

Report to the Future Melbourne (Planning) Committee

Agenda item 6.7

Liquor Referral LIQENQ-2015-119

1 December 2015

West Village NYC, Shop TG05, 31 Dukes Walk South Wharf

Presenter: Jane Birmingham, Practice Leader Statutory Planning

Purpose and background

1. The purpose of this report is to advise the Future Melbourne Committee of a request for a letter of support from the Melbourne City Council for an increase in trading hours allowed under an existing On-Premises Liquor Licence.
2. On 20 July 2015, new decision making guidelines were issued in the Victorian Government Gazette No S 204 for the assessment of applications for permanent and temporary liquor licences, for premises that are affected by the freeze, with trading past 1am.
3. One of the new decision making guidelines is that the applicant must satisfy the Victorian Commission for Gambling and Liquor Regulation (VCGLR) that 'the application is supported by the council of the municipality in which the premises is, or will be, located.' It is expected that the support of the municipal council be provided in writing and form part of the documentation lodged with VCGLR by the applicant for liquor licence. If the municipal council does not support an application, then the application will not be granted by VCGLR.
4. The applicant seeks to amend the existing on-premises licence to allow the sale and consumption of liquor for additional two hours (until 3am) on Friday and Saturday nights.
5. The Minister for Planning is the Responsible Authority for administering and enforcing the Melbourne Planning Scheme for the subject land. The land falls within an area that is affected by incorporated document Melbourne Convention Centre Development, Southbank and North Wharf Redevelopment, Docklands April 2006.

Key issues

6. The key issue is whether the extended trading hours requested will have a detrimental impact on the amenity of the surrounding area.
7. Within close proximity there are a number of residential uses. Most notable are above Dukes Walk and across the Yarra River at North Wharf (60 Siddeley Street). Complaints have been received in the past from residents of both these properties, specifically in relation to patron noise and music.
8. Further, having regard to the clustering of similar venues along South Wharf, it is considered that support for the exemption will set an undesirable precedent which may result in more venues seeking to trade beyond 1am.

Recommendation from management

9. That the Future Melbourne Committee resolves that a letter be sent to the applicant advising that the City of Melbourne does not support the application for a variation of their existing liquor licence to allow increased trading hours on Friday and Saturday to 3am.

Attachments:

1. Supporting Attachment
2. Locality Plan
3. Existing Liquor Licence
4. Delegate Report

Supporting Attachment

Legal

1. The VCGLR is responsible for determining the application.

Finance

2. There are no direct financial issues arising from the recommendations contained within this report.

Conflict of interest

3. No member of Council staff, or other person engaged under a contract, involved in advising on or preparing this report has declared a direct or indirect interest in relation to the matter of the report.

Stakeholder consultation

4. Council officers have not advertised the application. This is the responsibility of VCGLR.

Relation to Council policy

5. The proposed operating hours are inconsistent with Council's Licensed Premises Policy at Clause 22.22 of the Melbourne Planning Scheme.

Environmental sustainability

6. Environmental sustainability issues or opportunities are not considered relevant to this proposal.

West Village NYC, Shop TG05 31 Dukes Walk South Wharf



On-Premises Licence

Licence No. 32315875

Subject to the provisions of the Liquor Control Reform Act 1998 and any conditions specified in the licence, the licensee is authorised to supply liquor up to and including 31 December 2015

Licensee	SOUTH 31 PTY LTD		
Address for service of notices	31 DUKES WALK SOUTH WHARF 3006	Licensed premises address	TG - 04 & 05, DUKES WALK SOUTH WHARF 3006
Trading as	WEST VILLAGE NYC		

TYPE OF LICENCE

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

AMENITY

The licensee shall not cause or permit undue detriment to the amenity of the area to arise out of or in connection with the use of the premises to which the licence relates during or immediately after the trading hours authorised under this licence. The licensee shall ensure that the level of noise emitted from the licensed premises shall not exceed the permissible noise levels for entertainment noise as specified in the State Environment Protection Policy (Control of Music Noise from Public Premises) No.N-2.

When live or recorded amplified music other than background music is provided:

- The licensee shall install and maintain a surveillance recording system able to clearly identify individuals, which shows time and date and provides continuous images of all entrances and exits, bars and entertainment/dance floor areas. The surveillance recording system must operate from 30 minutes before the start of the entertainment being provided, until 30 minutes after closure. A copy of the recorded images must be available upon request for immediate viewing or removal by the Victoria Police, or a person authorised in writing by the Victorian Commission for Gambling and Liquor Regulation, or otherwise retained for at least one month. The position of the cameras will be to the satisfaction of the Licensing Inspector.
- Signs, as described below, are to be displayed in all areas subject to camera surveillance. Such signs shall read: "For the safety and security of patrons and staff this area is under electronic surveillance".
- Crowd controllers, licensed under the Private Security Act 2004, are to be employed at a ratio of 2 crowd controllers for the first 100 patrons and 1 crowd controller for each additional 100 patrons or part thereof. One crowd controller is to be present outside the premises to monitor patrons arriving at and departing from the premises. Crowd controllers are to be present from 30 minutes before the start of the entertainment being provided, until 30 minutes after closure.

The above crowd controller condition does not apply when live music (amplified or otherwise) is provided by a soloist or duo up to 10 p.m. on any day.

