

Decision and reasons for decision

In the matter of an application under section 153 of the *Liquor Control Reform Act 1998* by Flour Child Richmond Pty Ltd for an internal review of a decision by a delegate to refuse to grant an application for a restaurant and cafe licence to Flour Child Richmond Pty Ltd for the premises trading as Flour Child Richmond, located at level 1, 432 Church Street, Richmond

Commission:	Mr James O'Halloran, Deputy Chairperson Ms Danielle Huntersmith, Chairperson Mr Steven Brnovic, Commissioner
Appearances:	Mr Martin Towe, LGS Legal, on behalf of Flour Child Richmond Pty Ltd Sergeant Alison Morris for Victoria Police Ms Karan Kahlon, Counsel Assisting the Commission
Date Hearing:	7 February 2024
Date of Decision:	18 April 2024
Date of Reasons:	20 August 2024
Decision:	The Commission has determined to set aside the decision of the delegate and grant the application for a restaurant and cafe licence subject to the conditions set out in Appendix A.

Signed:



James O'Halloran
Deputy Chairperson

Background

Original Application

1. On 19 December 2022, Flour Child Richmond Pty Ltd (**Applicant**) applied to the Victorian Liquor Commission (**Commission**) under section 9A of the *Liquor Control Reform Act 1998 (LCR Act)*¹ for a restaurant and cafe licence for premises located at level 1, 432 Church Street, Richmond (**Premises**) trading as Flour Child Richmond (**Original Application**).
2. In the Original Application, the Applicant sought the following trading hours:

Sunday:	Between 10am and 3am the following morning
Good Friday and ANZAC Day:	Between 12 noon and 3am the following morning
On any other day	Between 7am and 3am the following morning
3. The Applicant also sought a maximum patron capacity of 200.
4. In accordance with section 33, a copy of the Original Application was served on the Yarra City Council (**Council**) and the Chief Commissioner of Police (**Victoria Police**).
5. On 23 January 2023, the Council advised that provided the planning permit application is successful, it had no objection to the Original Application.
6. On 2 March 2023, Victoria Police through the Licensing Inspector, objected to the Original Application on the ground of amenity and advised that, if the Commission were to grant a licence, conditions should be imposed to the effect that there is to be no music above background level and no trading past 1am.
7. On 12 October 2023, a delegate of the Commission decided to refuse the Original Application on the basis that it had not been made in accordance with the LCR Act (**Original Decision**). Specifically, the Applicant was not satisfied that the Applicant was seeking the appropriate category of licence given the predominant activity requirement specified in section 9A(1) as discussed below (**Predominant Activity Requirement**).
8. On 29 November 2023, Victoria Police provided an updated objection, advising of a conditional withdrawal of their objection if a condition was imposed which prevented electrically or electronically amplified music after 1am.

Internal Review Application

9. On 16 October 2023, the Applicant applied for an internal review of the Original Decision (**Review Application**).

Legislation and the Commission's task

The Commission's internal review power

10. Division 2 of Part 9 governs internal review applications. Under section 152, the decision made by the delegate in the Original Decision is a reviewable decision and the Applicant

¹ All references to legislation are references to the *Liquor Control Reform Act 1998* unless stated otherwise.

is an eligible person to apply for a review. The Review Application was made pursuant to section 153.

11. 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 Original Decision; or
 - (b) sets aside the Original Decision and substitutes another decision that the Commission on review considers appropriate.²
12. 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 Decision. In this case, the Commission must decide whether to:
 - (a) grant the Original Application and, if so, whether to do so subject to conditions; or
 - (b) refuse to grant the Original Application.

Determination of a contested application

13. Under the LCR Act, an application for the grant of a licence may be contested or uncontested. The Original Application was contested as an objection from Victoria Police was received under Division 5 of Part 2 within the relevant period.
14. Where an application is a contested application, pursuant to section 47(1):

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.
15. Section 47(2) provides that the Commission may refuse to grant a contested application on any of the grounds set out in section 44(2) and section 44(3) applies accordingly.
16. Pursuant to section 44(2), the Commission may refuse to grant an application on certain grounds, including 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.

Exercising the internal review power

17. Sections 172D(3) and 172U(3)(b) require the Commission, in exercising its internal review power, to have regard to the objects of the LCR Act and any decision-making guidelines in respect of the regulation of liquor issued by the Minister.
18. The objects of the LCR Act are set out at section 4(1) as follows:

The objects of this Act are—

 - (a) *to contribute to minimising harm including by—*
 - (i) *providing adequate controls over the supply and consumption of liquor; and*

² Section 157(2) to (5) further prescribes the manner in which the Commission is to undertake internal reviews.

