which is also much earlier than 11pm); and a 30-minute grace period for “last drinks” applies where liquor is supplied for consumption on the premises.

Given the site’s Capital City zone and Southbank Local Area location, and the number and/or patron capacities of the existing licensed premises that can trade after 11pm (see above data), there would often be (in particular on Fridays and Saturdays during warmer weather) a “high number of patrons on the streets after 11pm”.

However, even if hours between venues coincide do closely and there are a large number of people on the streets, the proposal (which will add 300 patrons to an area that already contains The Boatbuilders Yard’s 1438 patrons) will not significantly change this situation; and, as indicated, the area’s very ample existing public infrastructure is able to accommodate very large patron capacities.

*What public transport is available to patrons leaving the licensed premises at closing time?*

Are taxi ranks conveniently available to patrons leaving the licensed premises at closing time?

Is car parking available and where is it located?

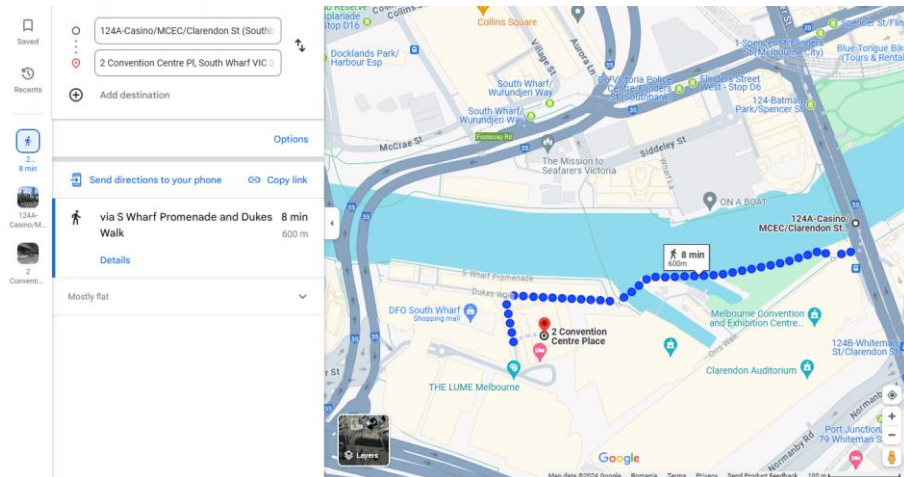
How do people disperse from the area after leaving a licensed premises?

Is the movement of patrons through the area known to be an existing problem?

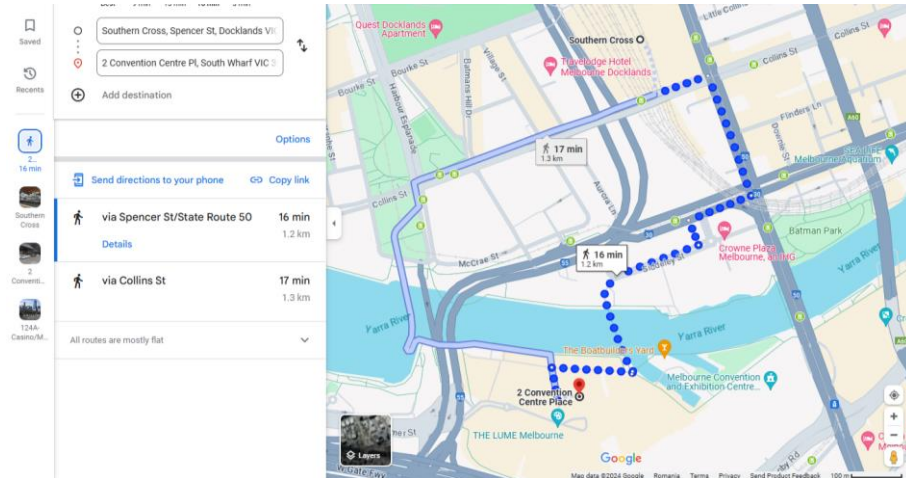
Are there any identified issues with accessing public transport such as frequency or capacity of services?

There is unlikely to be any issue with “patron dispersal” from the site: the area’s public infrastructure, facilities and character - including public transport, car parking, bicycle parking, taxis, footpaths, active frontages, police stations, litter collection, public toilets etc – are all suitable to absorb the “incremental increase” in licensed premises represented by the proposal:

- While there is limited onstreet parking near the site, there are several larger offstreet car parks, including the Melbourne Exhibition Centre Car Park itself.
- The site is in the Principal Public Transport Network Area (PPTNA). Public transport near the site includes multiple locations of trains, trams and buses.
- The area is extremely well-served by bicycle parking, rubbish bins, street benches, public toilets, street lighting, generally wide footpaths, and security cameras. When I visited, I did not observe any liquor-related litter or other evidence of public liquor consumption near the site.
- Movement of patrons through the area near the site is not a problem – roads and footpaths are wide and straight, and there are no pedestrian bottlenecks such as narrow bridges or walkways.
- Public transport operates extensively near the site. Importantly this includes regular services - with the latest, departing the city at about 12am Mon-Thu, about 11pm Sun, and about 1.30am Fri-Sat - and those of the Night Network (all trains and specified trams/buses), which depart even later on Fri-Sat. Taxis operate 24/7. Routes to/from the site and the nearest public transport and main taxi access points, are not through traditional residential areas. The area has a high proportion of buildings fronting the street, straight street/road alignments, wide footpaths, no major pedestrian bottlenecks such as narrow bridges or walkways, orderly landscaping, good public lighting and security cameras.







