



KNOX CITY COUNCIL MINUTES

STRATEGIC PLANNING COMMITTEE

Meeting held
at the Civic Centre,
511 Burwood Highway
Wantirna South
on
Monday, 11 December 2017

Meeting Opened at 7.00pm

Present

<i>Cr J Mortimore (Mayor & Chairperson)</i>	<i>Chandler Ward</i>
<i>Cr J Keogh (Deputy Mayor)</i>	<i>Dobson Ward</i>
<i>Cr P Lockwood</i>	<i>Baird Ward</i>
<i>Cr J Taylor</i>	<i>Collier Ward</i>
<i>Cr A Gill</i>	<i>Dinsdale Ward</i>
<i>Cr T Holland</i>	<i>Friberg Ward</i>
<i>Cr L Cooper</i>	<i>Scott Ward</i>
<i>Cr D Pearce</i>	<i>Taylor Ward</i>
<i>Cr N Seymour</i>	<i>Tirhatuan Ward</i>
<i>Mr T Doyle</i>	<i>Chief Executive Officer</i>
<i>Mr Ian Bell</i>	<i>Engineering & Infrastructure</i>
<i>Mr A Kourambas</i>	<i>Director - City Development</i>
<i>Mr M Fromberg</i>	<i>Director – Corporate Development</i>
<i>Ms K Stubbings</i>	<i>Director – Community Services</i>
<i>Mr R McKail</i>	<i>Governance Advisor</i>

Apologies

Nil.

Declarations of Conflict of Interest

Nil.

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ALL WARDS**1. APPOINTMENTS TO THE EASTERN REGIONAL GROUP OF COUNCILS (ERG)**

SUMMARY: *Tony Doyle (Chief Executive Officer)*

This report seeks the Committee's approval to appoint the Mayor and one other Councillor to the Eastern Regional Group of Councils (ERG).

RECOMMENDATION

That the Committee resolve to appoint the Mayor, Councillor John Mortimore and Councillor to act as Council's representatives on the Eastern Regional Group of Councils for the 2017/18 period effective from 12 December 2017.

1. INTRODUCTION

Councils in the eastern area of Melbourne have worked collectively over many years to advocate on behalf of their communities, as an informal issues-based forum known as the Eastern Regional Group of Councils.

The Strategic Planning Committee Meeting on 13 November 2017 approved entering into a more formal arrangement to strengthen the partnership and coordination across the eastern group of councils. This included authorising the Chief Executive Officer to oversee and agree the formal agreement between member Councils.

The agreement formalising the Eastern Regional Group of Councils (ERG) has been prepared and it is now appropriate that Council formally appoint Councillor representatives to the ERG.

2. DISCUSSION

The formal governance model proposed for the ERG is in the form of an Eastern Regional Group of Councils Agreement made pursuant to section 193 of the *Local Government Act 1989 (the agreement)*.

Council was previously represented on the informal forum by the Mayor.

Pursuant to the new agreement establishing the ERG, each Member shall appoint its Mayor and one other Councillor to act as representatives of the ERG.

The Mayor from each member council forms the overarching eastern region entity. The Mayors group will elect a chair who will preside over the ERG.

3. CONSULTATION

The formalisation of the ERG structure was done in consultation with all member Councils of the ERG and the Governance arrangements were approved by the Strategic Planning Committee on 13 November 2017.

1. Appointments to the Eastern Regional Group of Councils (ERG) (cont'd)

4. ENVIRONMENTAL/AMENITY ISSUES

There are no direct environmental impacts from this report, however, greater regional coordination could drive better environmental outcomes for our community.

5. FINANCIAL & ECONOMIC IMPLICATIONS

The financial implications of Council's membership of the ERG were considered by the Strategic Planning Committee at its meeting on 13 November 2017. There are no direct financial implications arising as a consequence of appointing Councillor representatives to the ERG

6. SOCIAL IMPLICATIONS

A strong and coordinated regional approach is likely to gain improved social outcomes for our community.

7. RELEVANCE TO KNOX COMMUNITY AND COUNCIL PLAN 2017-2021

Participation in the Eastern Region Group aligns with all goals included in the Knox Community and Council Plan 2017-2021 by improving Council's effectiveness across a range of issues through being part of a strong regional voice.

8. CONCLUSION

The recommended appointment of Councillor representatives to the ERG is in accordance with the agreement formally establishing the ERG and future appointments will be made at Council's annual Statutory Meeting.

9. CONFIDENTIALITY

There are no issues of confidentiality associated with this report.

COUNCIL RESOLUTION

MOVED: CR. KEOGH

SECONDED: CR. HOLLAND

That the Committee resolve to appoint the Mayor, Councillor John Mortimore and Councillor Keogh to act as Council's representatives on the Eastern Regional Group of Councils for the 2017/18 period effective from 12 December 2017.

CARRIED

ALL WARDS**2. PACKAGED LIQUOR OUTLETS – GC AMENDMENT TO THE KNOX PLANNING SCHEME**

SUMMARY: *Manager Community Wellbeing (Kathy Parton)
Manager City Futures (Tanya Clark)*

Knox City Council has joined with the South East Melbourne Councils Alliance (SEMCA) and other partner Councils to undertake research to identify the relationship between packaged liquor outlet density and alcohol-related harm and to participate in a joint planning scheme amendment process to address State Government policy gaps in the assessment of planning applications for packaged liquor licences. The initiative is a Council priority outlined in the Community and Council Plan 2017-2021.

There is currently no locally based policy in the Knox Planning Scheme which provides guidance or direction in considering liquor licence applications for packaged liquor outlets, outside of the broader state policy context, which focuses on amenity-based issues for on-premises liquor licences.

This report seeks Council approval to seek authorisation from the Minister for Planning to prepare and exhibit a proposed Group of Councils (GC) planning scheme amendment to amend each Council's Planning Scheme. The amendment seeks to introduce a new local policy into each member Council's planning scheme and make other associated changes, to address packaged liquor outlet density and to minimise alcohol related harm in the assessment of planning applications for packaged liquor licences.

RECOMMENDATION

That Council:

1. seek authorisation from the Minister for Planning under Section 8A(2) of the Planning and Environment Act 1987, to prepare and exhibit Planning Scheme Amendment GC76, generally in accordance with the documentation attached as Appendix B;
2. subject to receiving authorisation from the Minister for Planning, place Amendment GC76 on public exhibition for a period of at least one month, with notification to occur in accordance with Section 19 of the Planning and Environment Act 1987;
3. authorise the Director - City Development to make minor changes to Amendment GC76 throughout the course of the amendment process, where the changes do not affect the purpose or intent of the Amendment, and as recommended by the SEMCA project working group; and

2. **Packaged Liquor Outlets – GC Amendment to the Knox Planning Scheme (cont'd)**

Recommendation (cont'd)

4. approve the *Draft Knox Alcohol Policy Direction Paper, Dec 2017* attached as Appendix A for the purposes of public exhibition.

1. INTRODUCTION

Council's primary role concerning liquor licence approvals is through its decision-making role on planning applications for liquor licences under the *Planning and Environment Act 1987* (the Act). Under the Act, the Knox Planning Scheme (the Scheme) guides and regulates land use and development within the City of Knox. It is the framework (used by Council and VCAT) to make decisions on planning permit applications.

A planning permit is currently required under the Scheme for any application for a liquor licence. Clause 52.27 (Licensed Premises) provides State provisions which guide assessment of any application for liquor licence.

Councils also have the opportunity to have input into liquor licence approval processes under the *Liquor Control Reform Act 1998*, through consultation processes of the Victorian Commission for Gambling and Liquor Regulation (VCGLR).

Knox City Council has partnered with the South-East Melbourne Councils Alliance (SEMCA), which consists of the municipalities of Bass Coast, Cardinia, Casey, Frankston, Greater Dandenong, Kingston as well as with the City of Maroondah, to investigate links between packaged liquor outlet density and alcohol related harms, with the aim of seeking outcomes to minimise alcohol-related harm (i.e. family violence and crime) in the community.

The project acknowledges that alcohol-related industries provide important community benefits in the form of leisure and entertainment opportunities, contribution to the creation of vibrant activity centres, employment, local and regional investment and community donations. It also recognises however, that Councils do have a legitimate responsibility within the liquor regulatory framework, and there is a need for corporate and social responsibility to minimise harm, and to protect and enhance the community's health, wellbeing and safety.

This report provides information regarding the SEMCA group and the work it has undertaken on the density of packaged liquor outlets, outlines the State Government policy gap which currently exists relating to consideration of liquor licence applications, and outlines a proposed Group of Council (GC) planning scheme amendment to address the identified policy gap.

2. Packaged Liquor Outlets – GC Amendment to the Knox Planning Scheme (cont'd)

2. DISCUSSION

2.1 Background to SEMCA Project

The South-East Melbourne Councils Alliance (SEMCA) is a sub-regional alliance supported by the seven Chief Executive Officers and Mayors from the Shires of Bass Coast, Cardinia and Mornington Peninsula, and the Cities of Casey, Greater Dandenong, Kingston and Frankston.

In 2013 the SEMCA group became aware of an increasing number of packaged liquor outlets in the South-East region. When combined with significantly high and increasing rates of family violence in its region, there was an emerging view that packaged liquor outlet density was contributing to higher levels of alcohol consumption in the home and other private settings, which was having consequences in terms of alcohol-related harms, including higher rates of family violence and crime in the region.

Related issues included over-saturation of the market by packaged liquor outlets, competitive discounting and the impact of new 'big box' packaged liquor outlets (which are often larger than the footprint of a general supermarket) were also emerging.

A SEMCA Consortia Working Group was established to investigate links between licensed venue outlet density, particularly the role packaged liquor outlets play in relation to alcohol-related harms such as family violence.

Key stakeholders from Victoria Police, Ambulance Victoria, Turning Point Drug and Alcohol Research and the Department of Justice also partnered in support of the work. The SEMCA group was granted access to unique and highly sensitive crime data sets through an MOU with Victoria Police. This agreement allowed the member Councils to access previously restricted data that revealed crime hot spots at a highly localised level.

Phase 1 of the project involved the appointment of a number of expert consultants from a range of fields including land use, social planning, economic analysis, and spatial mapping and demography research was undertaken and a number of reports were produced. Specific outcomes of these investigations in Phase 1 are included in Sections 2.2 and 2.3 of this report.

Upon completion of Phase 1 the SEMCA group identified that there would be benefits in including additional Councils to ensure the proof of concept in applying a planning policy had broader application beyond the original member Councils. As a result, since April 2017, the Cities of Knox and Maroondah partnered with the SEMCA group for Phase 2 of the project.

2. **Packaged Liquor Outlets – GC Amendment to the Knox Planning Scheme (cont'd)**

Phase 2 of the project comprises:

- Update of data sets and spatial mapping to include both the Cities of Knox and Maroondah into the project evidence base.
- Preparation of a planning scheme amendment to introduce a local planning policy into each planning scheme to address the identified policy gaps.
- Advocacy for improvements to State policy frameworks (e.g., advocating for change to the Victoria Planning Provisions across all Planning Schemes in Victoria, which can only be undertaken by the Minister for Planning).
- Development of decision-making guidelines, tools, and mapping solutions to support Council staff dealing with liquor licence and planning permit applications.

2.2 **SEMCA Research Findings**

The research undertaken as part of Phase 1 of the SEMCA project looked at both broad sector-wide trends in relation to alcohol consumption and liquor outlet density, as well as more specific trends and analysis of data relating to the south-east region of Melbourne. It also reviewed the current legislative framework, focusing on the role of Local Government in liquor regulation, making a number of recommendations for legislative change and advocacy.

The research which has been carried out by the SEMCA group as part of Phase 1 of the project identified that:

General alcohol consumption patterns and alcohol related harms:

- Nearly 80% of liquor consumed in Australia is purchased at packaged liquor outlets, and this proportion is increasing.
- There is strong and consistent evidence that major changes in the retail availability of alcohol changes drinking behaviour. Increases in supply have been shown to lead to increases in consumption, while conversely, decreased supply has reduced risky behaviour.
- Episodic heavy drinking (binge drinking), heavy drinking by young people, and episodic risky drinking by adults occur more frequently in neighbourhoods with higher densities of packaged liquor outlets.
- Socially marginalised drinkers are more likely to be influenced by changes in alcohol availability than other drinkers, and changes to outlet density could therefore markedly affect the consumption and long-term health problems of some sub-groups.
- Outlet density, and clustering, are more likely to have an effect on binge drinking, on alcohol-related injuries and violence.

2. **Packaged Liquor Outlets – GC Amendment to the Knox Planning Scheme (cont'd)**

- There is growing local as well as international evidence which links the density of packaged liquor outlets to heavy drinking and alcohol related harm. A 2013 study found that in an average Melbourne postcode, a 10% increase in packaged liquor outlet density is likely to lead to approximately:
 - 1% increase in assaults recorded by the police;
 - 0.5% increase in hospitalisations due to assault;
 - 3.3% percent increase in family violence incidents recorded by the police; and
 - 1.9% increase in hospitalisations due to alcohol-specific chronic disease.
- In disadvantaged suburbs, the same study suggested a 10% increase in packaged liquor outlets is likely to lead to a 2% increase in assaults and 12% increase in family violence.
- The most effective policies for reducing alcohol consumption and related harms are those focused on restricting alcohol availability and accessibility.

Economic analysis:

- Total floor space of packaged liquor outlets is more relevant than the number of outlets, as large format retail outlets (i.e.: @1,400m²) can be five or more times the floor space of a smaller conventional packaged liquor outlet (i.e.: 150-300m²);
- There is potential for different impacts of outlets because of their size and associated retail catchment (large format outlets have much larger catchments than smaller outlets). Therefore, assessment of planning application should take into account retail catchments, rather than specific distances to assess impact of clustering.
- Existing spending on packaged liquor in metropolitan Melbourne is estimated to support 80m² of packaged liquor per 1,000 adults. Therefore, floor space above this figure could lead to an oversupply which may have adverse impacts. Proposals that result in floor space above this level should undergo more detailed assessment.

Spatial Analysis:

- Spatial analysis of the south-eastern Councils participating in Phase 1 identified specific “harm hotspots” based on an analysis of packaged liquor supply and harm incidents reported to Police.
- The analysis found that the top 10% of suburbs with the highest rates of harm had significantly greater alcohol availability, and were considerably more disadvantaged than the remaining 90% of suburbs.

2. **Packaged Liquor Outlets – GC Amendment to the Knox Planning Scheme (cont'd)**

2.3 Legislative Framework Review

The sale and consumption of liquor sales in Victoria are primarily regulated by the *Liquor Control Reform Act 1998* and the *Planning and Environment Act 1987*.

The *Liquor Control Reform Act 1998* regulates the sale and consumption of liquor through the issuing of liquor licences. The Act aims to minimise harm and ensure that the supply of liquor contributes to, and does not detract from, the amenity of community life.

The *Planning and Environment Act 1987* provides a framework for the use, development and protection of land in Victoria. In determining planning permit applications, responsible authorities have an obligation to consider any significant social and economic effects of a proposed use or development. A planning permit is required for many types of liquor licences, including packaged liquor licenses.

Prior to 8 April 2011, there was no planning permit required for packaged liquor licences (only for on-premises liquor licences). In introducing a permit requirement for packaged liquor licences through Amendment VC79, the Minister for Planning specifically stated in the Explanatory Report that:

- *“The sale of packaged liquor can have significant impacts on the safety and amenity of an area, particularly when sold after 11pm, and can add to incidents of alcohol related harm. The amendment is required to allow a responsible authority to consider community submissions, amenity, cumulative impact and other relevant matters when assessing planning applications to use land to sell packaged liquor.”*
- *“The amendment will change planning schemes to require a responsible authority to assess the social and economic benefits created by the sale of packaged liquor, against the costs of alcohol related harm to the community, amenity impacts and cumulative impacts from licensed premises.”*

Clause 52.27 - Licensed premises of the planning scheme (which applies to all Victorian Councils) provides specific provisions for consideration of all permit applications for liquor licences, including packaged liquor licences. It seeks to ensure that licensed premises are appropriately located and that their impact on the amenity of the surrounding area is considered in decision-making.

2. **Packaged Liquor Outlets – GC Amendment to the Knox Planning Scheme (cont'd)**

The key outcome of the analysis of the legislative framework as part of Phase 1 of the SEMCA project was that the existing planning framework for assessing packaged liquor outlets needs improvement. Clause 52.27 does require the cumulative impact of licensed premises to be taken into account when making a decision, however the decision guidelines focus on the amenity of the area surrounding the application site, rather than social or economic impacts of licensed premises.

Assessment guidelines of Clause 52.27 were also found to be more relevant for inner city on-premises venues, with little relevance to packaged liquor outlet proposals. They provide insufficient basis for community health, wellbeing and safety to be considered in the assessment of licensed premises, and as a result, there has been a narrow interpretation of Clause 52.27 by the Victorian Civil and Administrative Tribunal (VCAT) and planning panels.

This has in turn resulted in significant challenges to Councils in attempting to create an evidentiary link between a proposed outlet and its potential harm as a basis for refusal of a planning permit, and being able to substantiate this at VCAT.