- (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) 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.³*
20. Section 3(1) defines “harm” as follows:
- harm means harm arising from the misuse and abuse of alcohol, including—***
- (a) *harm to minors, vulnerable persons or communities, including groups within communities; and*
 - (b) *family violence; and*
 - (c) *anti-social behaviour, including behaviour that causes personal injury or property damage.*
21. In exercising the internal review power, the Commission:
- (a) must consider all the information, material and evidence before the original decision maker;⁴ and
 - (b) may consider further information, material or evidence.⁵

Conduct of an inquiry

22. Section 47(3) provides that the Commission may have regard to any matter it considers relevant and make any enquiries it considers appropriate. The Commission must give the applicant and each objector a reasonable opportunity to be heard.
23. Section 172W(3) provides that the Commission is not bound by the rules of evidence but may inform itself in any way it thinks fit; and is bound by the rules of natural justice.

³ See further *Kordister Pty Ltd v Director of Liquor Licensing* (2012) 39 VR 92; [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).

⁴ LCR Act, section 157(2).

⁵ LCR Act, section 157(3).

Restaurant and cafe licences

24. Pursuant to section 9A(1), a restaurant and cafe licence authorises the licensee to supply liquor on the licensed premises for consumption on the licensed premises where the predominant activity carried out at all times on the premises is the preparation and serving of meals to be consumed on the licensed premises (**Predominant Activity Requirement**).
25. Section 9A(3)(a) further provides that a restaurant and cafe licence is subject to the condition that “tables and chairs must be placed in position on the licensed premises so as to be available for at least 75% of the patrons attending the premises at any one time”.
26. Moreover, section 9A(1)(a) provides that a restaurant and cafe licence authorises the licensee to supply liquor during ordinary trading hours (as defined in section 3) and between 11pm on any particular day until 1am on the following day for consumption on the premises.

Material before the Commission

27. The Commission on review had before it, and considered, all the materials before the delegate when making the Original Decision. The Commission also received and considered the following materials:
 - (a) updated written objection from Victoria Police, received on 29 November 2023;
 - (b) an acoustic report by Mr Peters of Renzo Tonin and Associates, dated 1 December 2023;
 - (c) submissions on the Predominant Activity Requirement from LGS Legal (on behalf of the Applicant), received on 5 December 2023;
 - (d) email from the Council regarding amendments to the planning permit – dated 22 December 2023;
 - (e) email response, dated 28 January 2024, from LGS Legal (on behalf the Applicant) to the Victoria Police objection;
 - (f) statements of Mr Eddie Muto, Mr Simon Kouba and Mr Scott Pinn lodged by LGS Legal (on behalf of the Applicant) on 22 January 2024;
 - (g) the Applicant’s business plan and letter from landlord, dated 22 November 2023 and received on 22 January 2024;
 - (h) Notice of decision to grant a planning permit, dated 2 February 2024; and
 - (i) final submissions from LGS Legal (on behalf of the Applicant) received 15 March 2024.
28. On 6 February 2024, the Commissioners attended the Premises to conduct a visual inspection.

Hearing

29. A hearing with respect to the Review Application was held on 7 February 2024.
30. Mr Towey appeared on behalf of the Applicant. Mr Eddie Muto, director of the Applicant, Mr Joshua Pinn (Assistant Manager Flour Child St Kilda) and Mr Peters (of Renzo Tonin & Associates), gave oral evidence in support of the Review Application.