Walking distances and routes between site and nearest main public transport. Given that Google does not seem to include short cuts that people would normally use, the actual distances may be less. Onstreet parking

#### 96 Tram Schedule

96 tram line operates everyday. Regular schedule hours:  
05:12 - 04:58

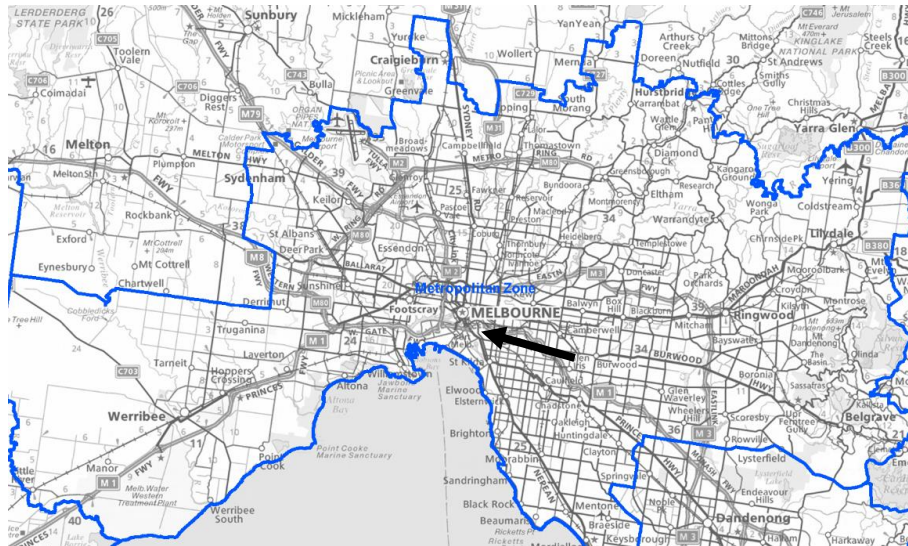
Day	Operating Hours	Frequency (min)
Mon	05:12 - 04:58	5 - 15
Tue	05:12 - 04:58	5 - 15
Wed	05:12 - 04:58	5 - 15
Thu	05:12 - 04:58	5 - 15
Fri	05:12 - 04:58	5 - 20
Sat	05:24 - 04:58	10 - 20
Sun	05:28 - 04:58	10 - 30

#### 109 Tram Schedule

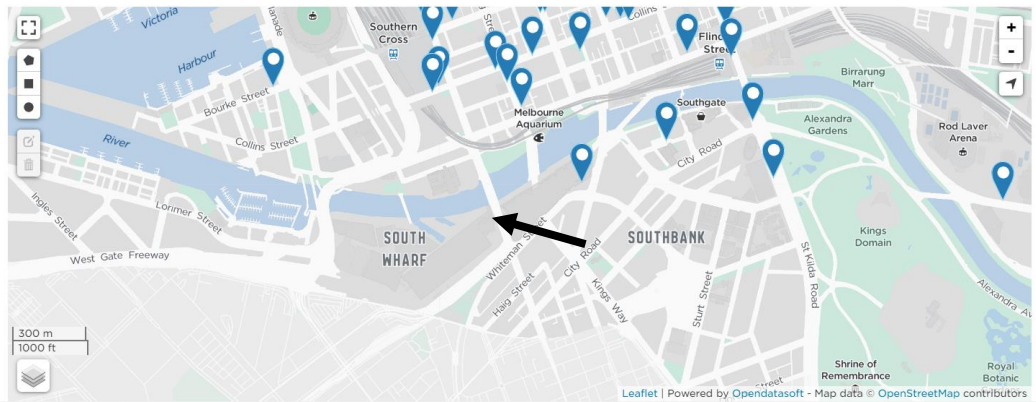
109 tram line operates everyday. Regular schedule hours:  
05:08 - 04:49

Day	Operating Hours	Frequency (min)
Mon	05:08 - 04:49	7 - 15
Tue	05:08 - 04:49	7 - 15
Wed	05:08 - 04:49	7 - 15
Thu	05:08 - 04:49	7 - 15
Fri	05:08 - 04:44	7 - 20
Sat	05:14 - 04:44	10 - 20
Sun	05:14 - 04:49	12 - 30

#### Public Transport Operating information from moovitapp.com re trams along Clarendon Street



Taxi map from Safe Transport Victoria, with South Wharf shown with arrow. This confirms that taxis exist in the area



Taxi Ranks Map from <https://data.melbourne.vic.gov.au/explore/dataset/taxi-ranks/information/>; site shown with arrow

- People leaving the licensed premises and returning to parked cars would also not need to walk through a residential area to do so.

### **Assessment**

Is the proposed licensed premises' location or characteristics such as operating hours likely to contribute to any problems for patron dispersal?

Will the proposal reinforce any existing or create any new impacts arising from licensed premises closing times and patron dispersal within the area?

The proposal is unlikely to contribute to patron dispersal problems and will not reinforce any existing/create any new impacts arising from licensed premises closing times and patron dispersal within the area.

### **5. Impact mitigation**

A proposal may include impact mitigation measures to reduce a potential negative cumulative impact. These measures can include:

- providing patron transport or parking
- layout and design of buildings and any new public space in accordance with good urban design and safe design principles
- involving licensed premises in a liquor accord or forum
- providing public toilets and rubbish facilities in the area
- reducing operating hours of the venue
- limiting outdoor seating and reducing patron numbers after 11pm
- improving venue management measures.

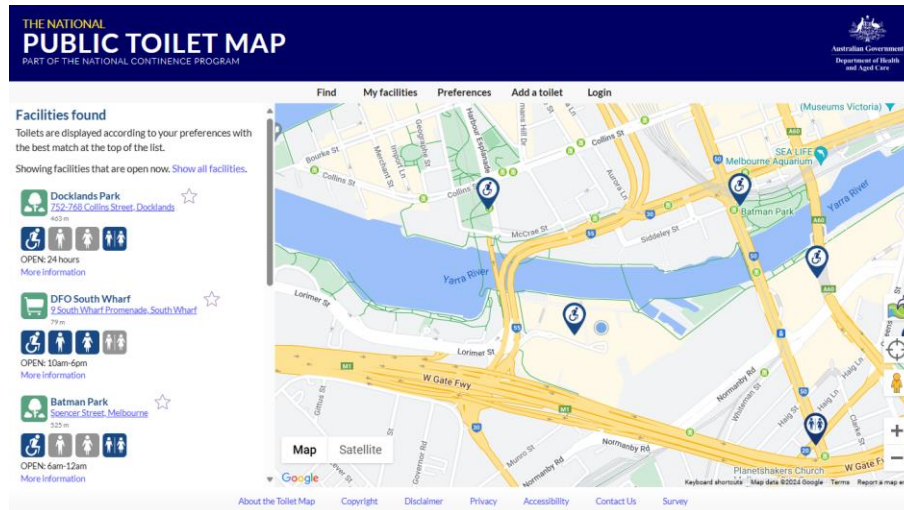
A venue incorporating good urban design and safe design principles is more likely to successfully manage potential amenity impacts from venue patrons on an area, improve perceptions of safety and provide a positive cumulative impact.