The inability of Clause 52.27 to allow Councils to undertake a wider consideration of all social and economic impacts (as was originally envisaged when Amendment VC79 was introduced in 2011), including the social impacts associated with the cumulative impacts of packaged liquor outlets, has been a source of frustration amongst many local councils, including Knox.

The Phase 1 SEMCA review of the legislative framework around liquor sales and consumption, made a number of recommendations relating to legislative change, including:

- That Councils should advocate to the State Government to:
 - Amend Clause 52.27 and associated practice notes to broaden its purpose beyond amenity to include health, wellbeing and community safety impacts and harm minimisation, and allow for improved consideration of the potential negative cumulative impacts of packaged liquor outlets;
 - Amend the State Planning Policy Framework within planning schemes to recognise alcohol harm minimisation as supporting the objectives of Planning in Victoria, and develop specific objectives and strategies to guide decision making in relation to packaged liquor outlets; and
 - Require Municipal Public Health and Wellbeing Plans to be taken into account when reviewing local sections of the Planning Scheme.

2. **Packaged Liquor Outlets – GC Amendment to the Knox Planning Scheme (cont'd)**

- That Councils should introduce provisions into their Local Planning Policy Frameworks within their planning schemes to:
 - Ensure that total floor space of packaged liquor outlets is proportionate to the role and function of the relevant activity centre;
 - Direct large format packaged liquor outlets to higher order activity centres and bulky good retail areas;
 - Discourage stand-alone packaged liquor outlets in out-of-centre locations;
 - Discourage the clustering of packaged liquor outlets and oversupply of packaged liquor floor space in more socially disadvantaged areas;
 - Require consideration of the of cumulative and social impact of package liquor outlets;
 - Discourage packaged liquor outlets in close proximity to health services that provide drug, alcohol or mental health treatment, or close to areas predominantly used by persons under 18 years of age (e.g. schools); and,
 - Limit trading hours of packaged liquor outlets to not later than 11:00pm.

2.4 **State Government Policy Gaps**

The review of the legislative framework has identified that there are currently no local-based policies in any planning scheme which provides for community health, wellbeing and safety to be considered in the assessment of a liquor licence applications. In particular, there is an identified policy gap in being able to consider the cumulative impacts of packaged liquor outlets, and any associated social harm.

The outcomes of Phase 1 research identified that ideally, any changes to local provisions of planning schemes would be more effective with concurrent changes to the State-wide provisions of the scheme, however Councils cannot undertake such changes themselves. Advocacy by SEMCA representatives to the Department of Environment, Land, Water and Planning (DELWP) to seek support for changes to State-wide provisions of planning schemes, including changes to Clause 52.27, have not, to date, resulted in any support at a State level for such changes.

It is therefore hoped that proceeding to seek authorisation for an amendment to change the local provisions of the participating Council's planning schemes will encourage further discussion with DELWP and the Minister for Planning around the issues of packaged liquor outlets and assessing associated social harm, and the need for broader change to State policies and associated decision guidelines in planning schemes.

2. **Packaged Liquor Outlets – GC Amendment to the Knox Planning Scheme (cont'd)**

Ultimately though, if support is not received for concurrent changes to the State-wide provisions, the SEMCA group will pursue changes to local provisions of participating Councils on their own.

The proposed amendment will be breaking new ground in local policy content in Victorian planning schemes. It will be “testing the waters” in a similar way to other Councils have done in the past in introducing local policies on Gaming and Environmentally Sustainable Development (ESD) into their planning schemes, which at the time were not receiving any traction or support at a State level. Through undertaking their own research and policy development, Councils (or groups of Councils), have been able to have the issues addressed through planning scheme amendment and panel processes, resulting in their ultimate approval by the Minister for Planning.

In 2014, the Cities of Banyule, Moreland, Port Phillip, Stonnington, Whitehorse and Yarra worked together to achieve an ESD local policy in their planning schemes, despite resistance at a State level for such a policy being proposed on an individual Council basis. An Advisory Committee was appointed to advise on the applicability and suitability of the ESD policy, which ultimately recommended to the Minister that in the absence of an overall State-wide approach, the individual ESD policies should be supported.

Similarly, the SEMCA group is hoping that this GC amendment process for packaged liquor outlets will raise the profile of the issue at a State level, and allow for the legitimacy of the policy to be tested through the exhibition and panel processes of a planning scheme amendment.

2.5 **Local Context for Knox**

2.5.1 **Planning Scheme Review**

The need for Council to review planning policies in the Knox Planning Scheme relating to licensed premises was identified and recommended by the Knox Planning Scheme Review 2015. The Review specifically recommended that Council should:

- *Develop a Licensed Premises Policy and Study to provide direction for the appropriate assessment of licensed premises within the municipality and investigate opportunities to incorporate into the Knox Planning Scheme as appropriate.*

In undertaking further research for this review recommendation, it became known that other Councils were seeking to undertake similar initiatives. It was therefore considered advantageous to partner with other Councils in a collaborative approach, as part of the SEMCA project, to further advance this issue.

2. Packaged Liquor Outlets – GC Amendment to the Knox Planning Scheme (cont'd)

2.5.2 Knox Liquor Accord

The City of Knox is proactive in its activities in advocacy, community consultation and partnership projects around the sale and consumption of liquor, which seek to mitigate risks of alcohol related harm in the community.

The Knox Liquor Accord, launched in October 2015, aims to address licensing and permit issues, patron behaviour and control, venue management, community safety and amenity issues.

The objectives of the Liquor Accord seek to influence the management of off-site amenity impacts from licensed venues, discourage packaged liquor outlets which will contribute to negative cumulative impacts on alcohol misuse, facilitate consideration of social and economic disadvantage in areas where new packaged liquor outlets are proposed, consider social impacts of licensed venues, and working collaboratively with partners to reduce alcohol related harm in the community.

Through the Liquor Accord, Council has an active partnership with liquor venue licensees, packaged liquor outlets, Victoria Police, security providers and the VCGLR.

2.5.3 Eastern Metropolitan Region – Action on Alcohol Flagship Group

The Flagship Group is a partnership with eastern regional organisations working collectively to address and reduce harms from alcohol. Membership includes seven local Councils, primary care partnerships (inner/outer) and community health services agencies. The purpose of the group is to align primary prevention efforts to reduce alcohol related harm and impacts on local communities in the eastern metropolitan region.

In 2015 the Flagship Group convened an Action on Alcohol conference for eastern region Councils (Councillors and officers, including community services and statutory and strategic planners), Victoria Police and a range of community health agencies. The primary focus of the conference were the challenges associated with the significant regulatory limitations being placed on local government to appropriately plan for licensed premises (in particular packaged liquor) in the best interests of the community. This issue is a key advocacy platform for the Group.

2. **Packaged Liquor Outlets – GC Amendment to the Knox Planning Scheme (cont'd)**

2.5.4 Knox Community Investment Plan

The SEMCA project objectives are consistent with Council's recent local advocacy initiative *"Building a Better Knox – Community Investment Plan"*. This plan identifies growing community safety and health issues associated with alcohol consumption, and the challenges of Councils to minimise negative impacts of packaged liquor outlets in response. The Plan states:

- *"A new research project conducted by the SEMCA has identified a correlation between the size and number of packaged liquor outlets and increased rates of alcohol harm. Local Government does not currently have the ability to limit this negative impact. The Victorian planning framework needs to incorporate decision making options that balance the public's expectations for access to alcohol with the ability to address the consequences of its harmful use in the community. Knox City Council advocates for a review and amendment of the Victorian statutory planning provisions."*

2.5.5 Knox Alcohol Policy Directions Paper

As part of Phase 2 of the SEMCA project, the liquor data and spatial analysis undertaken for participating Councils in Phase 1 is currently being updated to include the City of Knox.

As part of Council's own research into investigating alcohol related issues, Council officers have prepared a background paper, the *Draft Knox Alcohol Policy Directions Paper, Dec 2017*, to summarise the local context on the sale and consumption of alcohol in Knox. A copy of the Draft Directions Paper is at Appendix A.

The key messages from the *Draft Knox Alcohol Policy Directions Paper* are:

- Nearly 80% of alcohol consumed in Australia is sold at packaged liquor outlets, and this proportion is increasing;
- The number of packaged liquor outlets in Victoria has increased by 49.5% over the past 15 years, an increase of 18.2% relative to population;
- Packaged liquor licences in Knox constitute 12.7% of all liquor licences, higher than the metropolitan Melbourne (10.3%) and Victoria (9.5%);
- The 2014 Victorian Health Survey revealed Knox residents spend more on packaged liquor than liquor from licensed venues;

2. **Packaged Liquor Outlets – GC Amendment to the Knox Planning Scheme (cont'd)**

- In 2013, Knox has a shorter than average distance to all liquor licence types, compared to Metropolitan Melbourne. For packaged liquor licences, the average distance for Knox was 1.1km compared to 1.4km for metropolitan Melbourne;
- Research suggests that there is a link between SEIFA disadvantage and the density of packaged liquor outlets i.e. the more disadvantaged suburbs are likely to have a higher alcohol outlet density. In Knox, Bayswater is the most disadvantaged on the SEIFA index, and has the highest rate of alcohol outlet density (0.9 outlets/100 population);
- Knox consistently ranks high compared to Eastern Metropolitan Region for hospitalisations and ambulance attendances for harm associated with alcohol. Alcohol related hospital admission rates for women significantly exceed the metropolitan average (46.5 admissions per 10,000 populations, compared with 35.1 for Victoria). For 15-24 year olds, alcohol related emergency department admissions also significantly exceed Victorian averages (41.5 per 10,000 in Knox, compared to 25.2 Victorian average); and
- Alcohol plays a substantial contributing role in family violence and assault crimes in Knox. Knox has the highest rate of alcohol family violence in the Eastern Metropolitan Region (2012/13). The highest rates of alcohol related offences in Knox occur in Boronia (27.3%) and Ferntree Gully (19.5%), which coincides with the highest number of packaged liquor outlets.

The *Draft Knox Alcohol Policy Direction Paper* provides local context and informs and supports the proposed planning scheme amendment (as it relates to Knox). It is proposed that this Direction Paper be placed on exhibition with the proposed GC amendment, with a view to it then adopting the document formally at the time the amendment is adopted, and included as a Reference Document to the proposed local policy as part of the GC Amendment.

2.6 **Proposed GC Amendment**

A Group of Council (GC) Amendment is one amendment process undertaken for a number of Councils at the same time. This is the first time the City of Knox has participated in a GC amendment process as a planning authority.

The proposed GC Amendment will have all participating Councils listed as joint planning authorities for the amendment. The amendment will be predominantly the same for each Council, although some minor content variations may be required across each Council, as well as specific changes to each Council's Municipal Strategic Statement which will differ for each Council.

2. **Packaged Liquor Outlets – GC Amendment to the Knox Planning Scheme (cont'd)**

The process requires each participating Council to approve the preparation of the same amendment and to approve the process of seeking authorisation for the amendment from the Minister of Planning. Subject to authorisation being received, each participating Council will effectively place the same amendment on exhibition, and all submissions to the amendment will be heard by the same planning panel.

For the purposes of seeking authorisation, participating Councils are required to have a draft amendment and a draft explanatory report for the Minister's consideration. A draft GC Amendment has been prepared by the SEMCA working group for consideration by each Council, which proposes to introduce a new local planning policy into the Local Planning Policy Framework of each participating Council, and make other associated changes to the Municipal Strategic Statement of each participating Council. A copy of this documentation is provided as Appendix B.

The draft Local Planning Policy seeks to introduce policy provisions relating to the consideration of planning permit applications for packaged liquor licences, to:

- Ensure the cumulative impact of packaged liquor floor space is assessed;
- Manage the location, floor area and type of packaged liquor outlets so as to avoid and mitigate potential amenity impacts;
- Ensure the assessment of amenity impacts from packaged liquor outlets includes consideration of community health, wellbeing and safety;
- Minimise the potential for alcohol-related transferred harm associated with off-premises consumption of products purchased from packaged liquor;
- Direct large format packaged liquor outlets into higher order activity centres (where they are accessible but not convenient), and discourage stand alone packaged liquor outlets in out of centre locations;
- Discourage packaged liquor outlets in areas of highest social disadvantage, and to discourage outlets in proximity to schools and health services that provide drug, alcohol or mental health treatment; and
- Require Social Impact Assessments to be included as part of the application assessment process where packaged liquor outlets are large format (i.e. net floor space over 1,000m²), or would result in an oversupply of packaged liquor floor space in a local area (i.e. over the metropolitan standard of 80m² of packaged liquor floor space per 1,000 adults).

2. Packaged Liquor Outlets – GC Amendment to the Knox Planning Scheme (cont'd)

The proposed local policy and other associated amendment documents are seeking to provide Council with an improved decision-making framework for packaged liquor outlets, which will require a more rigorous assessment process when applications present a higher risk to alcohol related harm.

2.7 Smart Planning Reform

The Smart Planning Reform is a Victorian Government led initiative that was launched in July 2016. Smart Planning is a two-year program to reform Victoria's planning system.

The objectives of the Smart Planning reform are to:

- Simplify planning regulation – this will improve the quality, consistency and efficiency of planning decision making; and
- Develop digital systems that allow citizens, industry and government to more easily access and understand planning rules and processes – this will boost activity, participation and efficiency.

A Smart Planning Discussion Paper by the State Government has been released, with comments required to have been submitted by 24 November 2017 from Councils and other planning practitioners. Given that these reforms are currently at the consultation stage, it is difficult to speculate how these reforms might impact on planning permit applications for licenced premises. The particular provisions of Victorian Planning Schemes is one of the areas where reform is proposed, which may also impact upon the specific content of Clause 52.27 - Licensed Premises, and the permit triggers for different types of licensed premises.

Council officers lodged a City of Knox response to the Smart Planning Reform Discussion Paper, which reflected the issues outlined in this report to advocate for the retention of key permit triggers and provisions within Clause 52.27 relating to packaged liquor licences, and for the planning system to facilitate appropriate consideration of the social and economic impacts of licensed premises, including the consideration of the cumulative impact of packaged liquor outlets.

3. CONSULTATION

This report and supporting documentation has been prepared with substantial input from officers across both the City Development and Community Services Directorates.

The SEMCA group has regularly engaged with various agencies throughout its project including Victoria Police, Ambulance Victoria, primary health networks, and the Department of Health and Department of Justice.

2. Packaged Liquor Outlets – GC Amendment to the Knox Planning Scheme (cont'd)

Since joining the SEMCA group in April 2017, both Knox and Maroondah have further contributed to these discussions, and have been able to broaden the consultation of the project with their own extensive network of community agencies and organisations, including:

- Community Safety Advisory Committee;
- Various Knox based community health and wellbeing agencies; and
- Victoria Police representatives.

Consultation for Phase 2 of the project will include the public exhibition process to be undertaken as part of the planning scheme amendment process, to meet statutory requirements. This will involve direct notification of relevant stakeholders including the liquor industry, local community groups and relevant organisations. As part of this, notices will also be placed in the relevant local newspapers, and will be made available on Council's website. Detailed consultation arrangements for the amendment process will be developed in conjunction with the SEMCA group, to meet statutory requirements and to achieve the project objectives. Outcomes of the statutory consultation process will be reported to Council following exhibition of the amendment.

Continued advocacy and consultation will also be required with various stakeholders and interest groups, to continue the work priorities and advocacy framework outlined in Knox's Council and Community Plan, the Community Investment Plan, and to support the SEMCA project initiatives.

4. ENVIRONMENTAL/AMENITY ISSUES

Participation in the SEMCA project and the proposed GC planning scheme amendment process is expected to positively impact on environmental/amenity outcomes for assessing packaged liquor outlet applications. It will improve the level of information required to be submitted by applicants for Council to consider applications for packaged liquor outlets, and ensure that appropriate consideration of amenity and community health and wellbeing based issues are addressed at the planning permit assessment stage, in accordance with strategies and objectives set out in the Knox Planning Scheme.

5. FINANCIAL & ECONOMIC IMPLICATIONS

The City of Knox is contributing financially to the SEMCA project, with all costs shared across all participating Councils. A contribution of \$16,000 was budgeted for within Council's 2016/17 budget, and will cover the updated spatial mapping and analysis for Knox and preparation of the GC amendment for authorisation purposes. A further contribution of \$20,000 forms part of the Phase 2 participation to cover exhibition and panel processes for the amendment which has been allocated within the 2017/2018 budget process.

2. **Packaged Liquor Outlets – GC Amendment to the Knox Planning Scheme (cont'd)**

It is noted that undertaking this amendment as a combined process with a number of other Councils will significantly reduce the cost of the overall amendment and associated panel costs. Given the complexity of this amendment process and the legal issues involved, conservative estimates for a single Council amendment process are estimated at between \$80,000 - \$100,000.

Development of the GC Amendment and consideration of future planning applications against the proposed local policy are expected to be met within existing department budgets.

6. SOCIAL IMPLICATIONS

There are strong indicators to suggest that harm from alcohol use in communities is significant and increasing, with alcohol misuse a significant risk factor for individual health and wellbeing, as well as broader social impacts, including domestic violence and crime.