There are to be no speakers fixed to the external walls of the licensed premises.

The doors and windows to all external areas are to be closed from 11pm onwards except for a point of access and egress to the licensee is to install the surveillance recording system at the premises to the satisfaction of the licensing inspector from Victoria Police.

MAXIMUM CAPACITIES

150 patrons

TRADING HOURS

Sunday	Between 10am and 1am the following morning
ANZAC Day	Between 12noon and 1am the following morning
On any other day	Between 7am and 1am the following morning

APPROVALS/CONSENTS

Section 9(1)(b)/9A(1)(b) Off Site Catering. The licensee is authorised to supply liquor in the course of catering for social receptions or social functions on premises other than the licensed premises during the hours specified under "Trading Hours" for consumption on those premises.

Section 9(1)(b)/9A(1)(b)/11A(3)(b) Footpath/External area. The licensee is authorised to supply liquor on premises, other than the licensed premises, authorised by the Victorian Commission for Gambling and Liquor Regulation and shown on the approved plan during the hours specified below for consumption on those premises.

End of Conditions - Printed on 22/10/2015

LIQUOR LICENCE SUPPORT REPORT

Application number	LIQENQ-2015-119
Applicant:	Shane Harrison
Address:	Shop TG05 31 Dukes Walk South Wharf
Proposal:	Request for exemption to the 1am licence freeze
Date of lodgement:	04 September 2015
Responsible officer:	Brendan Cousins

1. PROPOSAL

A letter of support is being sought from the City of Melbourne to vary the existing liquor licence to allow the supply and consumption of liquor after 1.00am, as follows:

	Existing	Proposed
Anzac Day	Between 12 noon and 1am	No change
Monday to Thursday	Between 7am and 1am	No change
Friday & Saturday	Between 10am and 1am	Between 10am and 3am
Sunday	Between 10am and 11pm	No change

The applicant has requested an extension to the hours as they believe that their venue fits within the parameters of the new guidelines.

2. BACKGROUND

On 7 June 2015, the State Government announced that the freeze on granting new liquor licences for venues trading past 1am in the Cities of Melbourne (including Docklands), Stonnington, Yarra and Port Phillip would be extended until 30 June 2019. The freeze affects applications for new, relocated and variations to Major Event, General, On-premises, Packaged Liquor, Limited, Late Night and BYO Permit licence types. On 20 July 2015, new decision making guidelines were issued in the Victorian Government Gazette No S 204 for the assessment of applications for permanent and temporary liquor licences, for premises that are affected by the freeze, with trading past 1 am.

One of the new decision making guidelines is that the applicant must satisfy the Victorian Commission for Gambling and Liquor Regulation (VCGLR) that 'the application is supported by the council of the municipality in which the premises is, or will be, located.'

It is expected that the support of the municipal council be provided in writing and form part of the documentation lodged with VCGLR by the applicant for liquor licence. If

the municipal council does not support an application, then the application will not be granted by VCGLR.

3. PLANNING REQUIREMENTS

Minister for Planning RA

The Minister for Planning is the responsible authority for administering and enforcing the Melbourne Planning Scheme for the subject land. The land falls with an area that is affected by incorporated document Melbourne Convention Centre Development, Southbank and North Wharf Redevelopment, Docklands April 2006.

4. INTERNAL REFERRALS AND CITY LICENSING APPROVALS FORUM (CLAF)

No referrals required

The proposal did not require referral to any internal Council departments or CLAF. It is noted that the City Issues Department was contacted verbally to discuss the application. No issues were raised with the application.

5. ASSESSMENT

Council's Licensed Premises Policy at Clause 22.22 of Melbourne Planning Scheme provides guidance for new licensed premises and where existing licensed premises change their operation to ensure that the licensed premises would not detract from, or be detrimental to, the amenity of the area.

The objectives of the policy are:

- To identify appropriate locations and trading hours for licensed premises.
- To manage the operation of licensed premises to minimise adverse impacts on the amenity of the area and maintain the positive character, image and function of the city.
- To ensure that the cumulative impacts of licensed premises are assessed where venues are clustered in the one location.

The policy recognises that well managed licensed premises contribute to the activity, appearance, character and image of the area.

Within close proximity there are a number of residential uses. Most notable are above Duke Walk and across the Yarra River at North Wharf (60 Siddenly Street).

Complaints have been received in the past from residents of both these properties, specifically in relation to patron noise and music. The sensitivity of this area in relation to the nearby residents is reflected by the fact that the liquor licences for venues within South Wharf have specified conditions relating to outdoor areas and noise after 11am.

Although venue is not large (150) patrons, there are concerns about the impact of noise and behaviour on nearby residents if the venue trades past 1am. Furthermore considering the clustering of similar venues along South Wharf, it is considered that support for the exemption will set an undesirable precedent that may result in more venues seeking to trade beyond 1am.

6. CONCLUSION

It is considered that the application is not consistent with the local policy and will have a detrimental impact upon the amenity of the area and as such the application is not supported.

7. RECOMMENDATION

That a letter be sent to the applicant advising that the City of Melbourne does not support the application for a variation of their existing liquor licence to allow increased trading hours on Friday and Saturday to 3am

Brendan Cousins

Senior Planning Officer