



**DECISION AND REASONS FOR DECISION**

In the matter of two applications under section 153 of the *Liquor Control Reform Act 1998* for internal review of a decision to vary the category of a licence from a restaurant and cafe licence to an on-premises licence held by Taselan Pty Ltd in respect of the premises known as Northern Soul Cafe, located at 843 High Street, Thornbury.


**Commission:** Ms Helen Versey Deputy Chair  
Ms Deirdre O'Donnell, Deputy Chair  
Mr Des Powell AM, Commissioner

**Date of Hearing:** 10 September 2020

**Date of Decision:** 25 March 2021

**Appearances:** Mr Martin Hughes and Ms Kirsti Anderson, the first Applicant  
Mr Darren Wells, the second Applicant  
Mr David Epstein of Counsel, for the Licensee, instructed by Phillips & Wilkins Solicitors & Consultants  
Ms Caitlin McAlister, Counsel Assisting the Commission

**Decision:** The Commission has determined to set aside the decision of the Delegate and, in substitution, vary the licence subject to the conditions in Appendix A.

**Signed:**   
**Helen Versey**  
Deputy Chair



## REASONS FOR DECISION

### BACKGROUND

1. On 9 April 2020, Taselan Pty Ltd (the **Licensee**) applied to the Victorian Commission for Gambling and Liquor Regulation (the **Commission**) under the *Liquor Control Reform Act 1998* (the **LCR Act**)<sup>1</sup> to vary the category of restaurant and cafe licence no. 32292247 (the **Licence**) to an on-premises licence for the premises known as Northern Soul Cafe, located at 843 High Street, Thornbury (the **Premises**) (**Variation Application**).
2. The Variation Application also sought to extend the Premises' final trading hour for an additional two hours from 11pm to 1am the following morning on any day except for ANZAC Day and Good Friday.
3. On 9 April 2020, in accordance with section 33(1) of the LCR Act, a delegate of the Commission (**Delegate**) provided a copy of the Variation Application to the Chief Commissioner of Victoria Police (**Victoria Police**) and to Darebin City Council (the **Council**). On 8 May 2020, a licensing inspector at Victoria Police informed the Commission that Victoria Police did not object to the Variation Application. The Council also did not object to the Variation Application.
4. Between 17 April 2020 and 10 May 2020, the Delegate received amenity-based objections from five neighbouring residents, (the **Objectors**), who each live on a street parallel to the Premises. In summary, the Objectors stated that the current operation of the Premises causes excessive music and patron noise leading to sleep deprivation. The Objectors submitted that approval of the Variation Application would make this amenity issue even worse.
5. On 18 May 2020, the Licensee made submissions to the Commission in response to the Objectors. It stated that it had installed hydraulic closer doors, and created a comprehensive sound control policy, placing acoustic treatment in the form of foam panels and textured materials on the internal walls and ceiling, would be ensuring speakers face internally as much as possible, would be

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<sup>1</sup> All references to legislation are references to the LCR Act unless stated otherwise.



installing audio level limiters and dB meters, and would be placing signs around the Premises to remind patrons to be mindful of residents.

6. On 15 June 2020, the Delegate granted the Variation Application (the **Original Decision**). The Delegate considered that the music and patron noise issues raised could be addressed through the Licensee's initiatives as set out in paragraph 5 above and in licence conditions.
7. On 22 June 2020, the Commission received an application from Mr Hughes and Ms Anderson for internal review of the Original Decision. The Commission also received an internal review application from Mr Wells on 26 June 2020.
8. The Commission proceeded to deal with the two applications for internal review from Mr Hughes and Ms Anderson and Mr Wells (the **Applicants**) together (**Review Application**).

## LEGISLATIVE FRAMEWORK AND THE TASK BEFORE THE COMMISSION

### *The Commission's internal review power*

9. The Review Application is made under section 153 of the LCR Act. The Original Decision is a reviewable decision and the Applicants are eligible persons under Division 2 of Part 9 of the LCR Act to apply for review of that decision.
10. Pursuant to section 157(1) of the LCR Act, the specific task for the Commission with respect to the Review Application is to make a fresh decision that:
  - (a) affirms or varies the reviewable decision; or
  - (b) sets aside the reviewable decision and substitutes another decision that the Commission on review considers appropriate.
11. Under the LCR Act, an application to vary a licence may be contested or uncontested. Pursuant to section 3(1) of the LCR Act, a contested application relevantly includes "*an application for the grant, variation, transfer or relocation of a licence or BYO permit in respect of which any objections are received under Division 5 of Part 2 within the period set out in that Division for those objections (or that period as extended under section 174)*"<sup>2</sup>.
12. As the Applicants objected to the Variation Application it is a contested application.
13. In effect, the Commission, on internal review, stands in the shoes of the original decision maker and makes a fresh decision with respect to the Variation Application. The Commission must either:

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<sup>2</sup> Conversely, an "uncontested application" in the context of a Variation Application is defined in section 3(1) as being "*an application for the grant, variation, transfer or relocation of a licence or BYO permit in respect of which no objection is received under Division 5 of Part 2 within the period set out in that Division for that objection (or that period as extended under section 174)*."



- (a) grant the application (and may do so subject to conditions)<sup>3</sup>; or
- (b) refuse to grant the application<sup>4</sup>.

14. In doing so, it must consider all the information, material and evidence before the original decision maker<sup>5</sup>. It may also consider further information, material or evidence as part of making its decision<sup>6</sup>.

### **Conduct of an inquiry**

15. Section 34 of the *Victorian Commission for Gambling and Liquor Regulation Act 2011 (VCGLR Act)* provides that subject to that Act, gambling legislation or liquor legislation, the Commission may conduct any inquiry in any manner it considers appropriate. Relevant provisions governing the conduct of an inquiry by the Commission in this matter include:

- (a) section 33 of the VCGLR Act, which provides, inter alia:

*“(1) The Commission may conduct an inquiry for the purposes of performing its functions or duties, or exercising its powers under this Act, gambling legislation or liquor legislation.*

...

*(3) When conducting an inquiry for the purposes of performing its functions under section 9(1)(a), (b), (c) or (d) the Commission is taken to be a board appointed by the Governor in Council and Division 5 of Part 1 (including section 21A) of the Evidence (Miscellaneous Provisions) Act 1958, as in force immediately before the repeal of that Division, applies accordingly.”*

- (b) section 25(3) of the VCGLR Act, which provides:

*“In performing a function or duty the Commission—*

- (a) except when exercising a power under Division 5 of Part 1 of the Evidence (Miscellaneous Provisions) Act 1958, is not bound by the rules of evidence but may inform itself in any way it thinks fit;*
- (b) is bound by the rules of natural justice.”*

### **Exercising the internal review power**

16. Section 9(3) of the VCGLR Act provides that:

*“The Commission must, when performing functions or duties or exercising its powers under the Gambling Regulation Act 2003, the Liquor Control Reform Act 1998, the*

<sup>3</sup> Sections 44, 49 and 157 of the LCR Act

<sup>4</sup> Sections 44 and 157 of the LCR Act

<sup>5</sup> Section 157(2) of the LCR Act.

<sup>6</sup> See section 157(3) of the LCR Act.



*Casino Control Act 1991, the Racing Act 1958 or any other Act, have regard to the objects of the Act conferring functions on the Commission”<sup>7</sup>.*

17. Accordingly, in exercising its discretion to either grant or refuse a contested application under section 47(1) of the LCR Act, the Commission must have regard to the objects of the LCR Act.

18. The objects of the LCR Act are set out in section 4(1), which provides:

*“(1) The objects of this Act are—*

- (a) to contribute to minimising harm arising from the misuse and abuse of alcohol, including by—*
  - (i) providing adequate controls over the supply and consumption of liquor; and*
  - (ii) ensuring as far as practicable that the supply of liquor contributes to, and does not detract from, the amenity of community life; and*
  - (iii) restricting the supply of certain other alcoholic products; and*
  - (iv) encouraging a culture of responsible consumption of alcohol and reducing risky drinking of alcohol and its impact on the community; and*
- (b) to facilitate the development of a diversity of licensed facilities reflecting community expectations; and*
- (c) to contribute to the responsible development of the liquor, licensed hospitality and live music industries; and*
- (d) to regulate licensed premises that provide sexually explicit entertainment.”*

19. Section 4(2) of the LCR Act provides further that:

*“It is the intention of Parliament that every power, authority, discretion, jurisdiction and duty conferred or imposed by this Act must be exercised and performed with due regard to harm minimisation and the risks associated with the misuse and abuse of alcohol.”*

### **Determination of a contested application**

20. Where an application is a contested application, pursuant to section 47(1) of the LCR Act:

*“Subject to Division 3, the Commission must, after the period for making an objection under Division 5 has expired, including any extension of time granted for making an objection, grant or refuse a contested application.”*

21. Section 47(2) of the LCR Act provides that the Commission may refuse to grant a contested application on any of grounds set out in section 44(2).

