

## Decision and reasons for decision

In the matter of an application by Patrick O'Brien under section 153 of the *Liquor Control Reform Act 1998* for the internal review of a decision to vary a renewable limited licence in respect of the premises trading as Warrnambool Laneway Bar, located at 80-82 Liebig Street, Warrnambool.

**Commission:**

Ms Deirdre O'Donnell, Deputy Chair

Ms Danielle Huntersmith, Commissioner

Mr Andrew Scott, Commissioner

**Date of Hearing:**

29 September 2021

**Date of Decision:**

21 October 2021

**Date of Reasons:**

21 October 2021

**Appearances**

Mr Lee Konstantinidis as Counsel Assisting

Mr Patrick O'Brien for the Licensee

**Decision:**

The Commission has determined to grant the Review Application in part and vary the decision of the Delegate to vary the licence, subject to the conditions at Appendix A.

**Signed:**



**Deirdre O'Donnell**

Deputy Chair

## BACKGROUND

1. Warrnambool Laneway Bar operates as a “pop up bar” under renewable limited licence 36146472 (**the Licence**) held by Patrick O’Brien (**the Licensee**) and is located at the rear of 80-82 Liebig Street, Warrnambool (**the Premises**).
2. On 14 November 2017, the Victorian Commission for Gambling and Liquor Regulation (**the Commission**) issued the Licence. The Licence is unusual in that it only permits the supply of liquor for the months of December, January and February at the following times:
  - (a) Friday: 5pm to 1am the following day; and
  - (b) Sunday: 2pm to 11pm.
3. The Licence also permits the supply of liquor on 24 and 31 December annually.
4. The Licence originally limited the supply of liquor to four types of beer, three types of wine and three types of basic spirit, however this was expanded to 20 lines of liquor by a decision of the Commission on 11 December 2018.
5. The following condition with respect to amenity was endorsed on the Licence:

*“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.”*
6. By the Licensee’s account, the Premises only operates for approximately ten days per year, generally limited to Friday nights and mornings thereafter. The Licensee also describes the business as financially viable only because it generates significant trade during a narrow period of operation.

## THE VARIATION

7. On 22 April 2020, the Commission received an internal recommendation inviting it to vary the Licence at its own initiative under section 58 of *Liquor Control Reform Act 1998* (**the LCR Act**). The

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

recommendation was supported by an internal memorandum dated 22 April 2020 from the Commission's Compliance Division recommending that additional conditions be imposed on the Licence (**the Memorandum**). In summary, the Memorandum set out that:

- (a) Prior to 2017, the Premises had operated under a restaurant and café licence and temporary limited licences;
- (b) the Commission issued the Licence on 14 November 2017;
- (c) on 29 December 2017, the Commission received a complaint that RSA procedures were not followed at the Premises, however following an investigation by the Compliance Division of the Commission, the circumstances alleged by that complaint were not substantiated;
- (d) on 9 July 2018, the Commission received a letter of complaint from a nearby residential facility called Heatherlie Homes, stating that the operation of the Premises was disturbing its residents;
- (e) on 11 December 2018, the Commission varied the Licence, increasing the scale and scope of liquor which could be supplied to 20 lines of liquor;
- (f) on 31 January 2019, the Commission received a complaint from a resident of the Heatherlie Homes facility, stating that on 25 January 2019, a series of events on Friday and Sunday nights during spring and summer, with loud music, were affecting the sleep and health of the resident;
- (g) on 15 February 2019 at 10:32pm, the Commission conducted an inspection of the Premises and did not find the music levels at the Premises to exceed the maximum decibel levels permitted under the State Environment Protection Policy No. 2 (**SEPP N2 Policy**)<sup>2</sup>;
- (h) between 5 November 2019 and 13 December 2019, sound testing was conducted at the Premises by the Environment Protection Agency (**EPA**), the results of which are referred to by an audiometric report (**the EPA Report**);
- (i) the findings of the EPA Report were that the Licensee had contravened the SEPP N2 Policy by exceeding the number of events which were permitted to be held each year and exceeding the hours during which the Premises was permitted to operate; and

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<sup>2</sup> The *State Environment Protection Policy (Control of Music Noise from Public Premises)*. No. N-2.