### **Existing context**

Are there sufficient public amenities available for patron use, including toilets and rubbish disposal?

While no separate Patron Capacity Assessment has been submitted, under the Building Act 1993 the Council has already issued an Occupancy Permit for Place of Public Entertainment (POPE), which allows, "A maximum number of 300 persons are permitted to be accommodated within the event boundaries at any one time during the event". Adequate area, exits, and toilets will be provided for staff and patrons.

Offsite toilets and rubbish bins are mentioned above (and, where relevant, shown in photos).

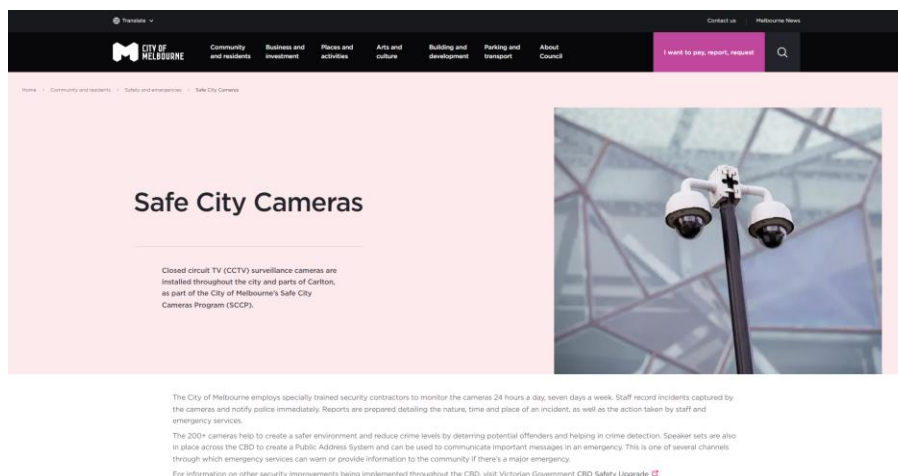


Public toilet map, with site identified with small blue dot in centre<sup>19</sup>. Toilets are/will also be provided on the site itself

Are there any relevant public safety or enforcement initiatives in the area?

As above, relevant public safety or enforcement initiatives in the area include:

- The above Local Law, which regulates liquor consumption in Melbourne's public areas.
- The above "designated area" declared by the Director of Liquor Licensing under Section 147 of the Liquor Control Reform Act 1998.
- The state government's Late Night Decision Making Guidelines Pursuant to Section 172U(4) of the Liquor Control Reform Act 1998 for Applications for Liquor Licences to Trade After 1.00 am, 30 Jun 23 (aka "the Freeze"), which apply to post-1am licensed trading elsewhere in Melbourne.
- The location of the Night Network (available at Southern Cross Railway Station and Clarendon Street), a large part of whose purpose is clearly to facilitate orderly patron dispersal from clusters of late-night licensed premises (please see government media release in the below attachments), as well as good distribution in the area of both multiple taxi ranks and public toilets.
- Safety cameras in the area (below):



<sup>19</sup> This map is provided not to indicate that it is intended for patrons of the site to use these toilets instead of the one(s) on the site but that public toilets exist in the wider area, which is appropriate for minimising urination around licensed premises clusters



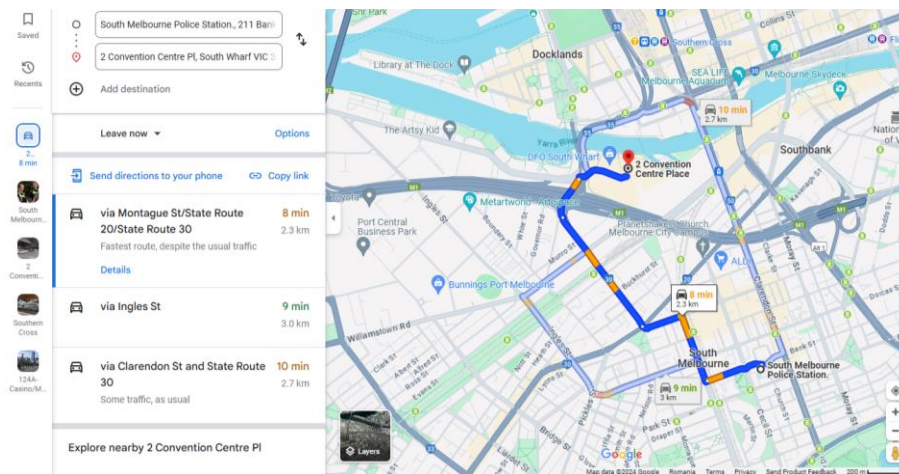


ACCESS TO FOOTAGE STORAGE OF FOOTAGE AUDIT COMMITTEE MAKING A FORMAL COMPLAINT CCTV PATROL VEHICLE

Electronic media of incidents is made available only to authorised police members and civilians who meet the criteria of the protocols and agree to comply with the requirements for handling, use and return of electronic media. Under the protocols, an application to view or copy electronic media by a civilian will only be reviewed if the applicant is:

- a lawyer acting on behalf of a person alleged to have committed an offence(s) which may have electronic media
- a lawyer acting on behalf of the Victorian or Australian Government or Statutory Authority against a person alleged to have committed an offence(s) which may have been recorded
- a lawyer acting on behalf of a person who alleges they have been a victim of an offence which has been recorded
- a victim of an offence who will represent themselves in a court of law or tribunal in relation to an offence which may have been recorded in this instance the applicant must provide evidence to substantiate that facility has been charged with a criminal offence or has a civil matter before the Court. This evidence could be a copy of the criminal charge or Court leaving date documentation.

- The proximity of the site to the nearest police station (below):



Driving route/time to the site from nearest police station<sup>20</sup> as identified on <https://www.police.vic.gov.au/location>

Has the area been developed according to principles of good urban design and safe design?

This part of South Wharf has a high proportion of buildings fronting the street, straight road alignments, wide footpaths, orderly landscaping, good public lighting etc, providing relative safety.