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<sup>7</sup> There are no objects specified in the VCGLR Act itself.



22. Section 44(2)(b)(1) of the LCR Act provides the following grounds for refusal –  
*“that the granting of the application would detract from or be detrimental to the amenity of the area in which the premises to which the application relates are situated;”*
23. Section 3A provides that, for the purposes of the LCR Act, the amenity of an area is the quality that the area has of being pleasant and agreeable. The factors that may be taken into account in determining whether the grant, variation or relocation of a licence would detract from or be detrimental to the amenity of an area include those listed at section 3A(2) –
- (d) the possibility of nuisance or vandalism;*
  - (e) the harmony and coherence of the environment; and*
  - (f) any other prescribed matters<sup>8</sup>.*
24. Section 3AA of the LCR Act provides a list of factors which may be taken as evidence constituting detraction from or detriment to the amenity of area (including noise disturbance to occupiers of other premises – as discussed above). Those factors include:
- (a) violent behaviour;*
  - (b) drunkenness;*
  - (c) vandalism;*
  - (d) using profane, indecent or obscene language;*
  - (e) using threatening, abusive or insulting language;*
  - (f) behaving in a riotous, indecent, offensive or insulting manner;*
  - (g) disorderly behaviour;*
  - (h) causing nuisance;*
  - (i) noise disturbance to occupiers of other premises;*
  - (j) obstructing a footpath, street or road;*
  - (k) littering.*
25. Section 44(4) of the LCR Act provides that before granting or refusing a contested application under subsection (1), the Commission may:
- “(a) ...have regard to any matter the Commission considers relevant; and*
  - (b) make any enquiries the Commission considers appropriate but is not required to give any person an opportunity to be heard concerning the application.”*
26. The Court of Appeal of the Victorian Supreme Court has made it clear in *Kordister Pty Ltd v Director of Liquor Licensing* [2012] VSCA 325 (***Kordister***) that harm minimisation is a fundamental principle of the LCR Act, and can properly be regarded as *“the primary regulatory object of the Act and*

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<sup>8</sup> Section 3A(2) previously included three additional factors that may be taken into account in determining whether the grant, variation or relocation of a licence would detract from or be detrimental to the amenity of an area: (a) presence or absence of parking facilities, (b) traffic movement and density and (c) noise levels, until these factors were repealed by the *Liquor and Gambling Legislation Amendment Act 2018*.



*therefore the primary consideration in liquor licensing decisions*<sup>9</sup>. However, as was also noted by the Court of Appeal, *“this is not to say ... that it [harm minimisation] is to be taken into account, or given such weight, to the exclusion of the other objects”*<sup>10</sup>.

27. The Commission considers that, while the grounds of refusal outlined in section 44(2) are relevant considerations, the ultimate determination of a contested application is to be made pursuant to sections 44(1), 47(1) and 157(1) at the discretion of the Commission with reference to the objects of the LCR Act.
28. Under section 49 of the LCR Act, the Commission may impose any condition it thinks fit on the grant of an application.

### **MATERIAL BEFORE THE COMMISSION AND PUBLIC HEARING**

29. The Commission on review had before it, and considered, all materials received by the Delegate. The Commission also received and considered the following materials:

(a) Original Decision and reasons for decision of the Delegate, dated 15 June 2020.

*From Mr Hughes and Ms Anderson:*

- (b) Review Application received by the Commission on 22 June 2020 with accompanying email communications between Mr Hughes and Senior Planning Investigator of the Council, Mr Robert Buckmaster; and
- (c) list of the grounds relied on by Mr Hughes and Ms Anderson to show why the Delegate's decision should not be affirmed, dated 13 August 2020.

*From Mr Wells*

- (d) application for internal review dated 26 June 2020; and
- (e) list of the grounds relied on by Mr Wells to show why the Delegate's decision should not be affirmed, dated 13 August 2020.

*From the Licensee*

- (f) submissions, dated 30 June 2020;
- (g) statutory declaration of Christian Evripidou, dated 30 June 2020; and
- (h) submissions, dated 20 August 2020.

<sup>9</sup> See *Kordister* [2012] VSCA 325, at [19] per Warren CJ and Osborn JA; [188] per Tate JA.