(j) based upon the findings of the EPA Report, it was recommended that the Licence be varied to reduce trading hours to no later than 11pm and limit the number of days on which the Licence could operate to no more than six per annum.

8. On 28 January 2020, the Commission received the EPA Report, assessing the Licensee's compliance against the SEPP N2 Policy. The EPA Report was based upon measurements taken from the second storey balcony of a residence at Heatherlie Homes between 5 and 13 December 2019. The EPA Report concluded that the Premises operated in contravention of clauses 27, 29-30 and 17 of the SEPP N2 Policy.<sup>3</sup>
9. On 24 August 2020, in accordance with subsection 58(3) of the LCR Act, a delegate of the Commission (**the Delegate**) gave the Licensee written notice that the Commission was proposing to vary the conditions on the Licence (**the Proposed Variation**). The Proposed Variation was to limit the maximum permitted patron capacity to 120 patrons, and to limit the trading hours on the Licence from:

*FOR THE MONTHS OF DECEMBER, JANUARY AND FEBRUARY ONLY*

*Friday Between 5pm and 1am the following day.*

*Sunday Between 2pm and 11pm.*

*24th December Between 2pm and 1am the following day.*

*31st December Between 2pm and 1am the following day.*

to:

*FOR THE MONTHS OF DECEMBER, JANUARY AND FEBRUARY ONLY*

*Friday Between 5pm and 11pm.*

*Sunday Between 2pm and 11pm.*

*24th December Between 2pm and 11pm.*

*31st December Between 2pm and 1am the following day.*

*Any live or recorded amplified music played on the licensed premises must be no greater than background music level at any time.*

10. On 12 October 2020, the Licensee objected to the Proposed Variation to the trading hours and patron limits on the Licence for the following reasons:

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<sup>3</sup> These clauses deal with operating times, the number of concerts in an outdoor venue and noise limits for outdoor venues respectively.

- (a) the EPA Report should not cause the Commission to vary the Licence, given that the SEPP N2 Policy was in the process of being redrafted and would not continue to exist in its current state;
- (b) limiting the number of patrons to 120 was too restrictive;
- (c) complaints which had been received previously with respect to the Premises' operation occurred with reference to a single event called "Coastal Jam", which impacted upon the amenity of the area in a manner which the Licensee did not predict or condone, and as such, the Premises would not host that event in the future;
- (d) the Premises did not trade on Saturdays (other than the morning after Friday) or Sundays, so the 'thumping' music referred to in the EPA Report therefore could not have originated from the Premises on those days;
- (e) works had been undertaken at the Premises since the date of the complaints to insulate the Premises against noise leakage and set up the Premises' audio system so as not to create an undue disturbance to residents of the area. It was stated that there had been no complaints since these measures were implemented at the Premises;
- (f) the Premises' operation enabled and supported the live music industry and community in the area;
- (g) the Premises had made contributions to the community including donating approximately \$32,500 to various not-for-profit organisations;
- (h) the majority of patrons attended the premises after 10:30pm to see live music, so restricting live music to no later than 11pm would have a deleterious effect upon the Licensee's ability to turn a profit; and
- (i) the SEPP-N2 condition already exists on the Licence and the imposition of further conditions prevented the Licensee from operating with the flexibility afforded by that policy, such as in relation to events of "special social significance".

11. On 20 October 2021 after considering the objections made by the Licensee, in lieu of the conditions proposed at paragraph 9 above, the Delegate gave the Licensee written notice of its intention to vary the Licence, imposing conditions with respect to music levels, trading hours and patron numbers as follows (**the Amended Variation**):

- (a) any live or recorded amplified music provided on the licensed premises after 11pm on any Friday, Christmas Eve and New Year's Eve must be provided at no greater than background music level at any time;
- (b) any live or recorded amplified music provided on the licensed premises after 10pm on Sunday must be provided at no greater than background music level at any time; and
- (c) the maximum patron capacity is limited to 280.