### **Assessment**

Will the proposal provide mitigation measures to address any negative cumulative impacts?

Providing patron transport or parking would be unreasonable in this case given the proposal's low intensity.

The layout of the site is in accordance with good urban design and safe design principles.

The proposal's trading hours (including the 11pm closing) are commensurate with the site's Southbank Local Area location and lack of immediately nearby residential uses/areas that would be affected by it; no reduction in trading times is necessary.

While an On-premises Licence does not formally require the predominant activity carried out at all times to be the preparation and serving of meals for consumption on the premises, snack food (including pizzas, chips, wedges, toasties, crisps, nuts etc) will be available until at least 10.30pm or 30 minutes (whichever is the earlier) on any day when liquor is sold and consumed on the premises, and drinks other than liquor (including water) will be available at all times liquor is sold and consumed on the premises. Although an

<sup>20</sup> The licensed premises is unlikely to require significant police attendance; but if ever required it will be possible in a timely manner



On-premises Licence also does not formally require seating to be provided, some seating for patrons will be provided. Given the size of the licensed area the patron density will be very low. No gaming or sexually-explicit entertainment is proposed.

The licensed premises will operate under the submitted Venue Management Plan.

Providing additional (offsite) public toilets and rubbish facilities in the area would be unreasonable including given the scale of the proposal and the fact that public toilets and rubbish facilities already exist.

*Can any identified negative cumulative impact be satisfactorily reduced by changes to the proposal?*

There is nothing that should reasonably be “traded off”. The proposal (including its nature, trading times, scale, other operational provisions, site context and planning requirements) is already fully appropriate.

**Summary of Cumulative Impact Assessment**

*The proposed sale and consumption of liquor is thus appropriate to its area. While the proposal involves an incremental change to the licensed premises “existing conditions” in the form of a new (permanent) bar-based licensed premises, given its location (Southbank Local Area), scale (290 patrons) and trading times (11pm closing), any “cumulative impact” is likely to be relatively insignificant, except that it will provide additional consumer choice in accordance with the above Statement of Policy.*

**Other issues often associated with the sale/consumption of liquor**

While there may be concerns about the social/general health impacts of incrementally increasing the availability of liquor, this is not required to be considered under the current planning application. Discussing this issue, in *Tonlan Pty Ltd v Kingston CC* [2015] VCAT 277 (17 March 2015), the Victorian Civil and Administrative Tribunal made the following comments (at paras 21-22, with underlining now added):

*I consider the most relevant commentary on these types of applications regarding how planning requirements are to be considered regarding the relevant clause 52.27 is The Hunt Club Commercial Pty Ltd v City of Casey CC decision by Deputy President Mark Dwyer of the Tribunal. In part of the decision that is relevant in this application he said:*

*“As a matter of general principle a broad concern about the social harm cause by alcohol, the accessibility of alcohol in the community generally, or the potential for the abuse or misuse of alcohol, will rarely (if any) be a relevant planning consideration in the exercise of discretion for a particular license premises under clause 52.27.*

*Town planning is not a panacea for all perceived social ills, nor is planning decision making a forum for addressing all issues of social or community concern. At its heart planning is about the use, development and protection of land. It has a spatial context that is primarily concerned with the fair, orderly, economic and sustainable use and development of land. Town planning does not involve itself in moral judgements nor, subject to this locational or spatial perspective in the operation of a competitive market economy in which certain goods and services are lawfully made, sold or consumed. While town planning seeks to secure a pleasant, efficient and safe working, living and recreational environment it is not the role of town planning to address all issues of public health, nor to regulate the pricing or general availability of a product to manage the health and wellbeing of a society.”*

*I have taken the comments in Deputy President Dwyer’s decision on board in making the assessment of this application. I am satisfied that the proposed package liquor outlet is in compliance with the relevant planning policies particularly at the state and local level and I am further satisfied that the factors required for consideration under section 60(1) of the Act have been assessed.*

In relation to an issue that third parties sometimes raise, the assertion that a licensed premises proposal is not “needed” because there are existing ones nearby, (leaving aside the usual lack of supporting evidence), this is contrary to the planning principle that “need” is not a relevant factor against a proposal.

In *Tuhan v Moira SC* [2016] VCAT 235, the Tribunal said (at paras 21-22, with underlining now added)<sup>21</sup>:

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<sup>21</sup> Other examples are: in *Barkersgrove Pty Ltd v Greater Bendigo CC* [2006] VCAT 242 (21 February 2006) the Tribunal said (at para 33): “It is a long established planning principle that the lack of need for a proposal will rarely if ever be a reason for refusing the grant of a permit” and; in *Joshamie Nominees Pty v Director of Liquor Licensing (Occupational and Business Regulation)* [2009] VCAT 2188, the Tribunal said (at para 28): “... it is difficult to conclude that there is a need for another outlet. ... But ... matters of need and demand are explicitly excluded from consideration by the enabling legislation”

*Many Tribunal decisions have considered the relevance of need. Their primary finding is that a demonstrated need for a facility or use may be a relevant factor in a planning decision but lack of a need will rarely, if ever, be a ground for refusing to grant a permit. This is consistent with long standing principles, as set out in Shell<sup>22</sup>:*

*When the word "need" is used in a town planning sense, it must mean community need. It is not necessary to show an element of urgent community necessity for a facility. Rather need connotes the idea that the wellbeing of a community or some part of it can be better and more conveniently served by the provision of a particular facility. ....*

*Need is a relevant consideration, but not an essential requirement.....If an applicant can show a need for a proposed use, then this factor may outweigh other considerations adverse to the use. However, a lack of need will rarely, if ever, be a ground for refusing to grant a permit.*

*Therefore, even though there is no express need for another licenced liquor outlet, that is also not an appropriate reason to refuse a permit.*

I have not attached the above decisions, but they are readily available online at: <http://www.austlii.edu.au>.

Further to this issue, Section 57(2A) of the Planning and Environment Act 1987 also states, "The responsible authority may reject an objection which it considers has been made primarily to secure or maintain a direct or indirect commercial advantage for the objector".