<sup>10</sup> See *Kordister* [2012] VSCA 325, at [188] per Tate JA.



30. The Commission also had before it and considered a letter from Mr Robert Buckmaster, Senior Planning Investigator of the Council, dated 24 July 2020, with Notice to Comply addressed to the Licensee, dated 10 December 2019.

***The public hearing***

31. The Commission listed the Review Application for hearing on 10 September 2020 to be conducted by videoconference due to the COVID-19 pandemic-related restrictions on indoor gatherings.

32. After the Hearing, the Licensee provided the Commission with further proposed measures to address amenity issues were the Commission to affirm the Original Decision.

**REASONS FOR DECISION ON REVIEW**

***Issues for determination on review***

33. In deciding whether to affirm, vary or set aside the Original Decision and in turn grant or refuse the Variation Application that is the subject of the Review Application, the key issue to be determined by the Commission in this matter is whether the proposed variation would detract from or cause detriment to the amenity of the area in which the Premises are situated.

34. The Commission considers the following matters to be relevant in making this determination:

- (a) the impact of the proposed increased trading hours on the amenity of the area in which the Premises are situated; and
- (b) the impact of the music and patron noise at the Premises on the amenity of the area in which the Premises are located.

35. In exercising its ultimate discretion to grant or refuse the Variation Application, the Commission must have regard to the objects of the LCR Act, with particular regard to the object of harm minimisation, including by providing adequate controls over the supply and consumption of liquor at the Premises.

***Background in relation to the Variation Application***

36. The reason for seeking the Variation Application was for furtherance of business opportunities for the Licensee by providing additional service after 11pm.

37. Prior to the grant of the Variation Application, the patron capacity and trading hours for Licence #32292247 were as follows:

50 patrons during these hours:

Sunday 10 am – 11 pm

Good Friday & ANZAC Day 12 noon – 11 pm





On any other day

7 am – 11 pm

38. As a result of the Original Decision, the Licensee was permitted to trade until 11pm on Good Friday & ANZAC Day and 1 am on any other day, with an overall capacity of 50 patrons (including an external area capacity of 30 patrons) during all those times.

### ***Amenity***

39. The Commission must determine whether the grant of the licence would detract from or be detrimental to the amenity of the area in which the Premises are located, which may give rise to a ground of refusal under sections 47(2) and 44(2).

40. In the past, "noise levels" and "parking facilities" were specific factors listed in section 3A(2) of the LCR Act that the Commission may take into account when determining whether a grant of a licence would detract from or be detrimental to the amenity of an area. Since that time, an amendment to the LCR Act removed "noise levels" and "parking facilities" as factors (along with reference to traffic movement) to reduce duplication between the planning and liquor processes.<sup>11</sup>

41. The Commission is of the view that in this case, it is still appropriate to consider the potential amenity impacts associated with the Variation Application but notes that the Council did not object to the Original Application. In relation to the Review Application, the Commission notes that Mr Buckmaster did object on the grounds of detriment to amenity even though Council did not formally object.

### **Views of Applicants**

42. In summary, the Applicants submitted that the Premises causes great amenity issues in the area through noise pollution including excessive music noise late at night, noise from patrons, and outside noise from the courtyard area. They submitted that the Variation Application would exacerbate these already existing noise issues.

43. The Applicants said that it is very clear the music noise is coming from the Premises as opposed to one of the other licensed premises in the area.

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<sup>11</sup> Explanatory Memorandum at clause 29, Second Reading Speech at 928.



44. Mr Wells put forward conditions that he submitted the Commission should impose on the Licence should the Review Application result in the variation of the category of the Licence being granted. In summary, he submitted:

- (a) there should be no amplified music in the external area during trading hours; and
- (b) no outdoor speakers.

45. Further, Mr Hughes put forward conditions that he submitted the Commission should impose on the Licence should the Review Application result in the variation of the category of the Licence being granted. In summary, he submitted:

- (a) there should be no music played in the external area during trading hours;
- (b) sound insulation should be installed in the external area;
- (c) only background music should be played in the internal area, and only up to 11pm on any day.

Evidence of Robert Buckmaster, Senior Planning Investigator of the Council

46. In his submissions to the Commission, Mr Buckmaster submitted in summary:

- (a) He attended the Premises on 10 December 2019 following receipt of a complaint regarding excessive noise emanating from the Premises. He determined that the Licensee had breached amenity and issued a Notice to Comply;
- (b) He noted that the rear external area had limited means of noise containment, and that space had been the focus of three formal complaints;
- (c) He considers the playing of music in the external area should be no louder than background music, and that space should not be used after 11pm.