12. The Licensee provided written submissions dated November 2020 objecting to the Amended Variation. These submissions reiterated the submissions at paragraph 10 above. They also indicated that:

- (a) the Licensee accepted that it was appropriate to condition the Licence limiting the maximum number of patrons at the Premises; and
- (b) the Commission should otherwise refrain from limiting the Licence and permit the Licensee to operate it for two years, in order for the Licensee to demonstrate that the Premises could operate in a satisfactory manner, prior to the Commission taking further action to limit the Licence.

13. On 15 December 2020, a delegate of the Commission (**the Delegate**) varied the Licence consistent with the Amended Variation, under section 58 of the LCR Act (**the Original Decision**).

## THE REVIEW APPLICATION

14. On 11 January 2021, the Licensee applied to the Commission for review of the Original Decision (**the Review Application**), submitting that noise mitigation strategies had since been implemented at the Premises and that the Original Decision harmed the Licensee's business, "the local culture and the live music scene for no reason".

15. The Review Application included a request that the decision be stayed until the Review Application was determined. On 20 January 2021, the Commission determined to stay the Original Decision to allow the Licensee to continue to operate the Licence under the original conditions, noting that the Licence only permitted the Licensee to trade until the end of February 2021, and not again until December 2021.

## LEGISLATION AND THE TASK BEFORE THE COMMISSION

### The Commission's internal review power

16. Division 2 of Part 9 of the LCR Act governs internal review applications. Under section 152, the decision made by the Delegate to vary the Licence is a reviewable decision and the Applicant is an eligible person to apply for the review of that decision. The Review Application was made pursuant to section 153 of the LCR Act.

17. Pursuant to section 157(1), 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<sup>4</sup>.

18. In effect, the Commission on review stands in the shoes of the original decision maker and must make a fresh decision with respect to the Original Application. In this case, the Commission must either:

- (a) refuse to grant the Review Application, and either affirm or vary the reviewable decision<sup>5</sup>; or
- (b) grant the Review Application and substitute another decision<sup>6</sup>.

### Exercising the internal review power

19. Section 9 of the *Victorian Commission for Gambling and Liquor Regulation Act 2011* (**the VCGLR Act**) requires the Commission, in exercising its internal review function, to have regard to the objects of the LCR Act and any decision-making guidelines issued by the Minister under section 5 of the VCGLR Act.

20. The objects of the LCR Act are set out at section 4(1) and provide that:

*The objects of this Act are—*

- (a) *to contribute to minimising harm arising from the misuse and abuse of alcohol, including by—*

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<sup>4</sup> Section 157(2) to (5) of the LCR Act and section 25(3) of the VCGLR Act further prescribe the manner in which the Commission is to undertake internal reviews.

<sup>5</sup> LCR Act, sections 58 and 157.

<sup>6</sup> LCR Act, section 157.

<sup>7</sup> VCGLR Act, section 9(3) and (4).

- (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.*

21. Section 4(2) of the LCR Act further provides 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.<sup>8</sup>*

22. Section 3AA of the LCR Act provides that any of the following factors, which may occur inside, or a place outside a licensed premises that is sufficiently proximate to, that premises, are taken to constitute evidence of detraction from, or detriment to, the amenity of the area in which the licensed premises is situated:

- (a) violent behaviour;
- (b) drunkenness;
- (c) vandalism;
- (d) using profane, indecent or obscene language;
- (e) using threatening, abusive or insulting language;

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<sup>8</sup> See further *Kordister Pty Ltd v Director of Liquor Licensing* [2012] VSCA 325, which confirms that harm minimisation is the primary regulatory object of the LCR Act and therefore the primary consideration in liquor licensing decisions (although not to the exclusion of the other objects).



- (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; and
- (k) littering.