Another issue that objectors (and even Councils) sometime raise (either because a licensed premises may be of a category that would allow (unaccompanied) minors on the licensed premises, or its proximity to a school, recreation facility or other places where children congregate) concerns the potential in a licensed premises for the sale of liquor to minors. This is also however not a planning issue but a *licensing* one<sup>23</sup>.

Minors *are* allowed on licensed premises in certain circumstances (please refer to Attachment 5 of this submission). However, the sale of liquor to minors is obviously illegal and the maximum penalty for supplying liquor to a person under 18 is about \$20,000. Similar penalties also exist for "secondary supply", ie where adults buy liquor on behalf of minors. Licensed premises are also subject to a far more vigilant policing regime (by Councils, Victoria Police and Liquor Control Victoria) than most retail uses, so the possibility of this penalty being applied is no idle threat.

The issue of the proximity of a proposed licensed premises to a school has also been considered by the Victoria Civil and Administrative Tribunal in *Ruthven Secondary College v Whittlesea CC* [2010] VCAT 2034 (16 December 2010). This was an appeal against a Notice of Decision to Grant a Planning Permit for a proposed licensed Tavern (Bar)) with 182 patrons and latest closing time of 3am. The appeal, which was by nearby secondary school, largely concerned potential impacts on its students. The Tribunal considered the school's concerns but directed that a permit be issued, stating (note: I have corrected obvious typos):

*The school's concerns about the public health and safety of their students*

1. *Ms Money, its principal, was concerned about yet another liquor outlet in the area, with students potentially accessing the site if they leave school premises to attend vocational training. ...*
8. *...*
9. *Notwithstanding Ms Money's concerns about students accessing liquor outlets or on-premises venues, we note that under age students are not allowed on the subject premises without an adult, and those on-premises licensees are at risk of losing their valuable liquor licence for breach of underage drinking limits. Planning permits are granted on the basis that their permit conditions will be adhered to.*
10. *Further, if the student is on his or her way to vocational training, it would be an unlikely occurrence during school hours for that student to visit the subject premises with an adult.*
11. *As for drinking on the school oval by persons jumping the (low) fence after hours will packaged liquor bought from, for example, Dan Murphy's, this tavern is prohibited from selling liquor for offsite consumption, so this situation should not [be] exacerbated. ...*

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<sup>22</sup> *Shell Company of Australia Ltd and Others v City of Frankston and Another* [P82/1527 8APA 126].

<sup>23</sup> It is covered directly by the Liquor Control Reform Act 1998 and of the ten or so Victorian planning schemes that have a formal licensed premises, none mention. The Whittlesea Activity Centre Zone (ACZ1) covering Epping Central does mention the proximity of licensed premises to schools, but only in relation to the sale of *packaged* liquor

While this specifically refers to an On-premises Licence, the same principles applies to *all* licences, where while unaccompanied minors can be allowed on licensed premises in certain circumstances, they can never be legally supplied with liquor. And, as VCAT stated, "Planning permits are granted on the basis that their permit conditions will be adhered to".

## CONCLUSION

The application involves the proposed Use of land for a Tavern (Bar).

The "proposed" Tavern is an already existing (albeit very new) one that is now operating under a Temporary Limited Licence (and relevant authorisation from the Council). However, Liquor Licensing Victoria has indicated that it does not want to issue another Temporary Limited Licence but that a (permanent) On-premises licence (necessitating also a planning permit to use land for a Tavern) is instead required.

The proposed Tavern including the sale and consumption of liquor on the premises under an On premises Licence is appropriate given the site's location in the Capital City Zone/Melbourne CBD.

The proposal will introduce a new (permanent) licensed premises use into the area (its licence will replace a temporary one under which it now operates) but it will both have strong state and local planning policy support/compliance and provide additional consumer choice.

There are no existing dwellings and/or other accommodation uses immediately near the site (the nearest ones are on the other side of the river), but in any case, amenity impacts associated with the proposed sale/consumption of liquor will be limited.

As well as all relevant state and regional policy, the proposal satisfies Clauses 02.03-3 Environmental risks and amenity/Amenity, safety and noise, 11.03-6L-12 Southbank, 13.07-1L-04 Licensed premises, 37.04 Capital City Zone, 52.06 Car Parking, 52.27 Licensed Premises and 52.34 Bicycle facilities of the Melbourne Planning Scheme.

It is thus a suitable response to the planning provisions and physical opportunities and constraints affecting its site, and we look forward to a favourable outcome.

Yours faithfully

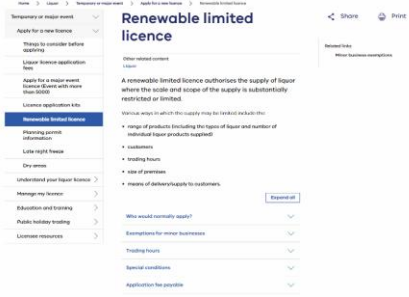


**Matt Gorman BA MUP<sup>24</sup>**  
**Consultant Town Planner**

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<sup>24</sup> I, Matthew Gilbert Gorman, consent to having my personal information (name, phone number, business name, business address, email address etc) contained in this document or any other document authored by me as part of a planning application, be made available electronically in accordance with the public availability requirements of the Planning and Environment Act 1987. I understand that if I wish to withdraw my consent at any time, I need to notify Council's Statutory Planning Unit in writing. Please note that I have also considered whether any information (including in photos) included in the application breaches anyone's privacy, and have determined that it *does not* (this includes that while photos that may contain houses, people and/or cars are often necessary for documenting my applications, I avoid closeups of number plates, faces etc and also blur these out as required).