Participation in this project, and the proposed GC Amendment support a harm minimisation approach to alcohol sale and consumption, which seeks to mitigate possible adverse social impacts through Council's statutory responsibilities as both a planning authority and responsible authority under the *Planning and Environment Act 1987*.

Participation in the SEMCA project and the proposed GC planning scheme amendment process is expected to positively impact on social outcomes for assessing packaged liquor outlet applications. It will improve the level of information required to be submitted by applicants for Council to consider applications for packaged liquor outlets, and in particular improve the ability to consider social impacts of the cumulative impact of packaged liquor outlets, as part of the Knox Planning Scheme.

7. RELEVANCE TO KNOX COMMUNITY AND COUNCIL PLAN 2017-2021

Participation in this project, and the proposed GC Amendment are an important Council priority identified in the following goals of the Community and Council Plan:

Goal 4: We are safe and secure

- *Strategy 4.1:* Encourage and support the community to take responsibility for their own safety, and the safety of others.
- *Council role and focus:* Advocate to the State Government for increased planning controls and social impact assessment criteria for liquor outlet density.

2. **Packaged Liquor Outlets – GC Amendment to the Knox Planning Scheme (cont'd)**

Goal 6: We are healthy, happy and well

- *Strategy 6.1:* Mitigate lifestyle risks such as smoking, risky alcohol consumption and drug use, obesity, lack of physical activity and poor nutrition.
- *Council role and focus:* Partner with State Government and regional and community organisations on a range of health and wellbeing outcomes (for example, gambling and alcohol reform).
- *Council Initiative 6.1.1:* Deliver health promotion and harm minimisation programs including:
 - Education/capacity building programs with sporting clubs focused on cultural change; and
 - Advocacy to improve planning policy responses and regulatory framework that manage the density of alcohol outlets within places or locations.

8. CONCLUSION

Local Government has a legitimate and important role to play in addressing alcohol-related harm, through its statutory responsibilities under both the *Planning & Environment Act 1987* and the *Liquor Control Reform Act 1998*. The research already undertaken suggests that Councils need stronger policy support in their planning schemes to be able to effectively do this.

This project is the first of its type in Australia where detailed consideration has been given towards better understanding at a localised level the correlations between packaged alcohol and increase in alcohol related crime and violence. Participating Councils have partnered with agencies and academia to explore the relationships and find appropriate responses. The most significant outcome will be improved assessment processes for planning applications for packaged liquor licences, which will facilitate the improved consideration of the social impact of alcohol related harm.

The GC planning scheme amendment process is only one component of the overall advocacy approach being proposed by SEMCA and partner Councils. Lodging an amendment request with the Minister for Planning for authorisation is, however, an important step in advancing the overall project and bringing the matter to the attention of the State Government.

It is hoped that being supported by a group of Councils, will afford the amendment significant weight in receiving Ministerial authorisation. This will allow the issue to proceed to exhibition and panel hearing stages for its due consideration by the community, key stakeholders and decision-makers, as appropriate.

The project is an important Council priority, identified as an initiative in the *Knox Community and Council Plan 2017-2021*.

2. Packaged Liquor Outlets – GC Amendment to the Knox Planning Scheme (cont'd)

9. CONFIDENTIALITY

There are no confidentiality issues associated with this report.

COUNCIL RESOLUTION

MOVED: CR. TAYLOR

SECONDED: CR. LOCKWOOD

That Council:

1. Seek authorisation from the Minister for Planning under Section 8A(2) of the Planning and Environment Act 1987, to prepare and exhibit a Group Council Planning Scheme Amendment, generally in accordance with the documentation attached as Appendix B, with the inclusion of the Victoria Police as a party to be notified, within Clause 66.06 of the Knox Planning Scheme;
2. Subject to receiving authorisation from the Minister for Planning, place the Group Council Planning Scheme Amendment on public exhibition for a period of at least one month, with notification to occur in accordance with Section 19 of the *Planning and Environment Act 1987*;
3. Authorise the Director - City Development to make minor changes to the Group Council Planning Scheme Amendment, throughout the course of the amendment process, where the changes do not affect the purpose or intent of the Amendment, and as recommended by the SEMCA project working group; and
4. Approve the *Draft Knox Alcohol Policy Direction Paper, Dec 2017* attached as Appendix A for the purposes of public exhibition.

CARRIED

DRAFT
KNOX ALCOHOL POLICY
DIRECTION PAPER

Official Minutes of Knox City Council



Knox City Council
December 2017

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1 Key Messages

Planning

- The existing policy framework in all planning schemes in relation to licensed premises focusses primarily on a narrow range of amenity issues; there is limited ability to consider broader community health and wellbeing impacts associated with packaged liquor outlets (PLOs).
- Nearly 80% of alcohol consumed in Australia is sold at PLOs and this proportion has steadily increased over time¹. Of particular concern, is the link between PLO density and family violence. Research has found that higher density of outlets, particularly of PLOs, can be associated with increased rates of family violence.
- Packaged Liquor Licences were the third highest percentage of active liquor licences in Knox, at 12.7%; and is higher than Melbourne, 10.3%, and Victoria, 9.5%, signalling a potential issue for further inquiry and consideration for future planning in Knox.

Supply Factors

- Research has identified that in Knox there are concerns for supply factors were the distance to outlets, the number of packaged outlets, and a prospective negative trend between socio-economic disadvantage and the location of outlets.
- **Distance to outlets:** In 2013, there was a shorter distance to outlets (late night, restaurant and café, and off-sales licences) for Knox compared to Metropolitan Melbourne, and therefore, a potentially more precarious relationship between density of outlets and increased drinking.²
- **Packaged Liquor licences:** In 2016, Knox had a higher proportion of packaged liquor licences (12.7%) compared to Melbourne Metropolitan (10.3% and Victoria (9.5%), but less café/restaurant and limited licences.³

Demand Factors

- **Expenditure:** The 2014 Victorian Health Survey revealed Knox residents spend more on packaged liquor than licenced venues. This increased spending may be linked to the higher amount of packaged liquor licences in Knox, compared to Metro Melbourne and Victoria.
- **Alcohol culture:** Research indicates that Knox youth perceive parents and community provide an enabling culture for drinking. For instance, parents are the main suppliers of alcohol to young people under 18 (Communities That Care Report, Knox). Almost half of Year 8 student's express positive attitudes to alcohol, increasing to almost three quarters in Year 10.⁴

¹ Livingston M, *Time to test the mechanisms of alcohol outlet density effects*, 2013, p.5

² *Annual Report 2014-15*, Victorian Commission for Gambling and Liquor Regulation (VCGLR), 2015

³ Ibid

⁴ *Victorian Public Health Survey*, VicHealth, 2014

Individual harm

- **Single occasion individual harms:** The report reveals a number of concerns for the individual harms associated with alcohol. Knox consistently ranks high compared to the Eastern Metropolitan Region for hospitalisations and ambulance attendances.
- **Youth alcohol misuse:** Alcohol misuse for youth is a potentially emerging issue about ambulance call outs, rates of assault during high alcohol hours, emergency department admissions, and the use of alcohol information services.
- **High-risk drinking at suburb level:** Bayswater/Boronia/The Basin and Ferntree Gully were pinpointed for a greater rate of high-risk drinking levels than Outer East Melbourne and Victoria (measured by the 2001 NHMRC guidelines).

Social harms

- **Alcohol offences.** The 2014 Victorian Public Health Survey indicates that Knox has a higher percentage of alcohol related offences than Victoria (3.2% compared to 2.6%). Almost a third of alcohol related offences occur in Boronia (27.3%), followed by Ferntree Gully (19.5%), which coincides with the two suburbs with the highest number of packaged liquor licences. The least occurs in Upper Ferntree Gully (1.0%).
- **Family violence:** Alcohol plays a substantial role in family violence and assault crimes in Knox. Knox was reported to have the highest rate of alcohol family violence in the Eastern Metropolitan Region in 2012/2013. The highest rates of alcohol involvement in family violence incidents are in Bayswater and Boronia, which corresponds to the highest rate of off-premises liquor licences.
- **Concealed social harms in residential locations:** Particularly noteworthy is the small amount of offences that occurred in a licensed premises (3.5%) and gaming venues (1.3%) between 2015 and 2016, compared to those occurring in residential locations (55.9%). In addition, Knox has almost half the amount of alcohol related offences occurring in licensed premises compared to Melbourne Metro (6.1%) and Victoria (6.7%).⁵
- **Visible social harms, the public space, and public perceptions of safety:** Between 2015 and 2016, 21% of alcohol offences in Knox were attributed to property and deception. Also in this timeframe, Knox had a higher percentage of 'public nuisance' offences involving alcohol compared to Melbourne Metro and Vic. Approximately 13% of respondents stated they felt unsafe in places where public drinking occurred.⁶

⁵ Crime Statistics Agency, 2015 & 2016

⁶ Ibid

2 Purpose

This report provides a background on the supply of packaged alcohol in Knox City Council taking into account the impact of alcohol-related harm in the local community.

It is recognised that the sale and consumption of alcohol, and alcohol-related industries, provide important community benefits in the form of leisure and entertainment opportunities, contribution to the creation of vibrant activity centres, employment, local and regional investment and community donations. However, there is also a need for corporate and social responsibility to minimise alcohol-related harm, and to protect the community's health and wellbeing. A key challenge for all governments is to create alcohol management frameworks that balance the rights of industry and those who enjoy using alcohol, with the right of all people to live, work and recreate in safe and healthy environments.

To address the complexity of these issues, in 2012 the South East Melbourne Councils Alliance (SEMCA) (Bass Coast, Cardinia, Casey, Frankston, Greater Dandenong, Kingston and Mornington Councils) partnered with Victoria Police, Ambulance Victoria, Swinburne University, the Australian Drug Foundation, and Turning Point Alcohol and Drug Research Centre. In 2017, Knox & Maroondah Councils joined the Alliance.

A key driver for the formation of the SEMCA was that all of the communities within the Alliance were experiencing high rates of alcohol incidents as a result of accessible, cheap packaged alcohol which was significantly impacting on quality of life, family violence incidents and other physical and social issues. Phase 1 of the SEMCA project is now complete, and a significant body of research and evidence has suggested that there are links between packaged liquor outlet density and alcohol related harms.

This report provides local context for the City of Knox in relation to issues impacting on the sale and consumption of alcohol, and informs the research being undertaken for a proposed local planning policy on Packaged Liquor Outlets (PLOs) in the Knox Planning Scheme. In December 2016 there were 41 packaged liquor outlets in Knox. The incorporation of a local policy into the Knox Planning Scheme is being proposed to provide a policy context for decisions on planning permit applications for new packaged liquor licence applications, as one component of Council's role in seeking to minimise alcohol-related harm in the community.

3 Background

3.1 Social & Health impacts of Alcohol

Over the past 15 years, the number of PLOs in Victoria increased by 49.5% overall, and by 18.2% relative to population.

The use of alcohol is recognised by the World Health Organisation as a global public health priority. In Australia current research suggests harm from alcohol is significant and "one of our nations' greatest preventative health challenges".

Alcohol misuse is a significant risk factor for individual health through chronic disease, injury, and mental health; and can result in significant economic costs, such as risks to individual or household income and burden of disease.

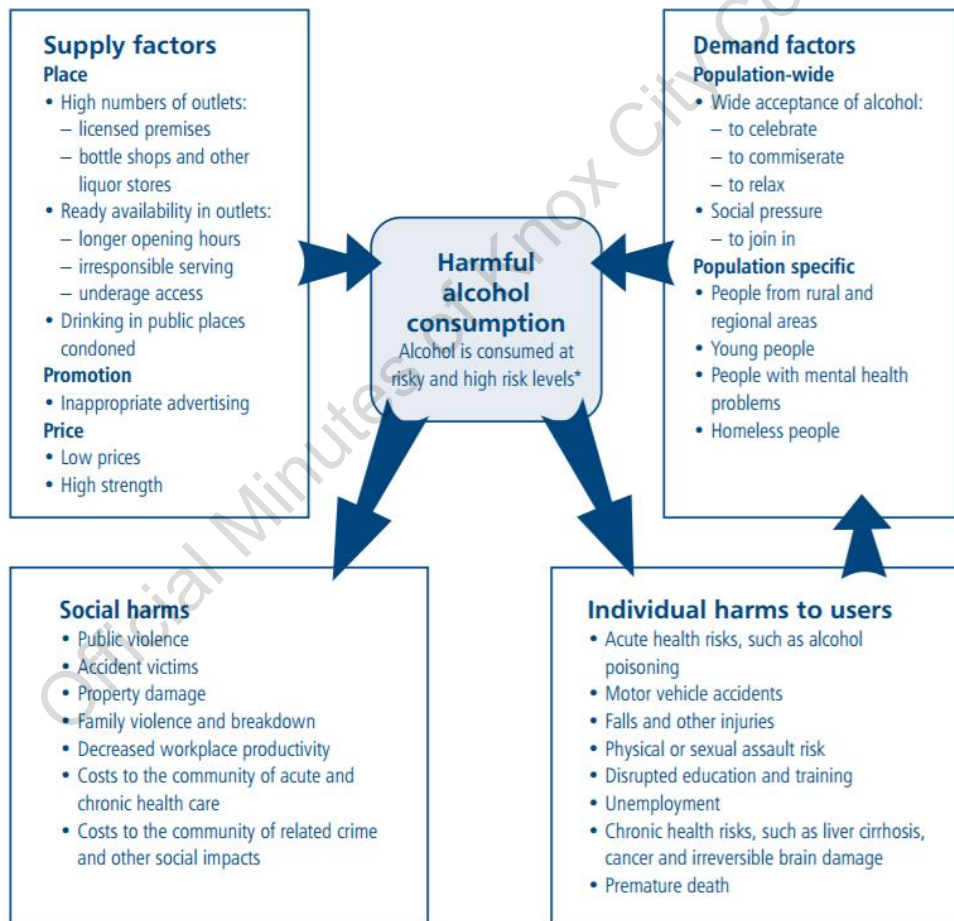
The social impacts of alcohol misuse - those occurring from others drinking - can be concealed and harder to quantify. For example, acute consumption of alcohol can be connected to the probability of violence and domestic violence.⁷

According to Suicide Prevention Australia, people who drink alcohol excessively have an approximate “six times greater risk of suicide than the general population”⁸ and lastly, alcohol misuse can impact upon community perceptions of safety.

Aligning with the *Victorian Public Health and Wellbeing Plan*, the *Knox Community and Council Plan 2017-2021* (Goals 4 & 6) recognises the potential harms of alcohol use as a key priority.

Following a review of Australian drinking trends and alcohol culture, the major contributors of alcohol harm – Supply, Demand, Individual harms and Social harms - are identified in Figure 1 below:

Figure 1 - Major contributors of alcohol harm.



Source: Dibley, G. 2007

⁷ *The State of Play of Alcohol in Victoria*, Foundation for Alcohol Research and Education, 2014

⁸ *Victorian Public Health & Wellbeing Plan 2015-2019*, VicHealth, 2016

All levels of government are responsible for preventing and responding to alcohol harm⁹. However, the responsibilities and scope vary at each level¹⁰. Currently the scope of local government is predominantly responsive rather than preventative:

- **Property damage:** local government are expected to repair damage to public property
- **Anti-Social behaviour:** security staff or a venue's security staff will respond to the incident or threat of incident. Can result in a negative impact on the residents' perception of safety and reputation of the local area.
- **Alcohol related litter and spill of fluids:** local government expected to remove litter/clean fluids from public property.
- **Violence:** addressing perceptions of safety and reputation of the local area.
- **Alcohol related road crashes:** the behaviour increases the risk of injury to residents and may damage Council owned infrastructure.
- **Short term (acute) health impacts:** behaviour increases the risk of injury to residents and impact upon health and wellbeing

A place-based approach to alcohol management is gaining increasing attention. VicHealth¹¹ acknowledges that the communities we live in – the 'places where people spend their time' – shapes the health and wellbeing status of individuals including alcohol harm.

4 Legislation and Policy

The regulation of liquor sales and consumption in Victoria is primarily directed by the *Liquor Control Reform Act 1998* and the *Planning and Environment Act 1987*.

The *Liquor Control Reform Act 1998 (LCRA)* regulates the sale and consumption of liquor through the issuing of liquor licences. The Act aims to minimise harm and ensure that the supply of liquor contributes to, and does not detract from, the amenity of community life.

The *Planning and Environment Act 1987* provides a framework for the use, development and protection of land in Victoria. In determining planning permit applications responsible authorities have an obligation to consider any significant social and economic effects of a proposed use or development.

4.1 Local Government Act 1989

The legislative requirements of Local Government to address health and wellbeing, originates with the *Local Government Act 1989*, and the *Public Health and Wellbeing Act 2008*.