23. In exercising the internal review power, the Commission:

- (a) must consider all the information, material and evidence before the original decision maker<sup>9</sup>; and
- (b) may consider further information or evidence<sup>10</sup>.

### **Conduct of an inquiry**

24. Section 34 of the VCGLR Act provides that, subject to that Act, gambling legislation or liquor legislation, the Commission may conduct an inquiry in any manner it considers appropriate.

25. Relevant provisions governing the conduct of an inquiry by the Commission in this matter are:

- (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 I (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 that the Commission is not bound by the rules of evidence, but is bound by the rules of natural justice.

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<sup>9</sup> LCR Act, section 157(2).

<sup>10</sup> LCR Act, section 157(3).

## MATERIAL BEFORE THE COMMISSION

26. The Commission on review had before it and considered all the materials and evidence before the Delegate, which included:

- (a) the Memorandum referred to in paragraph 7 above;
- (b) the EPA Report referred to in paragraph 8 above;
- (c) correspondence between the Licensee and the Commission;
- (d) the Licensee's written submission, dated October 2020 attaching letters of support for the Premises; and
- (e) the Licensee's written submissions, dated November 2020.

27. It also had the following information:

- (a) the Delegate's decision and reasons dated 15 December 2020;
- (b) the Review Application, dated 15 December 2020;
- (c) correspondence from the Licensee, dated 9 July 2021, together with a written document titled '*Noise mitigation strategy*' and a detailed red line plan for the Premises; and
- (d) further correspondence from the Licensee, dated 27 July 2021.

## PUBLIC HEARING

28. On 29 September 2021, a hearing took place remotely by Zoom, which was attended by the Licensee (**the Hearing**).

29. The Licensee explained that the bar started in 2014 as a side-project of a laneway restaurant. The Licensee took over the operation of the business and applied for a renewable limited licence at some point between 2015 and 2017, when he saw an opportunity in the market in Warrnambool for a licensed premises bringing live artists to the area, and decided to explore this business opportunity.

30. The Licensee stated that the Premises has the following two main "settings":

- (a) from 6pm to 9pm the Premises is patronised by the after-work crowd which can see live music in the form of an acoustic and jazz setting. This setting generally runs at a financial loss due to fewer patrons at this time; and
- (b) from 9pm to 12:30am, vinyl DJs and funk are played (though occasionally live bands too). This is when the Premises reportedly produces its profits and the Premises is generally able to close at 1:00am.

31. The Licensee stated that the Premises could only comfortably accommodate 300 patrons and his current practice was to count patron numbers.

32. There was no demand for the Premises to operate on Sundays, so the Licensee had no intention to do so. However, the Licensee had plans to seek approval to operate on Saturday beginning in late 2022-2023, subject to the conditions of the Licence.

33. The Premises employs up to 10 bar staff on busy nights in addition to cleaning staff, DJs and occasionally media staff.

34. At the Hearing, the Licensee was asked about complaints which he had received in previous years in response to noise emitted from the Premises. The Licensee explained that the following steps had been taken to reduce noise emitted from the Premises:

- (a) the Licensee adopted a practice of regularly consulting with residents of the area, including residents of Heatherlie Homes, to ensure that the operation of the Premises is not unduly impacting upon businesses and residents in the community in terms of amenity;
- (b) the Licensee adopted a practice of taking sound measurements at the approximate midpoint between the boundaries of the Premises and Heatherlie Homes. These measurements are taken up to four times during days of operation, in order to limit sound at that place of measurement to no more than 65dB before 11pm and then 55dB after that;
- (c) the Licensee purchased a shipping container which will be fabricated into a bar and positioned along the side of the premises facing Heatherlie Homes, which will also create a more effective acoustic barrier than the "acoustic pin-board" which was currently used. He stated that this container could be used in conjunction with the acoustic pin-board to further reduce sound leakage; and
- (d) unlike the Coastal Jam event where patrons were situated in the carpark at the rear of the Premises and able to enter the Premises from that carpark, the only point of ingress and egress to the Premises for patrons was through the main street entrance, facing away from

Warrnambool residences. Access to the carpark would be effectively barred by the shipping container referred to above.