### Attachment 1: Description of different licence categories (including BYO permit)

Licence category	Description of licence category
BYO Permit	BYO permits, which authorise “liquor to be consumed, possessed or controlled on the premises” (“BYO” stands for “Bring Your Own”), are so minor in terms of amenity impacts that they are not subject to Clause 52.27. They mainly apply to restaurants and social clubs.
Full Club Licence	Full Club Licences and (Restricted Club Licences) apply to community/sporting clubs. Such licensed premises tend to be limited to members and guests only, have sport or other community activity rather than the consumption of liquor as their primary focus, family-oriented, and mainly serve liquor on sports days only. Consequently, they are not known for causing significant ongoing amenity problems.
General Licence	General Licences typically apply to traditional Hotels of various patron capacities and usually closing at 11pm or 1am (this varies) for consumption of liquor on the premises and 11pm for consumption off the premises.  General licences sometime apply to other uses, including bottle shops that also have an on-premises bar, or bars that also sell takeaway liquor, and (although, despite that the planning scheme definition of “Restaurant” not allowing the sale of packaged liquor) even some restaurants.
Late night (general) Licence Late night (on-premises) Licence	Late night (general) Licences typically apply to hotels, similar to ones operating under General licences but with later closing times, often 3am or 5am. While they allow the sale of liquor for consumption on or off the premises, the “late night” component usually only applies to consumption on the premises, with the sale of liquor for consumption off the premises usually stopping at 11pm (and occasionally, 12am).  Late night (on-premises) Licence typically apply to Nightclubs or other premises providing various forms of entertainment into the early hours of the morning, or simply Bars with extensive trading hours. They do not allow liquor to be sold for consumption off the premises.  Except for Bars, maximum patron capacities under both types of Late-night licence tend to be larger than the average for all licensed premises. Both types also tend to apply mainly within larger and/or older activity centres.
Limited Licence	Limited licences apply to a variety of land uses but given their “limited” nature (eg often applying to the service of liquor by delivery with food). Limited licences, which often sometimes apply to premises that also have Restaurant and café licences, rarely cause significant amenity/cumulative impact problems.   <p>Screenshot from VCGLR website indicating the “limited” nature of Limited licences. Because of the current Covid-19 restrictions on on-premises licensed trading there has been an increase in Limited licences allowing the serving of liquor delivered or picked up with take-away meals</p>
On-Premises Licence	On-premises Licences, which allow the sale of liquor for consumption on the premises only, apply to a variety of uses, including Restaurants, Function centres, Bars, Cinemas and (provided that they do not trade after 1am) Nightclubs. They have a variety of closing times though 11pm and 1am are common. Liquor is not sold for consumption off the premises. Bars with this licence tend to be newer.
Packaged Liquor Licence	Packaged Liquor Licences, which allow the sale of packaged liquor for consumption off the premises. should be reasonably expected in an area that includes an Activity Centre (there are usually a few in each), where people go shopping, including for packaged liquor.  This is especially so because most Packaged liquor licences relate to Bottle shops, which are prohibited in most zones other than those in activity centres. Also, because people take liquor away and consume it elsewhere, the sale of liquor for consumption off a premises with a Packaged Liquor Licence does not usually have a direct impact on the amenity of its immediate area.  They do not allow liquor to be sold for consumption on the premises, though free “tastings” are allowed. Packaged Liquor Licences usually allow licensed trading until 11pm seven days per week, however licensees often choose to close earlier. Packaged Liquor Licences do not have formal maximum patron capacity conditions.



Licence category	Description of licence category
Pre-retail Licence	Pre-retail licences authorise the licensee to supply liquor at any time on any premises to a person who holds a licence under the Liquor Control Reform Act 1998. They thus generally apply to warehouses selling wholesale liquor.
Producer's Licence	<p>Producer's licences authorise the licensee to supply liquor that is the licensee's product at any time and on any premises to a person who holds a licence under the Liquor Control Reform Act 1998 and during specified trading hours to: supply liquor that is the licensee's product for consumption on or off the licensed premises; and supply liquor that is not the licensee's product for consumption on the licensed premises. In urban areas they typically apply to breweries or distilleries, in rural ones, wineries.</p> <p>Producer's licences themselves do not have formal maximum patron capacity conditions but, (and also often controlled by permit conditions) they typically serve liquor on the premises to a maximum of 100 or less patrons.</p>
Remote Seller's Licence	A Remote Seller's licence allows the supply of liquor ordered by off-premises request (by mail, phone, internet etc, by a person not on the licensed premises when the request is made) in sealed containers, bottles or cans on the licensed premises for consumption off the licensed premises. This is a newer category of licence that replaced equivalent types of Limited Licence.
Restaurant and cafe Licence	<p>These licences apply to (typically) small restaurants or cafes selling liquor for consumption on the premises only and always subject to the following conditions:</p> <p><i>(a) the predominant activity carried out at all times on the licensed premises must be the preparation and serving of meals for consumption on the licensed premises; and</i></p> <p><i>(b) tables and chairs must be placed in position on the licensed premises so as to be available for at least 75% of the patrons attending the premises at any one time; and</i></p> <p><i>(c) the licensee must not permit -</i></p> <p><i>(i) the live performance of any musical works; or</i></p> <p><i>(ii) the playing of any recorded musical works - on the premises at higher than background music level at any time outside ordinary trading hours.</i></p> <p>Liquor is not sold for consumption off the premises, except in limited amounts associated with takeaway/delivery food.</p> <p>Venues with Restaurant and café licences are thus archetypal "food-based licensed premises".</p> <p>Restaurant and café licences make up about 23% of total licences in Victoria. Page 4 of PPN61 says, "Venues that serve food or meals are shown to be less at risk of excessive alcohol consumption"), and food-based licensed premises usually have both moderate trading hours (generally closing at or before 11pm) and small patron capacities (usually less than 100), all of which are positive attributes in cumulative impact assessment terms.</p> <p>A high concentration of Restaurant and café licences (and which often also means that other licensed premises are also food-based licensed premises) is thus generally considered a good thing from an amenity perspective.</p>
Restricted Club Licence	See above comments re Full Club Licence

**Attachment 2: VCGLR poster containing Responsible Service of Alcohol principles**

Responsible Service of Alcohol

# *Remember the 4 RSA principles*

1. Recognise and refuse liquor service to intoxicated patrons.
2. Drunk or disorderly patrons are not allowed on premises.
3. Do not supply liquor to minors.
4. Discourage activities that may cause harm to themselves and others.

## *If you need to refuse service*

<i>T</i> ell early	<i>C</i> larify refusal
<i>A</i> void put-downs	<i>A</i> lternatives offered
<i>K</i> eep calm	<i>R</i> eport
<i>E</i> ver courteous	<i>E</i> cho the message to regulars


**Penalties apply**  
**Know *your* responsibilities**



Victorian Commission for  
Gambling and Liquor Regulation

## Attachment 3: Information about the five-star licence rating system

NOVEMBER 2014



**Victorian Commission for  
Gambling and Liquor Regulation**

### Liquor Licensing Fact Sheet Star rating system

The star rating system supports the regulation of liquor licensing in Victoria. This system operates in addition to the compliance history risk fee system to encourage good business practices in licensed premises.