The requirement of Council to address health and wellbeing is addressed in most functions of the *Local Government Act 1989*, however specific functions are:

⁹ Drug Info Clearinghouse, 2007

¹⁰ *Pathway to reducing alcohol related harm - A guide for Local Government*, South Metropolitan Population Health Unit, Department of Health, Fremantle, WA, 2014

¹¹ *Victorian Public Health & Wellbeing Plan 2015-2019*, VicHealth 2016, p1

- creating an environment which supports the health of members of the local community and strengthens the capacity of the community and individuals to achieve better health;
- initiating, supporting and managing public health planning processes at the local government level; and
- intervening if the health of people within the municipal district is affected.

4.2 Liquor Control Reform Act 1998 and the Victorian Commission for Gambling and Liquor Regulation (VCGLR)

The supply of liquor in a Victorian Local Government area is administered by the Victorian Commission for Gambling and Liquor Regulation (VCGLR). The VCGLR is an independent statutory authority responsible for compliance with liquor laws and regulations under the Liquor Control Reform Act 1998 (LCR Act). Objectives of the LCR Act include:

- “4(1)(a) to contribute to minimising harm arising from the misuse and abuse of alcohol, including by -*
- (i) providing adequate control over the supply and consumption of liquor;*
 - (ii) ensuring as far as practicable that the supply of liquor contributes to, and does not detract from, the amenity of community life;*
 - (iv) encouraging a culture of responsible consumption of alcohol and reducing risky drinking of alcohol and its impact on the community.”*

The VCGLR is responsible for managing liquor licence applications under the LCR Act, which is a separate process to the planning permit applications under the P & E Act, which Councils are responsible for. Under the VCGLR application process, Councils have the opportunity to lodge a submission to applications made to the VCGLR. Section 40 of the LCR Act states that Council may object if the licence “...detract(s) from or be detrimental to the amenity of the area in which the premises are located” or “...would be conducive to or encourage the misuse and abuse of alcohol”.

The VCGLR outlines the following roles for local government in regard to managing the supply of liquor under the LCR Act process:

Local government authorities play a role in the approval of licences and the administration of liquor and gaming. A local government authority may¹²:

- *consider and issue planning permits for licensed premises;*
- *stipulate trading hours;*
- *object to licence applications on amenity grounds;*
- *participate in local liquor licensing forums;*
- *pass by-laws governing the consumption of liquor in public places;*
- *initiate disciplinary proceedings against licensees who are non-compliant of their licence conditions.*

¹² Regulatory Structure, Victorian Commission for Gambling and Liquor Regulation, 2016

4.3 Planning and Environment Act 1987

The use, development and protection of land in Victoria, is primarily regulated by the *Planning and Environment Act 1987* (“P & E Act”). The P & E Act establishes the objectives of planning in Victoria. These are used as the basis for all Victorian planning decisions. The objectives of planning set out in Section 4(1), most relevant to PLOs include:

- s.4(1) (a) to provide for the fair, orderly, economic and sustainable use, and development of land;*
- (c) to secure a pleasant, efficient and safe, working, living and recreational environment for all Victorians and visitors to Victoria;*
- (f) to facilitate development in accordance with the objectives of the Act.*

Additionally, the objectives of the planning framework established by the Act include:

- s.2 (c) to enable land use and development planning and policy to be easily integrated with social and economic policies at state, regional and municipal levels;*
- (d) to ensure that the effects on the environment are considered, and provide for explicit consideration of social and economic effects when decisions are made about the use and development of the land;*
- (e) to facilitate development which achieves the objectives of*
- (g) to encourage the achievement of planning objectives through positive actions by responsible authorities and planning authorities;*

Important to note, the P & E Act seeks the integration of social and economic policies of municipalities into their planning policy frameworks, with explicit consideration of social and economic effects when making decisions.

Councils have two key roles under the P & E Act:

- First, as a planning authority – Councils set a strategic policy framework for their municipalities through their planning scheme. Planning schemes reflect the community’s priorities within the State and Local Planning Policy Frameworks and guide planning decisions about specific issues.
- Second, as a responsible authority, Councils must administer and enforce the planning scheme for their municipality. Council makes decisions on applications for planning permits within their municipality, assessing proposals for land use against their planning schemes and making decisions about whether to grant, amend or deny permits for those proposals.

These roles are outlined in more detail in the following section.

4.4 Knox Planning Scheme

4.4.1 Victoria Planning Provisions

The Victoria Planning Provisions (VPPs) are the Statewide planning provisions which apply to all planning schemes across Victoria, They include the State Planning Policy Framework (SPPF), as well as Particular Provisions.

Planning regulatory framework includes broad policies about planning for a safe recreational environment and facilitating healthy lifestyles and a permit requirement for the sale or consumption of alcohol.

The SPPF includes broad policies about planning for a safe recreational environment and facilitating healthy lifestyles. Clause 10.04 (Integrated decision making) states responsible and planning authorities should balance conflicting objectives in favour of net community benefit and sustainable development for the benefit of present and future generations.

The SPPF provides direction for planning decision-makers about aspects of State policy that are to be taken into account when preparing planning schemes and making decisions about individual planning permit applications. The objectives and strategies contained within it support the purposes of the Act and the objectives of planning in Victoria.

A strength of the planning system is that it requires decisions to be made in the context of a very broad range of considerations. The SPPF encourages decision-makers to *'integrate the range of policies relevant to the issues to be determined and balance conflicting objectives in favour of net community benefit and sustainable development for the benefit of present and future generations.'* (Clause 10.04).

Although the objectives of planning in Victoria support public health, wellbeing and safety objectives, the SPPF does not contain any clauses that focus primarily on these. Relevant strategies are found under topic headings such as 'settlement' and 'infrastructure'. Even then, the focus is primarily on the provision of social infrastructure rather than on addressing environmental determinants of public health and wellbeing. Public safety is addressed most frequently in the context of urban design principles, industrial externalities and traffic management.

The SPPF is silent in relation to matters of liquor licensing. The absence of any higher level strategic commentary means that decisions must be made based on the provisions of Clause 52.27 (see above), zone provisions (and related land use definitions) and local policies (where they exist). It is noteworthy that the SPPF is similarly silent in relation to gaming, although there is a growing body of local policy on this topic.

Nevertheless, the SPPF remains heavily influential in relation to licensed premises applications as the land uses which may involve liquor licenses primarily fall within the categories of retail premises (e.g. bottle shops and supermarkets), food and drink premises or entertainment venues (e.g. nightclubs).

Clause 11.04-4 ('Liveable communities and neighbourhoods') seeks to create neighbourhoods that support safe communities and healthy lifestyles in metropolitan Melbourne.

4.4.2 Clause 52.27 – Licensed Premises

Clause 52.27 (Licensed Premises) of all Victorian Planning Schemes seeks to ensure that licensed premises are appropriately located and that their impact on the amenity of the surrounding area is considered in decision-making. A planning permit is required for many types of licensed premises, including packaged liquor licenses.

Prior to 8 April 2011, there was no planning permit required for packaged liquor licences (only for on-premises liquor licences). In introducing a permit requirement for packaged liquor licences in 2011 through Amendment VC79, the Minister for Planning specifically stated in the Explanatory Report that:

- *The sale of packaged liquor can have significant impacts on the safety and amenity of an area, particularly when sold after 11pm, and can add to incidents of alcohol related harm. The amendment is required to allow a responsible authority to consider community submissions, amenity, cumulative impact and other relevant matters when assessing planning applications to use land to sell packaged liquor.*
- *The amendment will change planning schemes to require a responsible authority to assess the social and economic benefits created by the sale of packaged liquor, against the costs of alcohol related harm to the community, amenity impacts and cumulative impacts from licensed premises.*

The Clause 52.27 provisions require the cumulative impact of licensed premises to be taken into account when making a decision. However, the decision guidelines focus on the amenity rather than social or economic impacts of licensed premises. As such the provisions have been interpreted by VCAT and legal and planning practitioners in a commensurately narrow manner.

Particular Provisions at Clause 52.27 ('Licensed Premises') forms part of all planning schemes, and requires a planning permit to sell or consume liquor.

- 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

All decisions can be appealed in the Victorian Civil and Administrative Tribunal (VCAT). Appeals against VCAT determinations can only be made on questions of law to the Victorian Supreme Court.

In relation to licensed premises, Councils must consider the way particular things impact on the amenity of the surrounding area when it is making a planning permit decision for licensed premises. For instance:

- Patron numbers
- Sale of liquor
- Trading hours
- The cumulative impact of existing licensed premises

While the proposed establishment of licensed premises often raise community concerns about the increase of alcohol-related harms on the community, legal precedent in the operation and interpretation of Clause 52.27 is that Councils cannot take into account the harms caused by alcohol when making decisions about planning permits for licensed premises.

This was confirmed by a recent VCAT case¹³, which found that broad concerns about the social harms caused by alcohol, the accessibility of alcohol in the community, and the potential abuse and misuse of alcohol will rarely, (if ever) be relevant for Councils when they are making decisions about planning permits for licensed premises.

VCAT determined that it was not a Council's role to consider the broader impacts of the misuse of alcohol in society or to develop standards about alcohol accessibility. While they were considered to be relevant societal concerns, they were not necessarily relevant planning considerations for a Council making planning decision at a local level. It considered that Council planning decisions should, therefore, focus on whether it is appropriate to use land to sell/consume alcohol in a particular location in their municipality, and it was not a Council's role to consider the broader question of whether is it appropriate for land in Victoria to be used to sell or consume alcohol.¹⁴

This is the source of a high level of frustration by many Councils, who are seeking to ensure consideration of social and economic impact (as required by the P & E Act, and as envisaged when the approval of VC79 in 2011), however the narrow wording and interpretation of Clause 52.27 as it currently exists makes it very difficult for Councils to effectively undertake a broader consideration of social and economic impacts for liquor licence applications, particularly packaged liquor licences.

4.5 Victorian Public Health and Wellbeing Plan PHWP 2015-2019

The strategic priorities of the Victorian government to protect health and wellbeing are presented in The Victorian Public Health and Wellbeing Plan (VPHWP) along with a framework for monitoring and reporting. One of the six key priorities in the most recent plan (2015 -2019) is "reducing harmful alcohol and drug use".

Regular and long term drinking is a focus of the VPHWP in conjunction with binge-drinking,

Research shows that long-term and regular alcohol consumption, not only binge drinking, is linked to disease, including some cancers and even cardiac illness. Long-term and frequent alcohol use is also a risk factor for alcohol-related dementia and other acquired brain injuries (Gao, Ogeil & Lloyd 2014).

Individual alcohol harm is foremost associated with chronic disease- the most expensive treatable medical conditions (Australian Institute of Health and Welfare 2014a). The 2015-2019 plan reported the leading causes of premature death in Australia are chronic diseases, which "accounted for about 85 % of the total burden of disease in 2010".¹⁵

The 2016 VicHealth *Local Government Guide to Reduce Harm from Alcohol*, recommends a collaborative place-based approach with four objectives and associated actions:

- Developing strategic plans and policies that explicitly aim to reduce alcohol-related harm.
- Designing environments that reduce alcohol-related harm: review and improve the amenity of public areas around licenced venues to reduce to the risk of alcohol-related harm.

¹³ Hunt Club Commercial Pty Ltd vs Casey CC [2013] VCAT 726 (21 May 2013)

¹⁴ *Information for the Victorian Community about Liquor Licensing*, Vic Health, 2014

¹⁵ *Victorian Public Health and Wellbeing Plan 2015–2019*, VicHealth, p. 24

- Implementing strategic approaches that change alcohol cultures by changing social norms, attitudes and beliefs about alcohol consumption and intoxication, and
- Building local partnerships that reduce alcohol-related harm.

An integrated and collaborative approach is also recommended by Loxley et al. (2004) who conducted a comprehensive evaluation of Council strategies to determine the most successful ways to reduce alcohol related harm.

*“Effective general population level supply strategies to reduce demand included **pricing and taxation strategies** and **regulating the physical availability of alcohol** and **modifying the drinking context**.*

*Targeted group level strategies reducing individual and social harm included **drink driving countermeasures, regulating alcohol promotion and interventions in communities, homes, schools and workplaces**.*

*Effective specific individual level interventions reported were **treatment and early intervention**.”*

4.6 Knox Council Community and Council Plan 2017-2021

The *Knox Community and Council Plan 2017-2021*, incorporating the Knox Community Health & Wellbeing Strategy, provides a picture of the future City that will deliver the lifestyle, jobs and industry, health and wellbeing desired by members of the Knox community.

Alcohol harm minimisation and community health, wellbeing and safety initiatives are an important part of the Plan’s aspirations:

Goal 4: We are safe and secure

- Strategy 4.1: *Encourage and support the community to take responsibility for their own safety, and the safety of others.*
- Council role and focus: *Advocate to the State Government for increased planning controls and social impact assessment criteria for liquor outlet density.*

Goal 6: We are healthy, happy and well

- Strategy 6.1: *Mitigate lifestyle risks such as smoking, risky alcohol consumption and drug use, obesity, lack of physical activity and poor nutrition.*
- Council role and focus: *Partner with State Government and regional and community organisations on a range of health and wellbeing outcomes (for example, gambling and alcohol reform).*
- Council Initiative 6.1.1: *Deliver health promotion and harm minimisation programs including:*
 - *Education/capacity building programs with sporting clubs focused on cultural change*
 - *Advocacy to improve planning policy responses and regulatory framework that manage the density of alcohol outlets within places or locations.*

The Knox Council and Community Plan initiatives are to be achieved through a balanced approach to decision making including consideration of economic, environmental and social and cultural factors and related impacts.

5 Implications of Planning and Alcohol Regulations for Knox

5.1 Legislative Gaps – Community Health and Wellbeing considerations

The Municipal Association of Victoria, in its submission to the Review of the Liquor Control Reform Act in December 2016, stated:

“Victoria’s current system of licence applications and determinations is heavily weighted towards granting licence applications, and is failing to give effect to the primary object of the Act of contributing to minimising harm arising from the misuse or abuse of alcohol.”¹⁶

Strecker (2014) also noted that: *“One of the fundamental difficulties that local government faces is that the planning legislation focuses its judgements on public amenity, not on public health and safety needs.”*

Councils’ ability to influence the liquor and hospitality industry on behalf of the communities they represent is restricted by shortcomings in the planning permit and liquor licence application processes. The grounds for objecting to a licence are narrow, and the evidentiary requirements and decision-making process for contested applications are unclear.¹⁷

Councils have difficulty preventing the development of licence premises by objecting to a licence application through the LCR Act because of the high threshold of evidence required to satisfy the grounds for objecting to a liquor licence. In practice, when objecting to a liquor licence, Councils must prove a causal relationship between the prospective licensed premises and harm. It may be possible to demonstrate that an additional licensed premises within a local area will ‘generally’ contribute to increased alcohol-related harms, however it is impossible to prove a ‘clear causal link between a specific venue and harm’ prior to the licensed premises being built.

The effect in practice is that the overwhelming majority of liquor licence applications are granted, with continuing increases in new licences, including licences for new large format packaged liquor outlets. This has resulted in high densities of liquor outlets in some areas of Victoria, widespread availability of alcohol, and huge increases in associated harms.

The VCGLR recently granted a packaged liquor licence for a Dan Murphy’s outlet in East Cranbourne in the face of strong local Council and Victoria Police objections, and local evidence of increasing alcohol-related harm and high incidence of family violence. This case exemplifies the difficulties for local Councils and the police in objecting to liquor licence applications, the limited extent to which evidence of harm is taken into account in decisions, and the undue weighting of the system towards granting applications. This case for the local Council was costly and required the participation of leading experts, academics and senior legal counsel.¹⁸

Whilst it could be argued that there is some overlap of regulatory provision with the two processes, the MAV argued in its 2016 submission to the review of the LCR Act that the planning process is far more rigorous than the licence application process. Allowing the

¹⁶ Municipal Association of Victoria, *Review of the Liquor Control Reform Act*, December 2016

¹⁷ *Annual Report 2014-15*, Victorian Commission for Gambling and Liquor Regulation (VCGLR), 2015

¹⁸ *MAV Submission to the Liquor Control Reform Act*, Municipal Association of Victoria, December 2016

planning application process first allows for a more participatory and precautionary process at a local level, where the merits of the proposal can be properly considered, with Councils having the ability to have a stronger awareness of likely local issues and community views and decision-making is more likely to be informed through targeted and more comprehensive community consultation as part of the planning notification procedures.¹⁹

Councils have the ability at the local level to have a stronger awareness of likely issues and community views while having flexibility in a planning permit to employ conditions that can resolve potential site impacts. Planning engages more comprehensively with local communities through local notification, stakeholder meetings and community consultations.

Over the past couple of years, a number of local Councils have attempted to address this lack of strategic direction at a State-level by investigating opportunities for a local planning policy and developing advocacy positions on alcohol management strategies.

The SEMCA project outlined in Section 7.2 is one of these projects, being undertaken as a joint regional initiative across a number of Councils in the South-east are of Melbourne, including Knox.

The Knox Planning Scheme currently has no such policy and this lack of policy direction makes it difficult for Council to make informed decisions on packaged liquor applications and for Council to substantiate its decisions at the Victorian Civil and Administrative Tribunal.