31. Mr Towey submitted (in summary):
- (a) the total number of patrons would be 120, being 40 external and 80 internal. This is 'extremely different' from the Original Application; and
 - (b) the concerns raised by Victoria Police appear to be associated with events at the Applicant's other venue in St Kilda. The Applicant doesn't accept that these concerns apply to the Premises. The Premises will not be used as anything but a restaurant.
32. Mr Peters gave evidence as follows:
- (a) his acoustic report of 1 December 2023 is still accurate;
 - (b) the proposed operation would be of 'low risk' from a noise perspective. This is because the Premises is, at least, 10 metres from the nearest residential dwellings, local traffic contributed to high environmental noise, and the Applicant's proposal is conservative in terms of there being up to 40 outdoor patrons in an enclosed outdoor area, with a closeable roof;
 - (c) the Applicant's noise mitigation measures are 'above and beyond' a typical venue. In particular given the Applicant's significant upgrade to the Premises' ceiling which incorporates heavier than typical plasterboard throughout the building to absorb noise;
 - (d) the Applicant's noise mitigation strategies also include installing laminated double glazing to the border windows;
 - (e) not having patrons congregating in an area on Dickmann Street further lowers the risk of noise disturbance. Preventing access and egress from the rear of the Premises except in the case of an emergency, would remove noise peaks which might otherwise be triggered. Ceasing access and egress after 10pm is a solution; and
 - (f) the imposition of a noise limiter condition by the Council in the planning permit seems to be an 'overkill' measure to mitigate music noise at the Premises. A low powered sound system would itself prevent noise above background music in any event.
33. Mr Muto gave evidence to the Commission:
- (a) he has been in the hospitality industry for about 20 years and has operated around 25 venues;
 - (b) the door exiting onto Dickman Street is an emergency exit. It will have a push lever on the inside and patrons will not be able to open it from the outside. After 10pm, there will be no access and egress from that door;
 - (c) the Premises are not intended to be a bar, rather the focus is on the service of food. The Applicant has a 'very special pizza flour' for which the Applicant was the 'first importers of it here in Australia'.⁶ The Applicant also sells additional products that go with that pizza flour. There will always be a full a la carte menu available at the Premises;
 - (d) even with marketed beverage packages, customers must have food, and not just alcohol. References in the Applicant's marketing to "... *Make it boozy and add two hours of unlimited beer, wine and spirits for \$39 per person*" refers to

⁶ Transcript of Hearing – evidence given by Mr Muto – page 19.

their masterclasses. The masterclasses are about teaching people how to make pizza or gnocchi.

- (e) there are different function areas across the Premises and there will be no functions on Thursday, Friday, Saturday, and sometimes even Sunday;
 - (f) functions will either be sitting down or cocktail style events. The sit down style ones have bigger food offerings and the cocktail style ones have canapés;
 - (g) patrons will get food to start with and get a drink on arrival. Then the canapés start, and will be evenly spread throughout a two-hour period;
 - (h) the Applicant's standard operating procedures (**SOPs**) specify a minimum number of canapes required for the number of people. Mr Muto gave the example of requiring closer to 10 or 12 canapés per person;
 - (i) the Applicant has a "QR ordering system", which cuts off a person who orders excessive amounts of alcohol in a limited time and refers them to the waiter;
 - (j) drinks are delivered to patrons by the waiters. Patrons cannot walk up to the bar and order a drink;
 - (k) trading of the Premises will not exceed 1am on any day; and
 - (l) the Applicant has no intention to do home delivery or have on-line orders for alcohol.
34. Sergeant Morris asked Mr Muto whether Victoria Police members would be welcome to attend the Premises to conduct checks, to which Mr Muto responded in the affirmative and confirmed that staff were instructed to do so in any event.
35. Mr Pinn, the Assistant Manager for Flour Child St Kilda, gave evidence to the Commission:
- (a) he is the prospective manager of Flour Child Richmond;
 - (b) the Applicant intends to maintain high quality standards;
 - (c) the à la carte menu will be available until one o'clock (ie 1am). The reference on the website to a reduced menu after 10pm relates to when the restaurant and the bar itself is quieter, but the kitchen would be open 'the whole way through',
 - (d) the number of kitchen staff and bar staff may be reduced during that time. The food menu would be reduced to an 'only minimal' degree during the quieter periods⁷;
 - (e) the information on the Applicant's website regarding event packages was drafted some time ago. All of these events or packages are pre-sold;
 - (f) the venue follows responsible service of alcohol expectations, rather than just serving drinks. This is included in induction plans as part of training for staff;
 - (g) all event packages will involve service of canapes, pizza, or anything off the standard menu;
 - (h) people are greeted by a host, one downstairs and one upstairs. People will not be able to just enter the venue and order a drink; and
 - (i) the only access for patrons would be through the front, via the stairwell. In the case of an emergency, they would be able to use the back staircase.

⁷ Transcript of Hearing – evidence given by Mr Pinn – page 49.

Applicant's Further Submissions

36. On 15 March 2024, Mr Towey provided further written submissions on behalf of the Applicant, with an operations manual, venue management plan, planning permit, restaurant SOP, and responsible service of alcohol (**RSA**) SOP. Mr Towey submitted (in summary):
- (a) it would be appropriate to grant a restaurant and cafe licence. The Predominant Activity Requirements will be met; and
 - (b) the Commissioners will surely appreciate from their site inspection on 6 February 2024 the Applicant's hard work in getting the Premises to a position where it is ready to be licensed.