The star rating system provides greater incentives for licensees to comply with Victoria's liquor licensing laws. Under the star rating system, responsible licensees will receive a discount on their annual liquor licence renewal fees.

#### What is the star rating system?

A star rating is calculated on the basis of whether a non-compliance incident has occurred in respect of the licensed premises. Licensees will receive a discount on their annual licence renewal fees where they have had two or more consecutive years without recording a non-compliance incident. This is calculated on 1 October of each year.

All new liquor licences begin at the three star level. They will then receive a star rating based on the following criteria:

<b>One star –</b>	Three or more non-compliance incidents in the previous 12 months
<b>Two star –</b>	One to two non-compliance incidents in the previous 12 months
<b>Three star –</b>	No non-compliance incidents in the previous 12 months
<b>Four star –</b>	No non-compliance incidents in the previous 24 months
<b>Five star –</b>	No non-compliance incidents in the previous 36 months.

The star rating system applies to licensees (excluding sexually explicit entertainment venues) and rewards responsible licensees. Star ratings are published on Licences and Applications Online and can be accessed at [www.vcglr.vic.gov.au](http://www.vcglr.vic.gov.au). Licensees are not required to display their star rating at their premises.

#### What is a non-compliance incident?


A non-compliance incident relates to the following offences.

Offences	Section of the Liquor Control Reform Act 1998
Supply liquor to intoxicated person	108(4)(a)
Permit drunken/disorderly person on licensed premises	108(4)(b)
Supply liquor to underage person, other than as permitted (licensee/permittee offence)	119(1)(a)
Permit liquor to be supplied to underage person, other than as permitted (licensee/permittee offence)	119(1)(b)
Liquor is supplied to underage person on licensed premises, other than permitted	119(2)
Permit underage person on licensed premises, other than as permitted	120(1)

A non-compliance incident occurs when one of these offences is detected, and:

- an infringement notice for the offence has been paid in full or partially paid; or
- an infringement in respect of one of these offences has been lodged at the Infringements Court and an Enforcement Order has been issued; or
- the offence has been successfully prosecuted.

This publication avoids the use of legal language. Information about the law may have been summarised or expressed in general statements. This information should not be relied upon as a substitute for professional legal advice or reference to the actual legislation. Authorised by the Victorian Government.



49 Elizabeth Street, Richmond VIC 3121  
1300 182 457 [www.vcglr.vic.gov.au](http://www.vcglr.vic.gov.au)  
[contact@vcglr.vic.gov.au](mailto:contact@vcglr.vic.gov.au)

**Attachment 4: LCV Fact Sheet re red line plans. In general, the toilets of a licensed premises are included with the “red line”. However, in this case, the toilets will be shared between the licensed premises and the unlicensed mini-golf area. As such, to prevent the potential issue of unaccompanied minors being on licensed premises, it is appropriate *not* to include the toilets in the red line area. Signage at the nearest exit of the licensed area will ask patrons not to take liquor with them to the toilets**

**Liquor Control Victoria**

JULY 2023

### Plans of licensed premises

When a liquor licence or BYO permit is granted, it is for a defined area where liquor can be supplied or consumed. This is shown by a red line drawn on a plan of the premises. This plan needs to be submitted to Liquor Control Victoria (LCV) as part of the application process and may be required upon request at any time.

The plan of the premises must accompany applications for:

- a licence or BYO permit excluding a pre-registered licence or a BYO permit for party bus
- a variation of a licence or BYO permit that involves a change to the size or perimeter of the licensed premises
- a transfer of a licence or BYO permit if the current floor layout of the premises differs from the plan held at LCV
- the relocation of a licence or BYO permit.

**Internal changes to premises**

If a change is made to the internal area of licensed premises (for example, by adding or removing a particular structure), the licensee should submit an updated plan of the licensed premises.

**LCV requesting a plan**

In addition to the above, under section 100(1)(d) of the Liquor Control Reform Act 1998 an authorised person (such as a LCV Inspector or member of Victoria Police) may at any time request information relevant to the operations or the management of the premises. This may include a current plan of a licensed premises.

**Plan format**

A plan must contain the following elements:

- be on suitably sized paper, minimum A4 size (graph paper is not acceptable)
- be drawn in ink and be neat and legible
- show the floor plan(s) of the owned or leased property
- note the size of the red-lined area in metres squared
- outline in red the boundaries of the proposed area to be licensed
- if the proposed area does not follow a physical barrier (such as a wall), describe what is being used to separate the area
- show clear and consistent measurements on the plan
- include the address of the premises
- include a compass point showing north and names of the surrounding streets
- show basic functions or fixtures, for example, bar and dining area/kitchen area or in the case of a packaged liquor outlet, shelf areas where alcohol is displayed and the cash register is located
- a plan should be drawn to a suitable scale so that all elements above are clearly identified. A suggested scale is 1000:1cm = 1m.

**An example of a plan is provided below.**

**Storing an approved plan**

A copy of the approved plan must be kept on the licensed premises and must be available for inspection on request by a member of Victoria Police or a Compliance Inspector.

Failure to keep a copy of the plan on the licensed premises or produce a copy of the plan for inspection could result in a fine being issued.

If you do not have a copy of your approved plan, you can obtain a copy from LCV at no extra cost.

**Restaurant and cafe licences and On-premises licences**

If applying for a licence to trade, identify the area to be licensed and separately outline this area in red on the plan. LCV will mark this area with an AA on the approved copy of the plan. This area is referred to as the **Authorized Area**.

**General licences**

A general licence authorises the supply of liquor to patrons for consumption off the licensed premises, being a footpath or kerbside area. Therefore this area does not need to be identified on the plan.

Please note that licensees must comply with relevant local planning laws.