This has also been identified in Council's 2015 review of the Knox Planning Scheme which identified the need for Council to incorporate new policy direction in the planning scheme to address licenced premises and their relationship to alcohol issues:

- *Develop a Licensed Premises Policy and Study to provide direction for the appropriate assessment of licensed premises within the municipality and investigate opportunities to incorporate into the Knox Planning Scheme as appropriate.*²⁰

5.2 The challenge of proving evidence

One of the major challenges to Councils seeking to have a greater say on liquor licence applications, and to be able to consider the broader social and economic impacts of an outlet through a planning permit process, has been that of providing evidence of a direct connection or nexus between an individual licensed venue and the surrounding community amenity. Proving this direct connection can be hard to demonstrate, especially if the licensed business has not yet opened. In these situations, Council must base their assessment on potential, future amenity impacts rather than actual, existing ones, and it is difficult to pinpoint the impacts as being due to one single application, rather than the cumulative impact of a number of outlets.

As alcohol purchased from a packaged liquor outlet is generally consumed away from the outlet in private settings such as homes, it is hard to provide evidence of a direct link between alcohol-related harms in the community and an individual outlet. Any alcohol related harms potentially caused through the excessive consumption of packaged liquor

¹⁹ MAV Submission to the Liquor Control Reform Act, Municipal Association of Victoria, December 2016

²⁰ Knox Planning Scheme Review Report, Glossop Town Planning & Keaney Planning, April 2015

are more likely to occur away from public view and away from the premises where the alcohol was purchased, rather than in the immediate vicinity of the packaged liquor outlet.

In Table 1 below, a range of different actions and roles to reduce harm from alcohol consumption in local areas are identified within four domains, supply, demand, social harm and individual harm

Table 1 - Local government action to reduce harm from alcohol consumption

Contributor	Local government roles
Supply	<ul style="list-style-type: none"> • Planning and regulating land use, urban design and outlet mix, including alcohol-free areas • Regulating and monitoring licensed premises • Regulating alcohol at council-owned facilities • Establishing local laws on public consumption • Advocating against inappropriate promotion and pricing
Demand	<ul style="list-style-type: none"> • Modelling moderate consumption at council events • Providing alcohol-free community events or alternatives • Supporting public awareness and education
Social harm	<ul style="list-style-type: none"> • Developing community safety strategies including: <ul style="list-style-type: none"> - personal safety - road safety - streetscapes and lighting • Reducing harms including: <ul style="list-style-type: none"> - waste and hazard management - property damage - graffiti management
Individual harm	Working with support services to plan for and coordinate services preventing or responding to individual harms, for example, maternal and child health programs or youth services.

Source: South Metropolitan Population Health Unit, 2014

6 Knox City Council Alcohol Profile

6.1 Liquor licences and harm

There are a number of concerns regarding alcohol licence density. Within twenty-one Local Government Areas (LGAs) in Melbourne, Kavanagh and Krnjacki (2011, p. 4) found *“having access to a greater number of outlets increased the risk of drinking at levels associated with short-term harm”*.

In 2013, Knox had a shorter than average distance to all licence types (1.1km) compared to Metropolitan Melbourne (1.4km)²¹.

Donnelly *et al* (2006) investigated the relationship between the concentration of licensed premises in a given area and perceptions of alcohol-related problems in that locality, based on NSW research. The report noted that the closer people live to liquor outlets,

²¹ VCGLR, retail alcohol locations, 2013 as reported in CIV

the more likely they are to experience problems with property damage and drunkenness in their neighbourhoods and associated reductions in residential amenity. Donnelly states that the evidence:

- *“clearly supports the need for the continued regulation of the alcohol retail market in order to minimise the harms associated with alcohol misuse.”²²*
- *“the current evidence base strongly suggests that a public benefit case can be mounted in favour of restricting the number of liquor outlets in order to minimise the harms associated with alcohol consumption.”²³*

6.2 Type of licences

In Knox, packaged liquor licences were the third highest percentage of active liquor licences, at 12.7%; and is higher than Melbourne, 10.3%, and Victoria, 9.5%, signalling a potential issue for further inquiry and consideration for future planning.

Packaged liquor allows the consumption of alcohol to occur away from licenced premises, and therefore away from controls such as Responsible Serving of Alcohol regulations which prohibit the serving of alcohol to minors, and limits the amount of alcohol served to any one individual.

Table 3 - Alcohol licence type, Knox, Melbourne and Victoria, 2016

Alcohol licence type	Knox %	Melbourne	
		Metro %	Victoria %
Restaurant & café licence	26.4	32.8	26.3
Limited licence	24.2	20.9	22.5
Packaged Liquor Licence	12.7	10.3	9.5
BYO permit	9.9	6.4	5.7
On-premises	9.3	10.8	9.3
Restricted club licence	8.1	3.5	4.3
Full club Licence	3.1	2.8	3.5
Late night general licence	2.2	2.8	2.3
Late night on premises	0.9	2.4	1.8
General licence	1.6	4.4	7.3
Wine & Beer producers	1.6	2.1	3.9
Pre-retail licence	n/a	0.8	3.6
Total	100.0	100.0	100.0

Source: VCGLR December 2016

²² Donnelly, N & Ors, *Liquor outlet concentrations and alcohol-related neighbourhood problems*, Alcohol Studies Bulletin, No. 8. NSW Bureau of Crime Statistics and Research, 2006, p.13.

²³ Donnelly, N & Ors, *Liquor outlet concentrations and alcohol-related neighbourhood problems*, Alcohol Studies Bulletin, No. 8. NSW Bureau of Crime Statistics and Research, 2006, p.13.

6.3 Density of Liquor licences in Knox

Nearly 80% of alcohol consumed in Australia is sold at packaged liquor outlets, and this proportion has steadily increased over time. The density of packaged liquor outlets in Victoria has grown steadily since the early 2000s, as have rates of alcohol-related harm among both adults and young people:

*'These broadly correlated trends are consistent with the substantial international research literature linking the density of alcohol outlets in a neighbourhood to the rate of alcohol-related problems experienced in that neighbourhood.'*²⁴

Table 4 - Liquor licences per suburb in Knox and population per licence, 2016

Knox suburbs	Total number of liquor licences	Population per 1 licence
Lysterfield	3	2280
Upper FTG	7	365
The Basin	9	510
Scoresby	12	525
Knoxfield	17	438
Wantirna	40	352
Boronia	41	540
Rowville	41	837
Bayswater	42	278
Fern Tree Gully	53	506
Wantirna South	56	338
Knox	322	483

Source: Profile ID, VCGLR 2016

In Knox the amount of overall alcohol licences varies between each suburb based upon the location of activity centres/transport. The map at Figure 2 offers a visual indication of liquor licence locations in Knox for 2014.

Figure 2 shows areas with clusters of alcohol licences within a 400 metre radius (a meeting point between Boronia and Ferntree Gully, Wantirna South, and Upper Ferntree Gully) and zones with little to none (Lysterfield, and Outer Scoresby, Outer Rowville and Outer Wantirna South). It is not surprising that the clustered alcohol areas correspond with train stations, major roads and bus routes, Burwood Highway, Boronia Road and Stud Road; and low alcohol licence areas correspond with open spaces/non-residential areas.

²⁴ Victorian Alcohol Policy Coalition, *Submission to Plan Melbourne*, Dec 2013

6.3.1 Density and disadvantaged areas

Research in Australia has also established a relationship between disadvantaged areas and the location of liquor licences. Examining alcohol outlet density by Australian Bureau of Statistics, Socio-Economic Indexes for Areas (SEIFA) in Victoria, a study by VicHealth found more packaged and club licenses in disadvantaged areas, and general and on-premises licences in advantaged areas. Additionally, exposure to packaged liquor outlets for people residing in most disadvantaged areas was almost double compared to least disadvantaged areas). As stated earlier in the profile, strong international and national evidence indicates that disadvantaged people are more likely to experience alcohol related harm.²⁵

Corresponding to national trends, previous research for Knox in 2006 confirms a relationship between SEIFA index of each suburb and the density of off-premises alcohol outlets, per 1,000 population - the more disadvantaged an area, the higher the accessibility to liquor outlets. A replication of this previous Knox research for SEIFA and alcohol outlets was developed for this discussion paper.²⁶

A trend for SEIFA and density is clearer with off premises alcohol licences. The more disadvantaged suburbs are more likely to have a higher alcohol outlet density. In Knox, Bayswater is the most disadvantaged, with the highest density of alcohol outlets (0.9 per 1,000); and Lysterfield is the most advantaged, with the lowest amount of off premises licences (0).

Figure 2 (below) shows the least and most disadvantaged areas of Knox (SEIFA index), and the density of alcohol outlets in these areas. The least disadvantaged areas (indicated by the lighter blue colours) have a lower density of alcohol outlets compared to the higher disadvantage areas (indicated by the darker blue colours).

For packaged liquor outlets, there are currently 40 packaged liquor licences in Knox (as at November 2017), distributed across the municipality as set out in Figure 3. The suburbs with the highest number of packaged liquor outlets are Boronia (9) and Ferntree Gully (8).

²⁵ Vic Health Indicators Survey, Vic Health, 2011 p.8, p.14

²⁶ Note: The most recent data possible for this profile is based on the 2011 Census, therefore the SEIFA and population (ABS) are sourced from 2011 Census data; and to match this data as closely as possible, 2012 March outlet data was sourced.

Figure 2 - Knox City Council, Liquor Licence Locations, June 2014

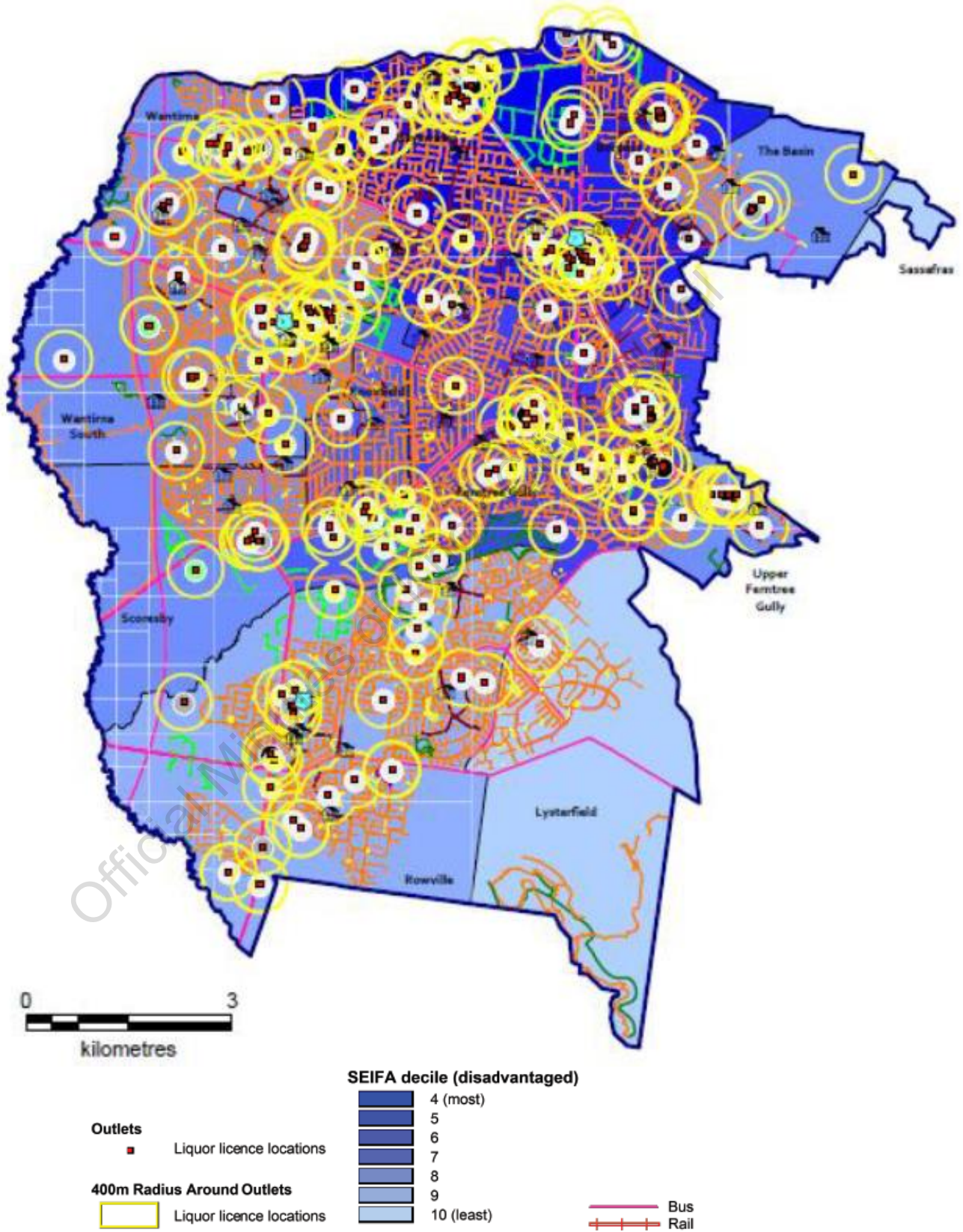
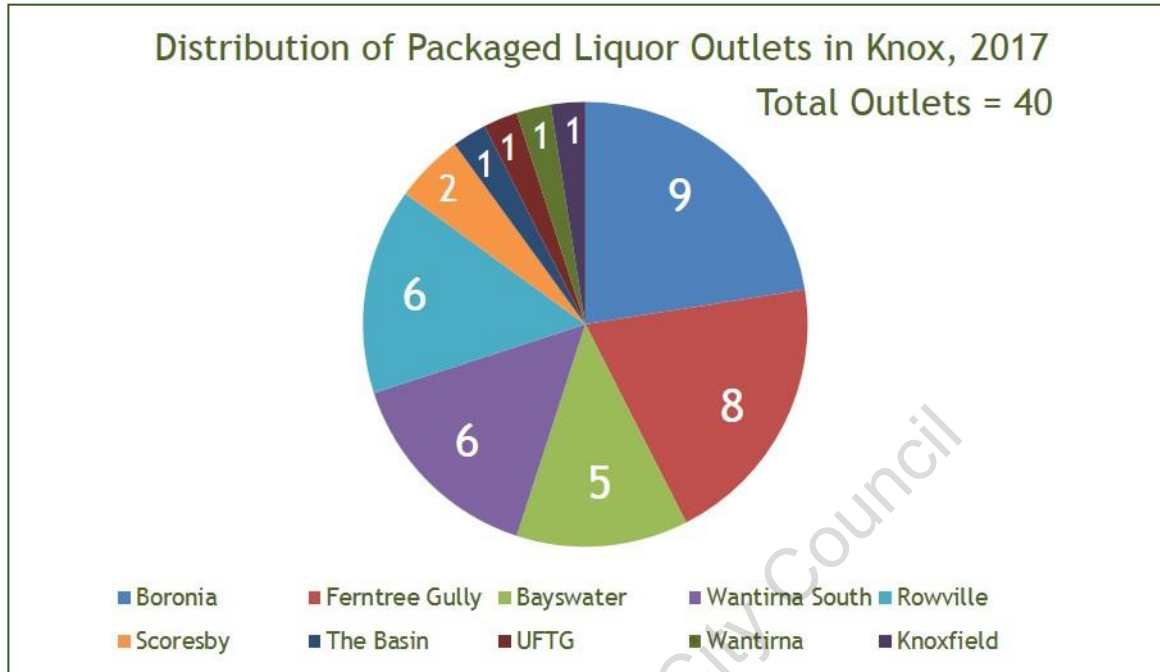


Figure 3 - Knox City Council, Packaged Liquor Outlet Distribution, Nov 2017



Source: VCGLR, 2017

6.4 Youth and alcohol culture

The increase in alcohol availability across Victoria has also led to increased visibility of alcohol in the community. Research indicates that this is contributing to the normalisation of alcohol consumption among young people. This is an issue because recent research demonstrates that increased alcohol availability has been associated with an increased risk of alcohol consumption: specifically for early adolescents (12 and 14 years) (Rowland et al, 2013).

Normalisation occurs when young people are repeatedly exposed to messages that alcohol consumption is acceptable and even socially desirable. For example:

“The role of advertising in shaping cultural norms includes associating alcohol with positive experiences and personal outcomes, and embedding alcohol into celebrations and social events. All of these factors contribute to the development of adolescents’ beliefs about alcohol.”²⁷

Exposure to alcohol advertising occurs through various means including the broadcast and print media, social media, outdoor advertising, promotional events, peer groups and parental attitudes. Higher numbers of packaged liquor outlets in the urban environment contribute to the amount of alcohol advertising seen by young people, and it is believed that this also contributes to normalising alcohol among young people. Point of sale promotions and volume discounts have also been shown to increase alcohol consumption among young people (Jones & Smith, 2012). The Australian National

²⁷ Australian National Preventive Health Agency (2014) *Alcohol Advertising: The Effectiveness of Current Regulatory Codes in Addressing Community Concern – Draft Report*, Australian National Preventive Health Agency, Canberra.