35. The Licensee stated that as a result of the measures described in paragraph 34, no complaints regarding the conduct of the Premises had been received for approximately two years since 2019.

## DETERMINATION OF THE REVIEW APPLICATION

### Issues for determination on review

36. In determining the Review Application, it is necessary for the Commission to consider whether to affirm, vary or set aside the Original Decision<sup>11</sup>. Section 58 of the LCR Act does not prescribe factors to be considered in the Commission's task, however it is guided by the stated objects of the LCR Act.

37. Section 58 does not impose limitations upon the Commission's discretion to vary a licence, provided that the procedural requirements at subsections 58(3), 58(4) and 58(5) are met. While the grounds of refusal of an uncontested application at section 44(2) of the LCR Act are not mandatory considerations relevant to the Commission's power to vary a licence (at its own initiative) pursuant to section 58, the Commission's view is that those factors provide useful guidance upon which its discretion may be exercised.

### Amenity

38. Section 44(2) of the LCR act provides that one of the grounds to refuse a licence application is 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”.*

39. Based upon the history of the Original Decision and the information before the Commission, including the EPA Report referred to in paragraph 8 and the complaint referred to in paragraph 7(f) which prompted the Delegate's variation of the Licence, the Commission's primary consideration in determining whether to vary the Licence upon review is whether and how the operation of the Licence might detract from the amenity of the area in which the Premises is located.

40. There has been no suggestion that the operation of the Premises has been contrary to other objects of the LCR Act referred to in paragraph 22 above.

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<sup>11</sup> LCR Act, section 157(1)(a)-(b).

41. The Commission notes that some residents of Warrnambool had a negative experience due to an event named “Coastal Jam” which took place on 6 January 2019 within the boundaries of the Premises together with the carpark situated outside the Premises, towards Heatherlie Retirement Home. Both at the Hearing and in its written submissions, the Licensee accepted its error in hosting this event and stated that he has since implemented sound management strategies to mitigate noise which is usually emitted from the Premises. The Licensee has not hosted Coastal Jam since 2019, and does not propose to do so again.
42. The Noise Mitigation Strategy referred to in paragraph 27 states that due to the acoustic characteristics of the area and nearby buildings which acted as sound barriers, sound leakage from the Premises had occurred in an easterly direction. In response, sound insulation had since been installed along the eastern end of the bar to prevent this from occurring. The Commission accepts the Licensee’s evidence that the shipping container referred to in paragraph 34(c), when positioned across the south-eastern edge of the Premises, would be a more effective acoustic barrier in minimising sound leakage than the previously used “acoustic pin-board”.
43. As indicated in his written material, the Licensee also stated that he mitigates sound leakage through the optimisation of its speaker system which includes a bass limiter and several smaller speakers placed throughout the Premises, operating at reduced volumes, in lieu of fewer larger and louder speakers. The effect of this speaker placement is to mitigate sound leakage. In addition, the Licensee gave evidence at the Hearing that he uses a decibel reader at various times to measure music volume at different locations within the Premises as well as, as mentioned above, taking decibel readings at various times at the approximate midpoint between the boundaries of the Premises and Heatherlie Homes. These measurements are taken up to four times during days of operation, in order to limit sound at that place of measurement to no more than 65dB before 11pm and then 55dB after that.
44. The Licensee gave evidence at the Hearing that he will always be present at the Premises throughout all events to supervise and manage the events.
45. The Licensee’s noise mitigation strategy includes artist curation, where *light* genres of music such as blues, disco, jazz and folk which do not require loud volumes are selected in favour of genres such as rock and loud electronic music.
46. In the light of all of the evidence before the Commission, including the Licensee’s evidence that the Premises could not suitably accommodate more than 300 patrons, and noting that the Licensee does not object to the imposition of a condition on the Licence limiting patron numbers, the Commission is satisfied that it would be appropriate to impose a patron limit of 300 on the Licence to mitigate the possibility that events become difficult to manage.