View of Licensee

47. The Licensee submitted (in summary):

- (a) The current licence condition which prohibits music in the external area after 7pm on weekdays and 9 pm on weekends is fair and reasonable;
- (b) Music should be able to be played indoors until 1 am. The door between the outdoor and indoor area must be shut at 7 pm and that door includes an automatic closing mechanism. There is very limited risk of sound leakage from the indoor area;
- (c) Prior to the Original Decision, the Licensee was permitted to play music in the external area until 11pm. As such, the licence as varied by the Original Decision is now more restrictive;



- (d) The site of the Premises is within a commercial zone. Therefore, a fair balance must be struck between the Licensee and the Applicants, having regard to the nature of the area;
- (e) There are currently no outdoor speakers in the external area, however, the Licensee intends to install them while at the same time complying with the current licence conditions;
- (f) The Licensee has trained all of its staff as to its Sound Control Policy;
- (g) The Licensee was permitted to play background music in the external area before the Original Decision, and should continue to be permitted to do so; and
- (h) Mr Hughes suggestion for the Licensee to install sound insulation in the external area would be unfairly onerous on the Licensee.

48. The Licensee provided the Commission with further proposed measures to address amenity issues following the Hearing. Those measures relevantly included (in summary):

- (a) Restricting the number of patrons in the external area to 20 after 11 pm;
- (b) Ensuring a sound limiter, audio level limiters and dB meters are installed so that music noise levels do not exceed background noise level; and
- (c) Ensuring signage is erected to remind patrons to leave quietly.

#### ***Complaints submitted by the Applicants after the Hearing***

49. In October and November 2020, the Applicants raised amenity issues relating to the Licensee's courtyard to the Commission.

#### **Acoustic Report from the Licensee**

50. Following these complaints, the Licensee believed it was necessary that an independent acoustic report be produced to outline the relevant noise level emanating from the Licensee's courtyard (**Acoustic Report**). Consequently, the Commission adjourned its decision until the Acoustic Report and any requisite submissions were provided to the Commission.

51. The Acoustic Report outlined four substantive recommendations (in summary):

- (a) The implementation of materials to strengthen the sound-proofing of the doors between the indoor and outdoor areas;
- (b) The building of a wall in the middle of the courtyard;
- (c) The installation of a sound limiter on the indoor sound system; and



(d) A reduction in capacity in the outdoor area from 30 to 20 people after 10 pm until close.

52. The Licensee submitted (in summary):

- (a) The Licensee is prepared to implement all recommendations subject to obtaining a council building permit and landlord approval to construct the wall or similar structure;
- (b) The Licensee is willing to accept a temporary reduction in capacity in the courtyard. However, the Licensee is concerned that reducing its capacity from 30 to 20 patrons in the courtyard at 10 pm would jeopardise the viability of its business. Accordingly, the Licensee submitted that if all physical measures were implemented a reduction in its trading capacity may not be necessary;
- (c) The Licensee submits that the prediction modelling in the Acoustic Report states that a courtyard capacity of 30 patrons after 10 pm with attenuation measures would not be compliant with the AAAC guidelines. However, the Licensee notes that the data is conservative, predictive and does not establish breach of any legal standard. Accordingly, the Licensee submits that for the Commission to make significant decisions with direct consequences for its profitability and viability based on conservative and worst-case scenario data would be unjust; and
- (d) The Licensee notes that many of its customers would often linger at the Premises after dinner service and after 10 pm, and it does not wish to ask its customers to leave in situations where their dining experience is beginning to wind down. The Licensee submits that dining past 10 pm is a fundamental element of restaurant culture on High St, particularly amongst southern European restaurants of which there are many in proximity to the Premises.

#### Commission Inspection of the Premises

53. The Commission requested Inspectors to conduct an amenity check and an overt inspection of the Premises as a result of the complaints submitted by the Applicants.

54. The Commission Inspectors visited the Premises on two occasions (on a Friday and Saturday late evening). On both occasions, the Commission Inspectors attended the rear fence line of one of the Applicant's address and observed that the noise emanating from the Premises was minimal even though there was a DJ booth at the front of the Premises. Overall, the Commission Inspectors did not detect any amenity issues during their inspections and observations of the Premises.