Where a proposed licensed or authorised area includes large outdoor spaces, a separate site plan must be provided that shows:

- the entire site including internal and external areas drawn to a suitable scale
- outline in red the proposed area that is to be licensed
- clear descriptions of how the proposed outdoor area will be distinguished (for example, fences, portable barriers, warning signs)

**If the plan does not meet these requirements, the applicant will be required to resubmit the plan.**

**Liquor Control Victoria**

JULY 2023

Liquor Control Victoria, PO Box 1019, Richmond VIC  
P: 1800 162 457 E: [contact@liquor.vic.gov.au](mailto:contact@liquor.vic.gov.au)  
[Report.nvic.vic](http://Report.nvic.vic)

The information on this page is for general information only. It does not constitute a contract or a statement of the law. It is subject to change without notice. It is not intended to be used as a basis for legal advice. For more information, please contact your legal adviser.



**Attachment 5: Screenshot from Liquor Control Victoria website re Minors and licensed premises. This is included simply in case this issue is brought up by anyone**

Anyone under the age of 18 years is considered a minor.

The legal drinking age in Victoria is 18 years. It's illegal for any person to supply alcohol to a minor on licensed premises. It's also illegal for a minor to be on licensed premises to purchase, receive or consume alcohol.

## Minors and licensed premises

Minors are not permitted to drink alcohol on licensed premises under any circumstances.

Depending on the situation, a minor may be allowed on licensed premises.

A minor may be on licensed premises if they are in the company of a *responsible adult*.

A *responsible adult* is defined as a person who is 18 years or older and is:

- the minor's parent, step-parent, guardian, grandparent, or
- the minor's spouse who is over the age of 18 years, or
- a person who is acting in place of a parent and who could reasonably be expected to exercise responsible supervision of the minor – for example, a sporting coach.

An unaccompanied minor cannot be on licensed premises unless:

- there is a condition allowing them to be on the licence (for example, a junior sports club)
- it holds a restaurant and cafe licence (until 11pm)
- it holds an on-premises licence with restaurant conditions (until 11pm)

Other circumstances that permit minors on licensed premises are if the minor is:

- having a meal, or
- is a resident of the premises if accommodation is supplied, or
- employed by the licensee but not involved in the supply of alcohol, or
- completing a Liquor Control Victoria (LCV) approved training program in hospitality.

## Refusing service

A licensee must not sell alcohol to a customer if they suspect the customer will give the alcohol to a minor. This is called secondary supply.

### Licensee obligations ^

Licensee obligations

Acceptable forms of identification

Advertising and promotion

Demerit point system

Drink spiking

Fees and fines

Free water for patrons

Intoxicated patrons

Packaged liquor delivery reporting

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Wholesale liquor data reporting

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**Attachment 6: Government Media release, general information and maps regarding the Night Network.** While the 11pm latest closing time is such that the proposal will not need to rely on the Night Network, it is relevant that a main part of the Night Network's purpose is to *facilitate access to entertainment* (this was also the case for the government's earlier extending of operating times for both trains and trams until after midnight the following day on Fridays and Saturdays<sup>25</sup>).

## Media Release

The Hon Jacinta Allan MP  
Minister for Public Transport  
Minister for Employment



Thursday, 6 August, 2015

### 24 HOUR PUBLIC TRANSPORT TO GET YOU HOMESAFE

24 hour public transport is coming to Victoria. From 1 January 2016, the Andrews Labor Government will trial all-night public transport on weekends – delivering a key election commitment.

Minister for Public Transport Jacinta Allan and Minister for Police Wade Noonan outlined details of the one-year *Homesafe* trial, which will get people home safe on public transport to the suburbs and regional areas.

During the trial, metro trains will depart from Flinders Street Station every 60 minutes on all lines except Stony Point and Flemington Racecourse.

Trams will also operate every 30 minutes on six key routes – the 19, 67, 75, 86, 96 and 109 – providing services to St Kilda, Coburg, Bundoora, Port Melbourne, Carnegie, Box Hill, Vermont South and Brunswick, as well as within the CBD.

A revamped and improved night bus network will include 20 routes, with a mix of routes operating from the city and others providing suburban connections from train stations and from suburban night-time hubs including Dandenong and Frankston.

V/Line coaches will depart from Southern Cross Station at around 2am, bound for Bendigo, Ballarat, Traralgon, and Geelong. The coaches will provide a mix of express and stopping services.

To support *Homesafe*, the Government has given Victoria Police funding for 171 extra transport security officers - 109 Protective Services Officers and 62 transit police.

The roving transit police will patrol all train lines through the night on weekends and use divisional vans to transport alleged offenders or travel quickly to where they are needed.

If successful, 24-hour weekend public transport trial will be continued and expanded where necessary.

Quotes to be attributed to Minister for Public Transport Jacinta Allan

*"A world-class city deserves 24-hour public transport. It's good for our economy, for shift workers and for people who want to get home safe after a night out."*

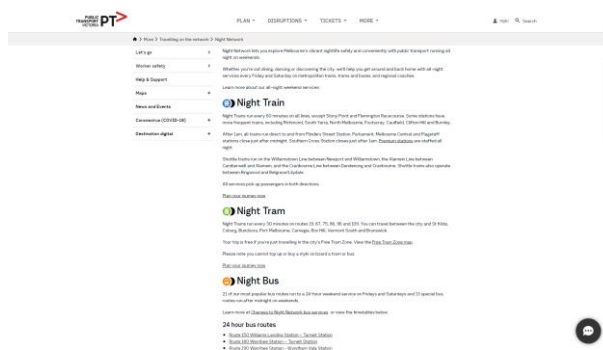
*"People who live in the outer suburbs and regional areas shouldn't have to miss out on Melbourne's vibrant night life. This trial is about giving them a safe and affordable way to get home."*

Quotes to be attributed to Minister for Police Wade Noonan

*"Our PSOs and transit police will work throughout the night to help keep the travelling public safe."*

*"People should be able to go out and enjoy themselves or end a late-night shift and be able to catch safe and reliable public transport home."*

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25 It is hard to find official information about this online, however, <https://danielbowen.com/2017/04/26/night-network-made-permanent/>, states, "In late 2006, the government extended trains and trams to run until 1am on Friday and Saturday nights, finally recognising that more people are out and about late on weekends than other nights". Having grown up in Melbourne in the 1980s and 90s, I can confirm that all trains and trams used to stop running (from the CBD) at midnight Mon-Sat