47. The Commission accepts that the Licensee regularly consults with residents regarding the potential impact of the Premises as set out in paragraph 34(a) and that no complaints about the Premises had been made in the past 24 months.
48. The Commission also accepts that the Licensee intends to position a shipping container to provide further amenity protection, as set out in paragraphs 34(c) and 42 and considers it appropriate to require this to be endorsed as a special condition on the Licence.
49. The Commission is satisfied that the Licensee's noise mitigation measures, management of the Premises, consultation with stakeholders, willingness to engage with and address residents' concerns indicate that the operation of the Licence will not detract from the amenity of the area provided that appropriate conditions are endorsed on the Licence.

### **Facilitating the development of a diversity of licensed facilities reflecting community expectations**

50. An object of the LCR Act at section 4(1)(b) is "*to facilitate the development of a diversity of licensed facilities reflecting community expectations*".
51. The Licensee's submissions dated October and November 2020 indicate that approximately 80% of trade occurs between 10:30pm on Fridays and 12:30am the following morning. These submissions also set out that live music is the feature of the Premises which attracts patrons to it. It was submitted by the Licensee that the Original Decision, which limits trade to no later than 11pm, prohibits music above "background levels" and limits the patron capacity to a maximum of 120 may have deleterious effects upon the financial viability of the Premises.
52. The Licensee's submissions describing its role within the community as a live music venue, supporting and attracting acts for the benefit of both the Premises' patrons and artists, is considered to have a positive impact in accordance with this object of the LCR Act, to which the Commission has some regard in determining whether to limit the Licence.

### **Scale and Scope**

53. Section 26(1) of the LCR Act provides that the Commission may grant a limited licence only if satisfied that the scale and scope of the supply of liquor the subject of the licence is limited in nature.
54. While the Commission is not required to consider the requirement of section 26(1) of the LCR Act in the context of the Review Application, as it does not concern the grant of a limited licence, the Commission is satisfied that the limitations upon the licence specifying the months and hours of

operation, number of events per year and number of lines of liquor that can be supplied, when taken together constitute sufficient limitations for the purpose of section 26(1).

### **Misuse and abuse of liquor**

55. Section 4(1)(a) of the LCR Act provides that it is an object to contribute to minimising harm arising from the misuse and abuse of alcohol.

56. The Commission considers that the Licensee's active management of the operation of the Premises combined with a lack of incidents at the Premises associated with the misuse and abuse of alcohol indicate that the operation of the Premises will be consistent with the responsible consumption of alcohol, reducing risky drinking of alcohol and its impact on the community.<sup>12</sup>

### **DECISION ON REVIEW**

57. Based on all of the matters set out above, the Commission on review has decided to vary the Original Decision, to vary the Licence subject to the conditions at Appendix A.

***The preceding fifty-seven (57) paragraphs are a true copy of the Reasons for Decision of Ms Deirdre O'Donnell (Deputy Chair), Ms Danielle Huntersmith (Commissioner) and Mr Andrew Scott (Commissioner).***

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<sup>12</sup> See section 4(1)(a)(iv)

## APPENDIX A

### TYPE OF LICENCE

This licence is a renewable limited 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.

### SPECIAL CONDITIONS

The licensee will only be permitted to supply alcohol during the months of December, January and February each year.

The licensee will only be permitted to supply liquor at no more than fifteen (15) events each year.

The southeast boundary of the premises must remain blocked by a shipping container (to be used as a bar) while liquor is supplied under this licence.

### MAXIMUM CAPACITIES

Overall maximum 300 patrons.

### SUPPLY OF LIQUOR

Supply of liquor is limited to a maximum of 20 lines of liquor products.

### TRADING HOURS

#### FOR THE MONTHS OF DECEMBER, JANUARY AND FEBRUARY ONLY

24th December	Between 2pm and 1am the following day.
31st December	Between 2pm and 1am the following day.
Any other Friday	Between 5pm and 1am the following day.
Any other Sunday	Between 2pm and 11pm.