#### ***View of Commission***



55. The Commission deemed the key amenity issues to be:
- (a) the noise of customers at the Premises;
  - (b) the noise generated from the Licensee's courtyard generally; and
  - (c) the Licensee complying with its licence restrictions and its policies.
56. The Commission notes the evidence of the Director, Mr Nicos Evripidou, agreeing to take personal responsibility for dealing with any contact made by the Applicants and local residents relating to the operation of the Premises and any impact it may be having on the amenity of the area.
57. The Commission also notes that the Licensee is committed to operating its business in a manner that respects its neighbours' amenity and understands that this obligation rests with the Licensee as the permit holder to ensure that the licence conditions are not breached.
58. The Commission considers that reducing the number of patrons in the external area based on the worst-case scenario data of the Acoustic Report may impact on the viability and profitability of the Licensee's business. The Commission is satisfied that the Licensee's Sound Control Policy is an important factor in limiting to an appropriate level any impact on amenity caused by the operation of the Premises.
59. The Commission notes that the Acoustic Report states that a courtyard capacity of 30 patrons after 10 pm with attenuation measures would not be compliant with the AAAC guidelines. Although this scenario does not establish a breach of any legal standard, the Commission notes that the Licensee is responsible for ensuring continual compliance with the amenity-based conditions of the Licence and, in that regard, strongly encourages the Licensee to take positive steps to alleviate any potential impact on amenity of the area.
60. Moreover, the Commission considers it is imperative that the Licensee ensure all the noise attenuation measures outlined at paragraph 51 are implemented as soon as practicable, and that the Licensee commits to act responsibly and carefully manage the amenity of the area in which the Premises are situated.
61. The Commission also considers that whilst the Variation Application will result in some increase in trading hours, the imposition of appropriate conditions as set out in Appendix A, including a reduction in hours in the external area, will, on balance, assist in the prevention of detriment to the amenity of the area in which the Premises are situated.



62. The Commission is satisfied that the Licensee has demonstrated that it has given due consideration to the potential for negative impacts on the amenity of the area when operating the Premises, in light of the evidence presented at the Hearing before the Commission. The Commission expects that the conditions of the Licence will be adhered to by the Licensee.
63. The Commission also expects that the Licensee will ensure its venue management plan is adhered to; that it actively and regularly monitors the courtyard area for noise; and that it will give due attention to carefully managing the potential amenity impacts of the courtyard area.
64. In summary, the Commission finds that, subject to the conditions outlined in Appendix A, the grant of the variation to the Licence will not, on balance, detract from, or be detrimental to, the amenity of the area. The Commission also considers that the conditions outlined in Appendix A relating to the use of the Premises mitigate and minimise any potential negative impact with respect to amenity.

#### ***Other considerations***

65. In determining this Review Application, the Commission has had regard to the objects of the LCR Act, in particular harm minimisation. The Commission has also considered whether granting the Licence would be conducive to, or encourage, the misuse or abuse of alcohol. The Commission notes the Licensee's evidence that there have been no responsible service of alcohol or crowd control incidents at the Premises. In this regard, the Commission also notes that there is an existing licence condition with respect to patron capacity in the external area and considers it appropriate to retain this condition.

#### **DECISION**

66. Based on the reasons detailed above, and having regard to the objects of the LCR Act, the Commission has determined to vary the Original Decision and grant the Variation Application subject to the conditions set out in Appendix A.

***The preceding 66 paragraphs are a true copy of the Reasons for Decision of Ms Helen Versey, Deputy Chair, Ms Deirdre O'Donnell, Deputy Chair, and Mr Des Powell AM, Commissioner***



## Appendix A

### 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.

### MAXIMUM CAPACITIES

Overall	50 patrons
External area	30 patrons

### TRADING HOURS

#### INTERNAL AREA

Good Friday and ANZAC Day	Between 12 noon – 11 pm
On any other day	Between 10 am – 1 am the following morning

#### EXTERNAL AREA

Sunday to Thursday	Between 10 am – 10 pm
Friday to Saturday	Between 10 am – 12 midnight

### SPECIAL CONDITIONS

No music must be played in the backyard area after 7 pm between Sunday to Thursday and after 9 pm on Friday and Saturday.

The backdoor for access between the outdoor and the indoor areas must be closed after 7 pm.

The licensee must make food available at all times when liquor is available for supply.

Signs must be prominently displayed at the exit of the premises that contain words to the effect of "Please respect our neighbours and leave the area quietly".

### APPROVALS/CONSENTS

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 under "Trading Hours" for consumption on those premises.