Preventive Health Agency (ANPHA) 2014 report notes that children and young people are particularly vulnerable to being influenced by the messages in alcohol advertising and engaging in risky consumption behaviours as a result, and it recommends that steps be taken to limit their exposure.

Another Australian study examined the relationship between adolescent alcohol consumption and the density of alcohol outlets. It found a statistically significant relationship only for the 12-14 year old age group, although older youth also increased consumption (Rowland et al, 2013).

The *Knox Communities That Care Assessment report, 2015* collected the following data from young people in Knox about youth alcohol consumption:

- 1 in 3 Year 6 students have had alcohol.
- 1 in 2 Year 8 students have had alcohol. This increases to 2 in 3 Year 10 students.
- 1 in 3 Year 8 students reported drinking alcohol in the last 30 days and 1 in 6 Year 8 students reported binge drinking in the last two weeks.
- 1 in 3 Year 8 students in Knox report current alcohol use (in the last 30 days) compared to 1 in 6 Australian students.

Based upon these findings the report presented risk factors for youth drinking, which provides some indicators of the youth alcohol culture in Knox – the social norms about drinking in a group. The report indicated a culture whereby youth are implicitly enabled to drink by parents and community:

- Almost half of Year 8 student's express positive attitudes to alcohol, increasing to almost three quarters in Year 10.
- 2 out of 3 Year 10 students believe that the laws and norms in the community support alcohol and drug use.
- 1 in 2 Year 10 students perceive that their parents are tolerant of their alcohol use.
- Parents are the main suppliers of alcohol to young people under 18. Of the students that do drink, 1 in 2 Year 6 and 1 in 3 Year 8 students indicated their parents supplied the alcohol. This increases again to nearly 1 in 2 Year 10 students.
- Parental supply of alcohol is the main source of alcohol, however less parents are supplying alcohol in Knox (Knox 34% & Australia 48%).

The State of Knox database pinpoints youth alcohol misuse as a potential emerging issue, "There is a whole suite of negative indicators around this issue where Knox has increasing, higher than average, unfavourably or contrary trending indicators". The State of Knox database and Turning Point data²⁸ highlights the following issues:

- An increasing rate of alcohol-related ambulance call-outs to young people (15-24 years) from 17.2 per 10,000 young people in 2006-07, to 67.6 per 10,000 by 2013-14.
- Rate of assaults during 'high alcohol hours' among young people in Knox is around 2.5 times the rate found in the overall population –in 2012-13 28.9/10,000 among youth compared with 11.6/10,000 in the wider population.

²⁸ AOD Statistics, Turning Point, Eastern Health 2014-2015

Consistently considerably *higher* than *regional* average rate of assaults during ‘high alcohol hours’ that involve young people, 18-24 years from 2003-04 to 2013-14 @ 28.9/10,000 young people compared with 17/10,000 regionally.

Although young people are more likely to experience a single occasion incident than older age groups, *alcohol related admissions to emergency department for 15-24 year olds in Knox has increased* considerably from 17.6 admissions per 10,000 population in 03/04 to 41.5 in 2012/13. This is the second highest rate for the Eastern Metropolitan Region, behind the Yarra Ranges, and significantly above the metropolitan average of 25.2.

Alcohol related hospital admissions per 10,000 of population for Melbourne metro are 56.4 (and 55 across Victoria). The Knox rate is now significantly higher than both the Victorian and Metropolitan Melbourne rates, at 73.5 alcohol related hospital admissions per 10,000 population.

6.5 Individual Harm

Livingston *et al*, 2007²⁹ states:

“Outlet density, and particularly bunching, are more likely to have an effect on rates of binge drinking, on alcohol related injuries and violence, and on other short-term consequences related to concentrated drinking during discrete occasions.”

This supports the evidence that there is a cumulative impact of packaged liquor outlets, which results in increased alcohol related harm as outlet density continues to increase, and the issue is not just confined to on-premises licensed venues.

6.5.1 Density and harms

Packaged liquor outlet density has been shown to be associated with higher rates of public violence and other crime, as well as higher rates of less visible harms including partner violence, child maltreatment and chronic disease. Zhu *et al* (2004) note that the results from their research in Austin, Texas³⁰:

“...showed a clear association between alcohol outlet density and violence, after controlling for neighbourhood sociostructural features ... These findings, together with those from other spatial analyses of alcohol-related problems such as motor vehicle and pedestrian accidents ... suggest that the issues of alcohol availability and access are fundamental to the prevention of alcohol-related problems”.

Livingston undertook extensive research in Melbourne for his PhD thesis. His research indicated that there is growing local as well as international evidence which links the density of packaged liquor outlets to heavy drinking and alcohol-related harms. Livingston examined the relationships between outlet density and a series of outcomes at the postcode-level in his research. Livingston notes that³¹:

“These studies showed positive associations over time between the density of packaged outlets and rates of domestic violence, general assaults and alcohol-specific chronic disease. The

²⁹ Livingston M *et al*, *Changing the density of alcohol outlets to reduce alcohol-related problems*, 2007, Drug and Alcohol Review 26:557-566, p.5, p 83

³⁰ Zhu, L & Ors, 2004 *Alcohol outlet density and violence: A Geospatial Analysis*, *Alcohol and Alcoholism*, Vol. 39, No. 4, pp. 369–375.

³¹ Livingston, M, *The effects of changes in the availability of alcohol on consumption, health and social problems*, PhD thesis, School of Population and Health, University of Melbourne, July 2012

results of these studies suggest that, in an average postcode, a 10% increase in the density of packaged liquor outlets would lead to approximately:

- A 1% increase in assaults recorded by police and a 0.5% increase in hospitalisations due to assault;
- A 3.3% increase in family violence incidents recorded by the police;
- A 1.9% increase in hospitalisations due to alcohol-specific chronic disease.³²

Livingston also examined links between packaged liquor outlet densities and drinking behaviour. He noted that³²:

"... a study of young adult drinkers (aged 16-24) in Victoria, examined factors that predicted very high-risk drinking patterns (20+ drinks in a session, monthly or more often for males and 11+ drinks in a session, monthly or more often for females), finding that packaged liquor outlet density was significantly related to this type of drinking. While the effect size appears modest, in a hypothetical suburb with 1,000 16-24 year olds, a single additional outlet would, on average, increase the number of young people drinking in this extremely dangerous way by six.

...a study of adult drinking found that the density of packaged liquor outlets at the local level was positively associated with rates of episodic risky drinking. Respondents living in areas with eight or more outlets within a 1km road distance were more than twice as likely to report regular risky drinking, even with a range of socio-demographic factors controlled"

The research on packaged liquor outlets suggests that a 2% increase in assaults and a 12% increase in family violence would follow a 10% increase in packaged liquor outlets in disadvantaged suburbs.

A more recent study by researchers at Monash University concluded that the limiting the exposure of local populations to packaged liquor outlets, particularly chain outlets, may reduce the incidence of trauma in neighbourhoods (Morrison & Smith, 2015). Their research found that intentional and unintentional traumatic injuries occurred more commonly in areas with greater concentrations of packaged liquor outlets. These relationships extended to areas adjacent to where the outlets were located. Chain outlets contributed most substantially to trauma risk. They also found that cheaper alcohol was available at larger liquor outlets than smaller outlets and chain stores than independent stores.

The majority of studies have found straightforward linear relationships between outlet densities and harm rates, which suggest that each additional outlet is likely to make at least some contribution to increasing rates of harm.

6.5.2 Hospital admissions

In the Eastern Metropolitan Region, the rate of alcohol emergency presentations and hospital admissions varies widely. Knox is situated on the higher end of this variation for alcohol emergency presentations, ranking third highest for at a rate per 10,000 of 51.9, whilst the lowest rate in Manningham is only 16.8. For hospital admissions, Knox ranks 4th of the 7 benchmark areas, with a rate of 49.4 per 10,000.

**Alcohol emergency presentations,
episodes of care, 2013/2014:**

Hospital admissions, 2012/2013:

³² Livingston, M, *The effects of changes in the availability of alcohol on consumption, health and social problems*, PhD thesis, School of Population and Health, University of Melbourne, July 2012

1. Yarra Ranges	57.5	1. Whitehorse	76.9
2. Maroondah	53.4	2. Boroondara	57.8
3. Knox	51.9	3. Maroondah	53.7
4. Whitehorse	31.5	4. Knox	49.4
5. Monash	26.2	5. Monash	43.6
6. Boroondara	21.5	6. Manningham	39.2
7. Manningham	16.8	7. Yarra Ranges	38.4

Source: socialstatistics.com.au

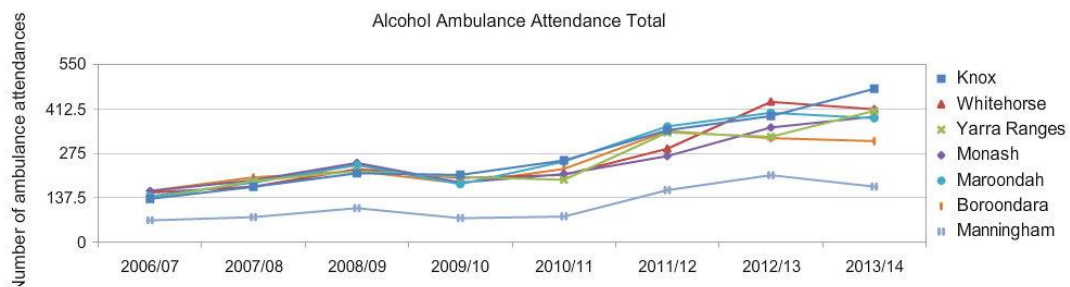
6.5.3 Ambulance attendances, road injuries and assault.

Although a time trend analysis from 2007 to 2014 shows a steady increase of alcohol ambulance attendances for all LGAs in the Eastern Metropolitan Region (EMR) (see Figure 4), the rate in Knox is consistently high. In 2012-2014 Knox had a higher rate of alcohol ambulance attendances (30.6) than the 7 LGAs in the Eastern Metropolitan Region for 2013/2014, but lower than the Victorian average (34.4).

Further prevalent results for Knox compared to the EMR are:

- Knox has the highest 'AOD treatment episodes of care' with a rate of 51.0 per 10,000.
- Knox ranks second highest for 'assaults in high alcohol hours', with a rate of 11 per 10,000.
- An increasing trend for 'alcohol emergency department attendances' from 6.8 in 2003/04 to a rate of 12.7 per 10,000 in 2012/13.
- A steady increasing trend for Knox use of alcohol drug and information services (ADIS), 2004/5, 32.3, 2009/10, 42 to 51.9 in 2013/14. Ranking third highest compared to the other benchmark areas in 2013/2014.
- Males have a higher rate than females for all of the key alcohol statistics categories
- A positive trend for Knox however, is ranking sixth for serious road injuries during high alcohol hours.

Figure 4: Alcohol ambulance attendances for all LGA's in the EMR



Source: AOD Statistics 2007-2014

6.6 Social Harms

6.6.1 Crime and safety

Although alcohol is not considered to be a determinant of crime, or ‘sufficient cause of violence’³³ research does consistently find alcohol can be a contributing cause of violence and criminal behaviour. Heavy consumption of alcohol is particularly linked to violence:

“alcohol-related violence takes place where there has been heavy alcohol consumption in a social setting where social cues are surrounding the individual. The presence of alcohol might cause the individual to become violent when they otherwise would not do so. Mechanisms for this can include disinhibition, focusing on single persons, discounting consequences and misinterpreting cues. In such cases, the heavy consumption of alcohol is seen to be ‘sufficient’ to cause violence, as this is the only variable altered.”³⁴

Between July 2015 and 2016, there were approximately 10,661³⁵ total offences in Knox, 314 (or 3.2%³⁶) of these offences were alcohol related. In Victoria, 2.6% of offences were alcohol related. Almost a third, 27.3%, of all alcohol related offences occurred in Boronia and 19.5% in Ferntree Gully, which coincides with the two suburbs with the highest number of packaged liquor outlets (refer Figure 3). Upper Ferntree Gully recorded the lowest rate of 1% of alcohol related offences.

³³ Australian Drug Foundation, *Inquiry into a national approach to address alcohol fuelled violence*, 2016, p. 6

³⁴ Miller, Diment, Zinkiewicz, *The role of Alcohol in crime and disorder*, 2012; ADF, 2016

³⁵ Note: This number is calculated using the rate of total offences in Knox (6848 by 100,000) provided by CSA, 2015 and 2016, and the estimated resident population of Knox (ABS, 2015).

³⁶ Note: This percentage cannot be compared over time because due to the nature of data from the Crime Statistics Agency prior to 2015. In the past statistics about offences CSA has provided a ‘drug/alcohol involvement’ category. This means any offences recorded by police included the option of recording drug/alcohol involvement if this is what they observed. The limitation of this category is the inability to differentiate between whether drugs or alcohol were involved in the incident. This changed in 2015, when the categories offered became ‘drugs’ or ‘alcohol’ involvement. Therefore, the following data reflects this change and shows offences recorded from July 2015 to July 2016, with alcohol involved.

Table 5: Offence category and type, Knox, Melbourne Metro, Victoria, 2015-2016

Offence Category		Knox	Melbourne Metro.	Victoria
Crimes against the person	Homicide and related	n/a	0.1	0.1
	Assault and related	44.3	44.0	43.5
	Sexual offences	1.3	3.4	4.0
	Abduction and related	0.3	0.4	0.4
	Robbery	1.0	1.2	0.9
	Blackmail and extortion	n/a	0.0	0.0
	Stalking, harassment and threatening behaviour	3.8	5.2	5.4
	Dangerous and negligent acts endangering people	4.1	2.0	2.3
Property and deception	Arson	0.3	0.2	0.2
	Property damage	13.7	12.4	13.0
	Burglary/Break and enter	1.3	1.6	1.6
	Theft	4.8	5.5	4.7
	Deception	1.0	0.7	0.7
	Drug dealing and trafficking	n/a	0.2	0.2
Drug	Cultivate or manufacture drugs	n/a	0.1	0.0
	Drug use and possession	3.2	2.9	2.6
	Weapons and explosives offences	2.2	1.8	2.0
	Disorderly and offensive conduct	1.9	3.2	3.1
Public order and security	Public nuisance offences	1.6	0.7	0.7
	Justice procedures	4.5	4.7	4.3
	Breaches of orders	10.2	9.3	9.9
Justice procedures	Other	0.5	0.6	0.4
Total		100.0	100.0	100.0

Source: CSA 2016

Data from Turning Point Alcohol and Drug statistics for 2012/2013 also indicate a potential issue for Knox alcohol consumption and assaults. Knox ranks highest in the Outer and Inner East for the rate of alcohol assaults during high alcohol hours - 11 incidents per 10,000 (see table 6 below).

Table 6 - Alcohol assaults during high alcohol hours, Outer and Inner East Melbourne

AOD stats, rate per, Alcohol Assaults during High 10,000 Alcohol Hours	High
Manningham	3.5
Boroondara	4
Whitehorse	4.4
Monash	4.8
Maroondah	8.8
Yarra Ranges	9.2
Knox	11
Victoria	13.1

Source: AOD (2012/2013)

6.6.2 Family incidents and alcohol involvement

Victorian longitudinal research by Dr Michael Livingston examined the relationship between the density of alcohol outlets in a neighbourhood and the rates of family incidents reported to the police in Melbourne over a ten year period. The research found that higher density of outlets, particularly of packaged liquor outlets, was associated with increased rates of family violence³⁷. A 10 per cent increase in the density of packaged liquor outlets was associated with an approximately 3.3 per cent increase in domestic assaults.

There is growing evidence specifically linking the increase in packaged liquor outlets in Victoria with increases in alcohol-related harm.³⁷ Local level studies have shown that increases in outlet density are associated with increases in hospitalisations for assault, police records of family violenceⁱ and rates of alcohol-specific chronic disease.³⁸

There is also increasing evidence that packaged liquor outlets, offering cheap alcohol, are clustered in disadvantaged areas, with likely impacts on health inequalities. Victorian research has shown that packaged liquor licences are disproportionately located in areas of socio-economic disadvantage.³⁹ Research shows that the number of packaged liquor outlets in an area is associated with rates of alcohol-related harm,⁴⁰ and that rates of alcohol-related harm in Victoria are higher among people who are socio-economically disadvantaged.⁴¹

According to the Foundation for Alcohol Research and Education (FARE) (2015), alcohol consumption is a consequence and precursor to violence and stress in relationships. Current research is careful about emphasizing how alcohol can play a causal role in family violence because it is a contested and sensitive issue (FARE, 2015). One reason for

³⁷ Victorian Auditor General's Report, 2012 – "Effectiveness of justice strategies in preventing and reducing related harm" p. viii

³⁸ Livingston, M, 2011. A longitudinal; analysis of alcohol outlet density and domestic violence. *Addiction*, 106, 919-925

³⁹ Livingston, M 2011. The social gradient of alcohol availability in Victoria, Australia. *Australian and New Zealand Journal of Public Health*, 36, 41-47

⁴⁰ Preventative Health Taskforce Australia: *the healthiest country by 2020. Technical Report No 3: Preventing alcohol-related harm in Australia: a window of opportunity* (Including addendum for October 2008 to June 2009), p. 21, Figure 8.