Reasons for decision on review

Issues for determination on review

37. In making its decision on review, the Commission must determine the following central issues:
- (a) first, whether the Commission is satisfied that the Predominant Activity Requirement is met;⁸
 - (b) secondly, whether granting the Review Application would detract from, or be detrimental to, the amenity of the area in which the Premises are situated for the purposes of section 44(2)(b)(i); and
 - (c) thirdly, whether the grant of a restaurant and cafe licence would be contrary to the objects of the LCR Act, in particular the object of harm minimisation.⁹
38. Each of these issues are discussed in turn.

Whether the Predominant Activity Requirement is met

39. In applying for a restaurant and cafe licence under section 9A of the LCR Act, the Applicant must satisfy the Commission that the "predominant activity" carried out on the Premises will "at all times" be the "preparation and serving of meals to be consumed on the licensed premises".
40. In the Hearing, Mr Muto indicated that he has extensive experience in the hospitality industry and has operated over 25 venues. Mr Muto advised that he is no stranger to the restaurant and cafe licence category and operates other licensed premises under the same licence category.
41. The following evidence has been provided by or on behalf of the Applicant, in relation to the operation of the Premises:
- a) the maximum patron capacity is 120;
 - b) the venue is intended to be a restaurant with an extensive à la carte menu with food available at all times;

⁸ LCR Act, section 9A(1).

⁹ LCR Act, sections 4 and 172D(3).

- c) the venue will offer different packages including beverage packages however all packages must include an appropriate meal. This is managed through the oversight of the managers at the time of booking;
 - d) the information on the Applicant's website relating to event packages was drafted some time ago, however it was confirmed in Mr Muto's evidence to the Commission, that all packages must include a meal;
 - e) the Applicant will offer an extensive menu which includes canapes, gnocchi and pizza;
 - f) the venue intends to employ two to three full-time chefs and another one or two casual chefs; and
 - g) the meals will be prepared on site, for which a commercial kitchen, costing approximately \$700,000 or rather 30% of the refurbishment budget for the Premises has been installed.
42. The red line plan for the premises shows that the Premises is fitted out with a large-scale commercial kitchen, and this was evident to the Commissioners during the site inspection.
43. The Commission accepts that the Applicant proposes to offer activities in the way of packages, events and functions at the Premises (ie such as tastings and masterclasses). However, those activities are not the Applicant's predominant activity at the Premises. The Commission is satisfied that the Applicant's predominant activity is the preparation and service of meals to be consumed on the Premises.
44. Mr Muto gave evidence as to the particular style of pinsa pizzas he proposes to be prepared at the Premises, including the unique flour and ingredients specifically sourced for that purpose. Mr Muto described the history behind the flour, the nature and texture of their 'pinsa pizzas' and how they are crafted. The Commission accepts Mr Muto's intention at the Premises is to showcase the Applicant's particular brand and specialised food offerings.
45. The Commission is further satisfied that this predominant activity will be carried out at all times – even at the quieter times. Packages, events and functions will include the preparation and service of foods that the Commission accepts are meals.
46. In determining whether the Predominant Activity Requirement is met, the Commission must look at the particular circumstances of this Applicant at these Premises.
47. Mr Muto was a credible witness. The Commission has accepted his evidence that this Premises will operate differently to other Flour Child premises: for example, while there may be DJ competitions at the St Kilda Flour Child premises, such activities are not intended at the Premises. In considering the Predominant Activity Requirement, the Commission does not put substantial weight on experiences at other Flour Child premises.
48. Further, there is insufficient evidence before the Commission to satisfy it that the predominant activity at all times will in fact, be something other than the preparation and service of meals at the premises (such as general entertainment, functions, or dancing). In cross-examination, Sergeant Morris questioned Mr Peters regarding whether the fit-out that was described as 'above and beyond' was more normally done in venues with sound amplifiers. Mr Peters answered that it would be a 'good step' in such places, and that he had worked with Mr Muto on a few premises where he had fitted out those premises to a level that was 'above and beyond'.
49. The Commission does not draw an inference from the Applicant's sound-proofing activities at the Premises, that the predominant activity in this premises, will at all

times, be the playing of loud music or other entertainment, as it is inconsistent with the weight of evidence put forward by the Applicant. In particular, Mr Peters' evidence that the 'above and beyond' fit-out was not unusual when dealing with Mr Muto.