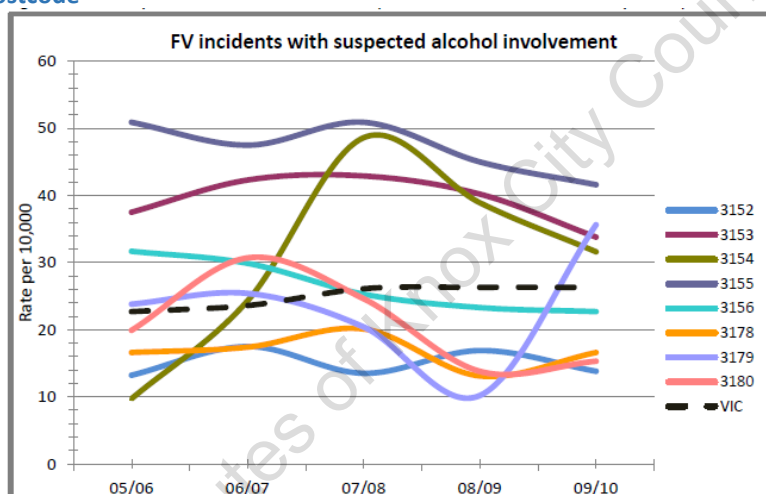
⁴¹ Lloyd B., Matthews S., Gao X.C. (2014). *Trends in alcohol and drug related ambulance attendances in Victoria: 2012/13*. Fitzroy, Victoria: Turning Point, p21.

caution is that confirming alcohol as a cause of family violence, may then be used as a defence for the behaviour (ADF, 2016). Nevertheless, statistics shows that in Victoria alcohol involvement in family incidents is significant. Police data in 2012-2013 recorded alcohol was involved (either definitive or possible involvement) in approximately 46% of family incidents in Victoria (ADF, 2016).

The concerning role of alcohol in family incidents was identified in the 2015 *Knox Family Violence Profile*. As specified below, the *Knox Family Violence Profile* identified the role of alcohol in family violence incidents for specific suburbs:

“Also of concern are figures showing that the rate of alcohol involvement in family violence incidents in Bayswater and Boronia is much higher than the Victorian average. It is perhaps unsurprising to note that Boronia and Bayswater also have the highest rate of off-premises (take away) liquor licenses in Knox (5.4 and 9.4 per 1000 residents respectively, compared with the Knox average of 4.4).”

Figure 5 - Family Violence incidents with suspected alcohol involvement by Knox Postcode



Source: AOD (2012/2013)

Between June 2015 and July 2016 in Knox, there were 1,766-recorded family incidents in the LEAP database, equating to 4.8 incidents per day. In a five-year period (2012 to 2016) family incidents recorded in Knox have increased by 29.4% (CSA, 2016). The number of incidents have increased over time in Australia due to a cultural attitude change about the acceptability of reporting (Knox Family Violence Profile, 2015) and police policy (Knox Family Violence Profile, 2015)⁴². However, the Knox Family Violence Profile (2015) suggests the increase in family violence reporting in Victoria, does not totally account for the increase reporting of family incidents in Knox.

In Knox, alcohol has a substantial presence in family violence incidents. The following data from the Crime Statistics Agency reflects the involvement of alcohol recorded by police officers who attend the incident. The data available represents a count of people that are flagged by police officers for having alcohol involvement within a family incident, rather than a count of incidents.

⁴² Note: “Since the introduction of the Victoria Police Code of Practice in 2004 and the passing of the Family Violence Protection Act 2008, there has been a steady rise in the reporting of family violence incidents in Victoria. Police response to victims has improved, with a strong emphasis on referral, support, and the laying of charges where appropriate” (Knox, Family Violence Profile, 2015).

Data from Turning Point Alcohol and Drug statistics for 2012/2013 also indicate a potential issue for Knox alcohol consumption and assaults. Knox ranks highest in the Outer and Inner East for the rate of alcohol assaults during high alcohol hours - 11 incidents per 10,000 (see table 9 below).

Table 9- Alcohol assaults during high alcohol hours, Outer and Inner East Melbourne

AOD stats, rate per, 10,000	Alcohol Assaults during High Alcohol Hours
Manningham	3.5
Boroondara	4
Whitehorse	4.4
Monash	4.8
Maroondah	8.8
Yarra Ranges	9.2
Knox	11
Victoria	13.1

Source: AOD (2012/2013)

6.6.3 Location of offences

The location of offences involving alcohol, tells us more about the social context within which alcohol misuse occurs in Knox. This is particularly pertinent for local government. Knowing the location of alcohol offences also helps inform what can be done to support the reduction of alcohol misuse. In Knox between June 2015 and July 2016, most offences with alcohol involved occurred in a residential location (55.7%), followed by in the community (29.1%) and other location (15%)⁴³.

To gain more knowledge about location, Table 7 also shows the percentage of offences for each location sub-categories. Here we can see the highest percentage (51.1%) of offences that involved alcohol, occurred in a private dwelling (residential location). The next highest percentage occurred within the community on the street/footpath (18.5%) and retail (9.3%) such as restaurants/fast food, supermarkets and shopping complexes.

When compared to benchmark areas, it is clear that in Knox alcohol related offences occur more often in residential areas (55.9%) compared to Melbourne Metro (50.4%) and slightly more than Victoria (55%).

This percentage of alcohol offences in residential areas, across all benchmark areas, and in particular in Knox, should be monitored in the future.

⁴³ Note: It is also important to consider that the CSA data only shows offences and incidents officially recorded as crime statistics, therefore, much more incidents, not resulting in crime, may occur in different locations.

Table 7 - Location of offences with alcohol involved in Knox, 2015-2016

Location	Knox	Melbourne Metro	Victoria
Residential	55.9	50.4	55.0
Private Dwelling	51.1	45.4	48.6
Non-Private Dwelling	1.0	1.6	1.8
Grounds/surrounding land	3.8	3.4	4.6
Community	29.1	33.4	29.2
Education (school)	0.6	0.4	0.3
Public Transport	2.9	6.3	4.3
Other transport (car park)	3.2	2.1	1.9
Justice (police station)	3.2	1.4	1.5
Open space (parkland)	0.6	1.6	1.6
Street/footpath	18.5	20.9	18.8
Other	n/a	0.7	0.8
Other	15.0	16.2	15.8
Admin/professional	0.3	0.3	0.3
Retail	9.3	7.4	6.5
Wholesale	0.3	0	0
Licensed Premises	3.5	6.1	6.7
Gaming venue	1.3	0.9	0.6
Other	0.3	1.5	1.7
Total	100	100	100

Source: CSA, 2016

Other key differences between the benchmark areas in Table 7 are:

- Knox has less alcohol related offences on public transport (2.9%) particularly compared to Melbourne Metro (6.3%) – however this may be due to less availability of PT in Knox, whereas Metro has more trains and trams etc.
- Knox has a higher percentage in the ‘other transport’ category, 3.2% compared to 2.1% in Melbourne Metro and 1.9% Victoria. This data is consistent with qualitative findings later in the report – Knox residents report car parks are a particular area for concern regarding their perceptions of safety.
- Knox has almost double the percentage of alcohol related offences occurring in the ‘justice location/police station’, 3.2%, compared to 1.4% Melbourne Metro and 1.5% Victoria.

Particularly notable in this location data for Knox, is the lack of offences that occurred in licensed premises (3.5%) and gaming venues (1.3%). When comparing this to the benchmark areas, Knox has almost half the amount of alcohol related offences occurring in licensed premises compared to Melbourne Metro (6.1%) and Victoria (6.7%). However, Knox has a higher percentage of alcohol related offences in Gaming Venues (1.3%) compared to Melbourne Metro (0.9%) and Victoria (0.6%).

This data indicates attention given to licensed premises to reduce alcohol misuse may be ineffective in any meaningful reduction for offences in Knox. Instead more attention could be given to alcohol consumption that occurs in the home and consumption levels impacting the physiological effect of alcohol (sometimes resulting in impaired judgement and poor decision making) that may play a role motivating other offences such as assault, domestic violence, or property damage.

6.6.4 Harm to others and perceptions of safety

Harm caused from strangers drinking and the associated impacts upon the public perception of safety, is a consistent theme in the social harms of alcohol.

The FARE Annual alcohol poll in 2016 (n=1,825) confirmed Australian public perceptions of alcohol are negative:

- One third of Australians (35%) consider alcohol to be the drug that causes the most harm in Australia, behind illegal drugs (44%) and ahead of tobacco (10%) and pharmaceuticals and prescription drugs (5%), while 6% of Australians are unsure.
- More than three quarters (78%) of people believe that Australia has a problem with excess drinking or alcohol abuse...an increase from 2015, where 75% of people believed that Australia has a problem with alcohol, and is consistent with 2014 results.
- The majority (78%) of Australians believe that more needs to be done to reduce the harm caused by alcohol-related illness, injury, death and related issues...

Some existing data sources outlined in the section below, offer insight into community perceptions regarding alcohol in Knox.

6.6.5 Knox City Council Safety Survey

In 2012 Council undertook a Safety Survey comprising a sample of 324, compared with a 2011 survey of 70.

Alcohol related concerns identified in the 2012 survey revolved around the theme of anti-social behaviour, such as noisy house parties. Respondents also identified problems associated with drinking in public places and “broken bottles on the ground”.

The survey shows alcohol use begins to impact upon the community as a safety issue when it results in noise disruption, and disarray in public places. Therefore, it can be assumed that alcohol use can be connected to ‘anti-social behaviour’ for these Knox residents.

Alcohol related concerns also featured when respondents were asked, ‘what places in Knox do you feel unsafe’? Approximately 13% of respondents to this question (34 out of 260) stated they felt unsafe in places where public drinking occurred and consequent anti-social behaviour was displayed. In a thematic analysis of respondents comments, *train stations* (Boronia and Ferntree Gully particularly) were the primary place respondents felt unsafe. One male, 40-49 commented that at train stations there are “too many undesirables hanging around, both young and old drunk & drugged.”

After train stations, unsafe places in Knox were *carparks*; followed by *Knox Ozone* (“due to a lot of drunk people, and always constant fights”); *streets* in general, *parcs/reserves*, and *pubs and shops*.

The safety perceptions found in the Knox surveys (2011, and 2012) are similar to perception in national findings. In the national 'Harms to Others Survey', Laslett et al. (2011 and 2015), found a noteworthy negative impact of alcohol use, was ascribed to the anti-social behaviour of strangers drinking in the public spaces – such as noise.

7 Current Alcohol harm-minimisation actions in Knox

Outside of its statutory responsibilities, Council's role in alcohol is primarily a coordination and advocacy role, which revolves around the objective of seeking to minimise alcohol related harm in the community.

7.1 Knox Liquor Licensing Accord

Knox City is already working towards the management of supply with the establishment of the Knox Liquor Licensing Accord 2015-2017. With 14 members including police, security, alcohol providers, the objectives of the accord are to:

- Influence the management and availability of licensed venues in Knox to restrict venues with late night trading and large patron numbers.
- Plan appropriately for off premises consumption licenses to discourage licence applications that contribute to negative cumulative impacts on alcohol misuse:
 - Consider levels of social and economic disadvantage in areas where new packaged liquor outlets are proposed.
- Be aware of social impacts of licensed venues, particularly on vulnerable community members:
 - Create a vibrant City supported by a sustainable night time economy.
 - Create a mix of activities in Knox entertainment precincts.
 - Support safe, well connected transport routes.
- Support well managed licensed venues to ensure safety of patrons and staff in Knox venues.
- Work collaboratively to reduce alcohol related harm in Knox by contributing to a forum for information sharing and training that reduces the adverse impacts of alcohol in the Knox community.

7.2 SEMCA project

A key challenge for all governments is to create alcohol management frameworks that balance the rights of industry and those who enjoy using alcohol, with the right of all people to live, work and recreate in safe environments.

To address the complexity of these issues, Knox City Council has now partnered with the South-East Melbourne Councils Alliance (SEMCA), which consists of the municipalities of Bass Coast, Cardinia, Casey, Frankston, Greater Dandenong, Kingston as well as with the City of Maroondah, to investigate links between packaged liquor outlet density and alcohol related harms, with the aim of seeking outcomes to minimise alcohol-related harm (ie: family violence and crime) in the community.

The SEMCA group has partnered with Victoria Police, Ambulance Victoria, Swinburne University, the Australian Drug Foundation, and Turning Point Alcohol and Drug Research Centre to explore these links and

SEMCA is currently undertaking a project investigating links between packaged liquor outlets and alcohol-related harms, including the roles of urban planning and liquor licensing.

Phase 1 of the project is completed, and research undertaken has confirmed that planning has a legitimate role to play in liquor regulation. It concluded that the liquor licensing system in isolation cannot adequately address strategic planning, local impact assessment and community engagement in its decisions. However, the planning system is able to consider the spatial context of an application including its relationship with other licensed venues and their cumulative impact.

Recommendations of Phase 1 of the SEMCA project are that the existing planning framework for assessing packaged liquor outlets needs improvement. Existing policy and regulations provide insufficient basis for community health, wellbeing and safety to be considered in the assessment of cumulative impact of outlet density and alcohol-related harms of licensed premises. Considerations are currently limited to the amenity of the area surrounding the application site. Assessment guidelines are geared towards inner city on-premises venues. Several of the current planning considerations are irrelevant or ill-fitted to packaged liquor outlet proposals. In addition to this, creating an evidentiary link between a proposed outlet and its potential harm as a basis for refusal is extremely challenging.

7.3 Knox Packaged Liquor Outlet Planning Policy

As part of Phase 2 of the SEMCA project, the SEMCA group and partner Councils (including Knox City Council), are developing a local planning policy for all planning schemes of participating Councils, that is proposed to apply to all planning permit applications for packaged liquor licences under Clause 52.27 of each Council's Planning Scheme.

The local planning policy is being proposed to address the identified policy gaps in the absence of any Statewide planning provisions, to specifically address the consideration of community health and wellbeing and safety issues, such as likely alcohol-related harms of packaged liquor outlets.

The purposes of the local planning policy will be:

- Ensure the cumulative impact of packaged liquor floorspace is assessed;
- Manage the location, floor area and type of packaged liquor outlets so as to avoid and mitigate potential amenity impacts;
- Ensure the assessment of amenity impacts from packaged liquor outlets includes consideration of community health, wellbeing and safety;
- Minimise the potential for alcohol-related transferred harm associated with off-premises consumption of products purchased from packaged liquor;
- Direct large format packaged liquor outlets into higher order activity centres (where they are accessible but not convenient), and discourage stand alone packaged liquor outlets in out-of centre locations;

- Discourage packaged liquor outlets in areas of highest social disadvantage, and to discourage outlets in proximity to schools and health services that provide drug, alcohol or mental health treatment; and
- Require Social Impact Assessments to be included as part of the application assessment process where packaged liquor outlets are large format (ie: net floorspace over 1,000m²), or would result in an oversupply of packaged liquor floorspace in a local area (ie: over the metropolitan standard of 80m² of packaged liquor floorspace per 1,000 adults).

The policy will seek to provide Councils with an improved decision-making framework for packaged liquor outlets, which will require a more rigorous assessment process when applications present a higher risk to alcohol related harm.

The SEMCA group is proposing to introduce the policy into all planning schemes of participating Councils by a Group of Council planning scheme amendment. It will be supported and informed by the extensive research undertaken by the SEMCA group as part of its alcohol density and packaged liquor project, and this Direction Paper as it relates to the implementation of the policy into the Knox Planning Scheme.

8 Conclusion

The sale and consumption of alcohol and the operation of alcohol-related industries in Knox provide important community benefits in the form of leisure and recreation opportunities, contribution to active and vibrant activity centres, local employment, investment and community donations. It is also recognised however, that there is a need for corporate and social responsibility to minimise alcohol-related harm, and to protect the community's health and wellbeing.

Local Government has a legitimate and important role to play in addressing alcohol-related harm, through its advocacy and coordination roles across a range of community wellbeing, safety and public health initiatives, as well as its statutory responsibilities under both the *Planning and Environment Act 1987* and the *Liquor Control Reform Act 1998*. The research which has been undertaken to date through the SEMCA project suggests that Councils need stronger policy support in their planning schemes to be able to effectively do this.

The Councils participating in the SEMCA project are seeking to introduce local planning policies into their planning schemes to address the identified legislative and policy gaps, which will seek to minimise alcohol related harm associated with the sale and consumption of liquor from packaged liquor outlets. The most significant outcome of the policy will be improved assessment processes for packaged liquor outlets, which can take into account local context and more appropriately consider the community health, wellbeing and safety impacts of alcohol related harm in the community.