50. In any case, it is appropriate, in light of the evidence provided to the Commission, that a condition be imposed on the licence reflecting the intended operation of the Premises and ensuring the Applicant's business complies with the Predominant Activity Requirement.
51. Having considered all available material, including evidence provided at the Hearing, the Commission is satisfied that the Predominant Activity Requirement is met.

Whether granting the application would detract from or be detrimental to the amenity of the area

52. An application may be refused under sections 47(2) and 44(2) if the grant of the licence would detract from or be detrimental to the amenity of the area in which the Premises are situated.
53. Historically, "noise levels" was one of the factors listed in section 3A(2) that the Commission may take into account when determining whether the grant of a licence would detract from or be detrimental to the amenity of an area.
54. Since that time, an amendment to the LCR Act removed "noise levels" as a factor (along with reference to parking facilities, and traffic movement and density).¹⁰ The removal of these factors was intended to remove duplication with Council process, but was not intended to limit the Commission's ability to grant a licence that has conditions relating to parking, traffic or noise levels as it sees fit on the basis of its consideration of amenity.¹¹
55. The Commission notes that the Applicant has applied for and been granted a planning permit by the Council to use the Premises for the purpose of a cafe and restaurant, which imposes a number of conditions relating to noise mitigation including:
 - (a) installation of a noise limiter;
 - (b) a requirement for music and entertainment to be at background noise level at all times and no amplified 'live music or vocals'; and
 - (c) restrictions on the hours for waste collection, and delivery and collection of goods.
56. Even though the Council has considered amenity issues, in this case given the nature of Victoria Police's conditional objection, the Commission considers it appropriate to assess concerns regarding noise-related amenity so it can consider whether the grant of the Review Application would not detract from or be detrimental to the amenity of the area.
57. During the Hearing, Mr Peters from Renzo Tonin and Associates gave evidence that the proposed venue is very unlikely to cause noise issues for the surrounding dwellings and that the measures that the Applicant has proposed are above and beyond a typical venue fit. Accordingly, the venue is considered to be 'low risk' from a noise perspective.

¹⁰ Liquor and Gambling Legislation Amendment Act 2018, section 29 (effective 18 July 2018).

¹¹ Explanatory Memorandum, clause 29.

58. The Commission acknowledges that the Applicant has accepted and agreed to adopt all requirements of the planning permit issued by the Council dated 1 March 2024. The Commission notes that planning permit includes a number of specific conditions which are required to be complied with prior to the sale and consumption of alcohol, as well as the need for an Acoustic Report to be provided and implemented as part of the planning permit conditions.
59. The applicant has agreed to adopt all recommendations included in the acoustic report prepared by Renzo Tonin and Associates for the Applicant in the report dated 1 December 2023, which the Council endorsed in the planning permit.
60. In this case, the planning permit has imposed conditions on the conduct of the Applicant while using the premises that, in the Commission's view, are appropriate to minimising the risk of detriment to the amenity of the area (as 'amenity' is understood in the LCR Act).
61. Given their direct relevance to the Commission's task, and that s16 of the LCR Act implies a condition prohibiting the use of the premises in contravention of the *planning scheme* that applies to the licensed premises, it is appropriate to impose a positive obligation on the Applicant to comply with – and continue to comply with - those liquor-related conditions in the permit, expressly under its liquor licence.
62. In addition, the Applicant's latest venue management plan submitted to the Commission on 15 March 2024 indicates that the Applicant recognises its obligation to not cause or permit undue detriment to the amenity of the area. In particular, this is demonstrated by inclusion of:
 - (a) a provision relating to noise management – clause 18.1;
 - (b) systems for cleaning/waste management (clause 19); and
 - (c) a complaints register (clause 24 and appendix C).
63. The Applicant has advised that the door exiting onto Dickman Street is an emergency exit and has agreed to have no access and egress from that door after 10pm except in the case of an emergency.
64. At the Hearing, Mr Towey again confirmed that the Applicant sought a maximum patron capacity of 120, being '40 external, 80 internal' patrons and in evidence, Mr Muto confirmed his statement that 'the trading of the Premises will not exceed 1am on any day.'
65. That being so, Victoria Police's objection would appear to have been resolved, consistent with its updated objection received on 29 November 2023.
66. The Commission accepts the evidence of Mr Peters and that Mr Muto is willing and able to implement protective measures, by way of a surveillance recording system and through the implementation of an appropriate venue management plan. The Commission considers that these measures will together sufficiently mitigate the risk of unreasonable noise impacting the amenity of the area; accordingly, has determined that it is appropriate to impose conditions on the licence requiring those measures be given effect.

Whether granting the application would be contrary to the objects of the LCR Act, in particular the object of harm minimisation

67. The Commission is satisfied that the Applicant has an understanding of responsible service of alcohol principles and has built them into the operation of the licensed premises.
68. In all the circumstances, the Commission is satisfied that adequate procedures and controls will exist over the supply and consumption of liquor at the Premises and that any harm will be appropriately minimised. Consequently, the Commission considers that the grant of the restaurant and cafe licence in this instance would not be conducive to or encourage harm and be contrary to the LCR Act's object concerning harm minimisation.

Decision on review

69. Based on the reasons set out above, the Commission is satisfied that granting the Original Application the subject of the Review Application is appropriate in the current circumstances.
70. The Commission has therefore determined to set aside the Original Decision and grant the application for a restaurant and café licence.

The preceding 70 paragraphs are a true copy of the Reasons for Decision of Mr James O'Halloran (Deputy Chairperson), Ms Danielle Huntersmith (Chairperson) and Mr Steven Brnovic (Commissioner).

Appendix A

Type of licence

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

Restaurant & cafe conditions

This licence is subject to the following conditions:

- (a) the predominant activity carried out at all times on the premises must be the preparation and serving of meals for consumption on the licensed premises; and
- (b) tables and chairs must be placed in position on the licensed premises so as to be available for at least 75% of the patrons attending the premises at any one time; and
- (c) the licensee must not permit -
 - (i) the live performance of any musical works; or
 - (ii) the playing of any recorded musical works -
on the premises at higher than background music level at any time outside ordinary trading hours.
- (d) no music is to be played within external courtyard after the following hours:
 - (i) Sunday to Thursday 10pm; and
 - (ii) Friday and Saturday 11pm.

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 must, at all times, comply with the conditions of any applicable Planning Permit issued with respect to the licensed premises.
- prior to the commencement of the supply and consumption of liquor, the licensee must implement at the licensed premises the noise-minimisation measures recommended, in the Renzo Tonin and Associates Acoustic Report (Executive Summary) dated 1 December 2023, and the licensee must thereafter ensure ongoing compliance with the recommendations.
- all masterclasses, functions and events must include the service of meals to be consumed on the premises, as part of the package or function.
- all staff supplying liquor must hold a valid RSA certificate.
- the licensee must keep all RSA certificates at the licensed premises and produce any RSA certificates kept by the licensee, for inspection on being asked to do so by a member of Victoria Police or a Liquor Inspector.

- the licensee must at all times, comply with responsible service of alcohol principles, including completion of approved responsible service of alcohol programs where required.
- the entrance to the premises from Dickmann Street, Richmond is only to be used after 10 pm for access and egress in an emergency.
- at least seven (7) business days, prior to the commencement of the supply and consumption of liquor at the licensed premises, the licensee must lodge with the Commission, a Venue Management Plan that is consistent with and implements the conditions of this restaurant and café licence and the licensee's responsibilities under the *Liquor Control Reform Act 1998*.
- any amendment that is made (as amended from time to time) to the Venue Management Plan in such a way as to vary its provisions relating to the implementation of these conditions, the licensee must submit to Commission a copy of the amended venue management plan within seven (7) business days of the amendment.
- the licensee must ensure compliance with all aspects of the Venue Management Plan (as amended from time to time).
- the Venue Management Plan must be retained and made available for inspection at the licensed premises, on request by a Liquor Inspector or member of Victoria Police.
- 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 and bars and entertainment areas. The surveillance recording system must operate from 30 minutes before opening and until 30 minutes after closure.
- a copy of the recorded images must be available upon request for immediate viewing or removal by Victoria Police or a Liquor Inspector, or otherwise retained for at least one month. The positioning of cameras is to be to the satisfaction of the Licensing Inspector.
- visible signs 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'.

Maximum capacity

120 patrons overall with maximum of 80 patrons in internal area and 40 patrons in external area.

Trading hours

Good Friday and ANZAC Day between 12.00 noon and 1 am the following morning.

Sunday to Thursday: between 12.00 noon and 1 am the following morning.

Friday and Saturday (except Good Friday and ANZAC Day): between 12.00 noon and 1 am the following morning.