9 Definitions and Terms

9.1 Acronyms

ANPHA	Australian National Preventive Health Agency
AOD	Alcohol and Other Drugs
EMR	Eastern Metropolitan Region
FARE	Foundation for Alcohol Research and Education
LCRA	<i>Liquor Control Reform Act 1998 (Vic)</i> – Victoria’s liquor licensing law
LGA	Local Government Area
LPPF	Local Planning Policy Framework
NHMRC	National Health and Medical Research Council
P&E Act	Planning and Environment Act 1987
PLO	Packaged Liquor Outlet
PLO	Packaged Liquor Outlet
SEIFA	Australian Bureau of Statistics - Socio-Economic Indexes For Areas
SEMCA	South East Melbourne Councils Alliance – a group comprising Councils, Victoria Police and Turning Point undertaking a project investigating the links between PLOs and alcohol related harm
SPPF	State Policy Planning Framework
VCAT	Victorian Civil and Administrative Tribunal
VCGLR	Victorian Commission for Gambling and Liquor Regulation
VPP	Victorian Planning Provision

9.2 Key Terms

A standard alcoholic drink	In Australia a standard drink is any drink containing 10 grams of alcohol (NHMRC).
Alcohol culture	defined by VicHealth as “the way people drink including the formal rules, social norms, attitudes and beliefs around what is and what is not socially acceptable for a group of people before, during and after drinking (VicHealth, Centre for Alcohol Policy Research and Alcohol and Drug Foundation 2016).”
Alcohol Saturation Point	“The levels of harm that individuals within a community are prepared to tolerate” (<i>Shakeshaft, Love, Wood, 2011</i>). The saturation point is different for each community - it is determined by the majority opinion from a community.

Alcohol misuse	<p>the consumption of alcohol that exceeds a socially acceptable level, resulting in socially un-desirable behaviours and consequences. “Not all alcohol use represents misuse; rather, misuse comprises use that is above the recommended limits in particular contexts (such as driving or use of equipment), use at levels that leads to health-related problems and use that has reached the level where dependency exists (<i>NHS UK 2013 cited in Manning et al. 2010 AIHW, p. 1</i>)</p> <p>The NRMC 2009 Australian drinking guidelines define the following about alcohol consumption to measure harm in Australia.</p>
Lifetime risk ‘low risk’	no more than 2 standard drinks per day.
Lifetime risk ‘risky’.	on average had more than 2 standard drinks per day.
Responsible Authority	Body that makes decisions about planning permits under the P&E Act
Single occasion risk ‘low risk’.	Never had more than 4 standard drinks on any occasion.
Single occasion risk ‘yearly but not weekly’	Had more than 4 standard drinks at least once a year but not as often as weekly.

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- Knox Planning Scheme*

22.XX LICENSED PREMISES (PACKAGED LIQUOR) POLICY

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This policy applies to all applications for a new packaged liquor premises, the expansion of a licensed area for a packaged liquor premises, or the extension of trading hours of an existing packaged liquor premises, where a permit is required pursuant to Clause 52.27.

22.XX-1 Policy basis

Packaged liquor premises can make a positive contribution to local economies and provide a source of employment.

Research undertaken as part of the *Addressing the Cumulative Impacts of Outlet Density and Alcohol-Related Harms: Final Report* found a range of factors that are leading to impacts on communities from package liquor outlets, including:

- Increasingly, Australians are purchasing alcohol from packaged liquor outlets for consumption away from licensed premises;
- Nearly 80% of liquor consumed in Australia is purchased at packaged liquor outlets and this proportion is increasing;
- Changes in the availability of liquor influence drinking behaviour;
- Increasing the density of packaged liquor outlets has been shown to contribute to higher levels of assault, risk-taking behaviour and binge drinking;
- Outlet density also contributes to less visible harms including family violence, child abuse and chronic disease.

Packaged liquor presents particular management challenges because it is consumed away from the place of purchase. Harms associated with excessive consumption may be transferred a considerable distance and affect individuals in their homes, residential neighbourhoods and public spaces.

The density of licensed premises has traditionally been used as an indicator of harm. This measure is of limited use when it comes to packaged liquor outlets as they vary significantly in floorspace. The report found that the density of packaged liquor floor space represents a good indicator of the availability of packaged liquor. It was also found that one large-format liquor outlet may sell more liquor on a weekly basis than several small bottle shops.

Planning can play an important role in avoiding and mitigating amenity impacts associated with packaged liquor outlets by ensuring they are appropriately located.

22.XX-2 Objectives

- To ensure the cumulative impact of packaged liquor floorspace is assessed.
- To manage the location, floor area and type of packaged liquor outlets so as to avoid and mitigate potential amenity impacts.
- To ensure that the assessment of amenity impacts from packaged liquor outlets includes consideration of community health, wellbeing and safety.
- To minimise the potential for alcohol-related transferred harm associated with off premises consumption of products purchased from packaged liquor outlets.

22.XX.3 Definitions

Amenity includes community health, wellbeing and safety.

Large format means a packaged liquor outlet with a net floor area of more than 1,000sqm.

Net floor area has the same meaning as at Clause 72 except in the case of a drive-through bottle shop where it includes any external or covered licensed area from which packaged liquor may be purchased.

Packaged liquor outlet means a licensed premises that includes floor space dedicated to the sale of packaged liquor for consumption off the premises. It includes at bottle shop and drive-through sales area. It excludes over the bar sales of packaged liquor from a premises with a general or club licence.

Socio-economically disadvantaged area means a statistical area that is within the most socio-economically disadvantaged 20 per cent as defined by the Australian Bureau of Statistics SEIFA index of relative disadvantage.

Statistical Area Level 1 is the smallest unit used by the Australian Bureau of Statistics for the processing and release of Census data.

Surrounding area extends to the projected retail catchment of the packaged liquor outlet that is the subject of the application.

Transferred harm refers to adverse impacts of excessive alcohol consumption of packaged liquor that occur away from the packaged liquor premises.

22.XX-4 Policy

Location

It is policy to:

- Direct large-format packaged liquor outlets to higher-order activity centres, where they are accessible but not convenient.
- Avoid the establishment of large-format packaged liquor outlets in neighbourhood and local activity centres. [\[Municipalities may specify centres here\]](#)
- Discourage stand-alone packaged liquor outlets in out-of-centre locations.

Cumulative impacts

It is policy to:

- Ensure that the total net floor area of packaged liquor outlets within an activity centre (including the net floor area of the proposed outlet) is proportionate to the role and function of that centre (as determined by the SPPF and LPPF).
- Discourage increases in packaged liquor floor space in Statistical Areas Level 1 that are oversupplied with packaged liquor floor space.

Sensitive areas

It is policy to discourage:

- Packaged liquor outlets in areas that are socio-economically disadvantaged and oversupplied with packaged liquor floor area. [\[Municipalities may specify locations here\]](#)
- Packaged liquor outlets within 400 metres walking distance of health services that provide drug, alcohol or mental health treatment.
- The location of packaged liquor outlets within 400 metres walking distance of land that is predominantly used by person under 18 years of age.

Management

It is policy to:

- Encourage the operators of all packaged liquor outlets to become signatories of any relevant local liquor accords.
- Limit trading hours of packaged liquor outlets to not later than 11:00PM.

22.XX-5 Application requirements

All applications that are subject to this policy should include the following information:

- A written submission including:
 - A description of the proposed use including the net floor area and the hours of operation;
 - A written description of the site context;
 - A map showing cumulative impact assessment area (see Diagram 1);
 - An estimate of the total net floor area of all packaged liquor outlets within the cumulative impact assessment area (including the net floor area of the proposed outlet);
 - An assessment as to whether the retail catchment of the licensed premises creates or extends into an area where there is an oversupply of packaged liquor floor space (the assessment should include the net floor area of the proposed outlet).

Applications that meet the following criteria should include a Social Impact Assessment:

- All applications for large format packaged liquor outlets;
- All applications where the total net packaged liquor floor space density within any part of the projected retail catchment of the proposed outlet will be in excess of 80sqm per 1,000 adults as a result of the approval of the proposed outlet;
- All applications where the proposed packaged liquor outlet creates or increases an oversupply of packaged liquor floor space within any part of the projected retail catchment of the proposed outlet.

A Social Impact Assessment must include the following information, which may be waived or reduced if in the opinion of the Responsible Authority it is not necessary:

- All relevant alcohol-related harm and crime data from the Crime Statistics Agency and Turning Point Drug and Alcohol Research Centre in relation to the site and surrounding area; and
- The views of local support services and the local community.

22.XX-6 Decision guidelines

Before deciding on an application, the following matters should be considered in addition to the decision guidelines at Clauses 52.27 and 65:

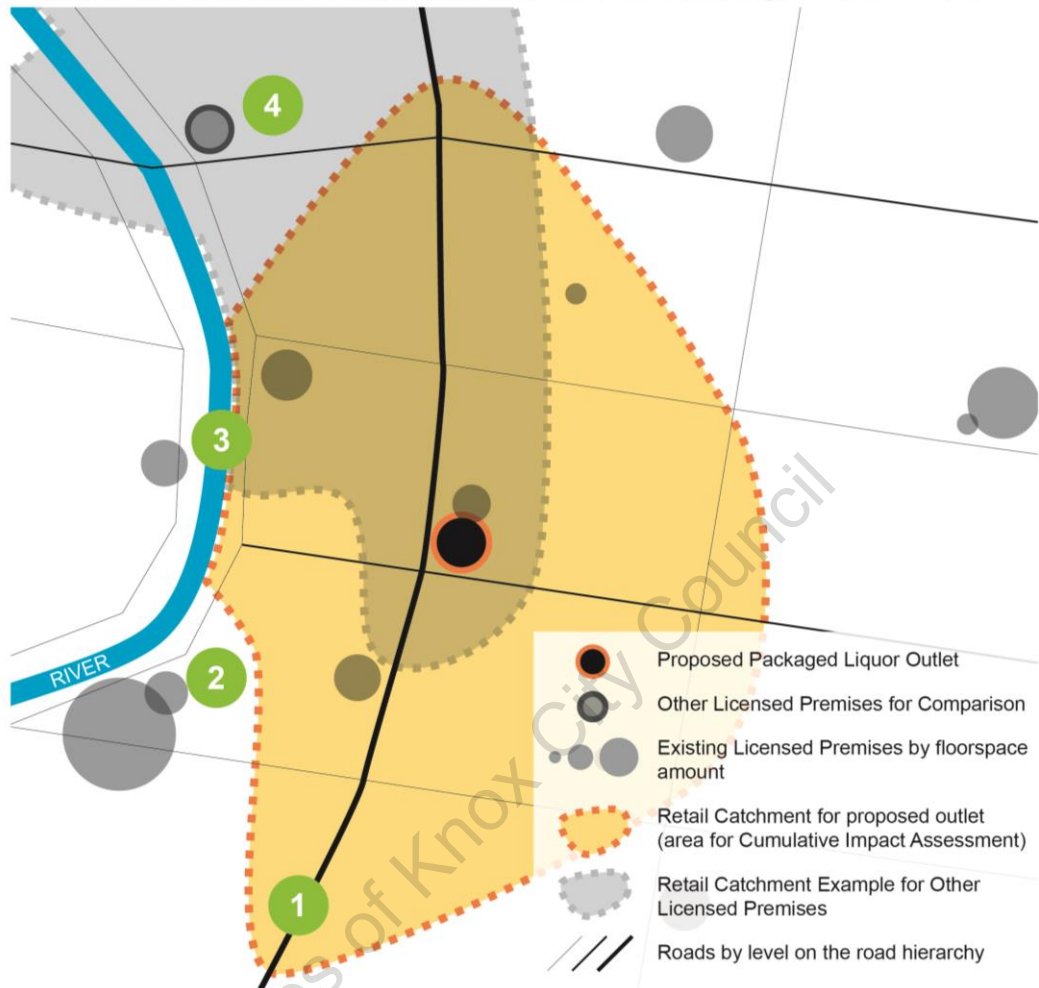
- The objectives and policies of this Clause;
- The impact of the sale or consumption of liquor permitted by the liquor licence on the amenity of the surrounding area, including the health, wellbeing and safety of the community;
- The impact of the hours of operation on the amenity of the surrounding area, taking into account the hours of operation of nearby licensed premises;
- The cumulative impact of the total amount of available net floor space of packaged liquor outlets on the amenity of the projected retail catchment, including the health, wellbeing and safety of the community;
- The susceptibility of the population in the retail catchment to alcohol-related harm;

- The appropriateness of the type and scale of the licensed premises in the context of the metropolitan and local activity centre hierarchy and the existing role of the relevant centre; and
- The views of Victoria Police.

22.XX-7 Reference documents

South East Melbourne Councils Alliance (2015) *Addressing the Cumulative Impacts of Outlet Density and Alcohol-Related Harms: Final Report*.

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Diagram 1: Example of a cumulative impact assessment for a packaged liquor outlet

A retail catchment is a geographic area from which trade generated by a retail business is derived. Typically the size of a catchment ranges from 'local catchments' (e.g. served by a local grocery store or milkbar) to a 'regional catchment' that serves an extensive regional area (e.g. 5km or more).

Catchment analysis is important in providing an appreciation of the role served by a retail business (for example, a large 'big box' retailer such as a hardware store or a furniture store serves a larger catchment than small local shops), and assists in identifying the likely origin of a retailer's customer base, and the appropriate scale and nature of development that can be supported in that particular catchment.

The geographic extent of the catchment served by a retail business is influenced by a number of factors. These include the following:

1 TRANSPORT NETWORK

The transport network affects the ease of access to licensed premises.

This example shows how the road network and the hierarchy of roads impacts the shape of a retail catchment. Premises are easier to access where roads provide quicker access particularly through shorter routes more major roads. This explains why proposed packaged liquor outlet's catchment extends to the south along the major road.

2 EXISTING RETAIL FLOORSPACE

The amount of existing leasable retail floorspace in the vicinity and its location can influence the retail catchment.

The example shown illustrates how a large nearby premises can push the proposal's catchment area away from it.

3 PHYSICAL CONSTRAINTS

Physical constraints (such as railway lines, creeks and rivers) can restrict access to licensed premises.

The river restricts access to licensed premises in this example.

4 OVERLAPPING CATCHMENTS

A proposed packaged liquor outlet's catchment area may also be influenced by overlapping catchments. This depends on the size and role of competing retailers with overlapping catchments

--/20--
C--

SCHEDULE TO CLAUSE 66.06 NOTICE OF PERMIT APPLICATIONS UNDER LOCAL PROVISIONS

1.0

Notice of permit applications under local provisions

--/20--
C--

Clause	Kind of application	Person or body to be notified
22.XX	An application under Licensed Premises (Packaged Liquor Outlets) Policy	Victoria Police
	"	

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All Councillors present agreed to consider Item 6 at this time.

6. MOTIONS FOR WHICH NOTICE HAS PREVIOUSLY BEEN GIVEN

6.1 NOTICE OF MOTION - NO. 73

BORONIA BASKETBALL STADIUM

COUNCIL RESOLUTION

MOVED: CR. LOCKWOOD

SECONDED: CR. PEARCE

That Council

- 1) Release the following information to the community regarding the Boronia Basketball Stadium at Park Crescent, Boronia, to supplement the report (Item 13.1 – Knox Basketball Infrastructure) tabled at the 23 October, 2017 Ordinary Meeting Of Council:
 - Details of historic annual maintenance and renewal expenditure; and
 - Details of forecast maintenance and renewal expenditure over the next 10 years.
- 2) Request that the historical and forecast costs to maintain and renew the Boronia Stadium over the next ten (10) years and the estimated replacement costs form part of the information to be considered by Council in determining its future plans for basketball in Knox.

CARRIED

PROCEDURAL MOTION**CLOSURE OF MEETING****MOVED: CR. PEARCE****SECONDED: CR. COOPER**

That in accordance with Sections 89 (2) of the Local Government Act, 1989 (the Act), the Meeting be closed to members of the public to consider:

- Item 3 – Service Planning: Year 4, Stage 5 – Service Plans, because it relates to personnel matters, industrial matters, and matters which would prejudice the Council or other persons under Sections 89(2)(a), (c) and (h) of the Act.
- Item 4 – Stamford Park Men's Shed Relocation, because it relates to contractual matters under Section 89(2)(h) of the Act.
- Item 5 – HACC Program For Younger People/ NDIS Transition, because it relates to contractual matters under Section 89(2)(c) of the Act.

CARRIED**THE MEETING WAS CLOSED TO THE PUBLIC AT 7.05PM****3. SERVICE PLANNING: YEAR 4, STAGE 5 – SERVICE PLANS**

A confidential report has been distributed under separate cover.

4. STAMFORD PARK MEN'S SHED RELOCATION

A confidential report has been distributed under separate cover.

5. HACC PROGRAM FOR YOUNGER PEOPLE/NDIS TRANSITION

A confidential report has been distributed under separate cover.

PROCEDURAL MOTION

MOVED: CR. PEARCE
SECONDED: CR. LOCKWOOD

That the meeting be re-opened to the Public.

CARRIED

THE MEETING REOPENED TO THE PUBLIC AT 7.28PM**7. SUPPLEMENTARY ITEMS**

Nil.

8. URGENT BUSINESS**8.1 URGENT BUSINESS**

Nil.

8.2 CALL UP ITEMS

Nil.

MEETING CLOSED AT 7.29PM

Minutes of Meeting confirmed at the
Ordinary Meeting of Council
held on
Monday, 18 December 2017

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Chairperson