

Decision and reasons for decision

In the matter of an application under section 153 of the *Liquor Control Reform Act 1998* by Eatertainment Group 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 Eatertainment Group Pty Ltd for the premises trading as Paddle Battle, located at S/5/31 Little La Trobe Street Melbourne.

Commission:	Mr James O'Halloran, Deputy Chairperson Ms Sue Timbs, Commissioner Mr Steven Brnovic, Commissioner
Appearances:	Mr Martin Towey, LGS Legal, on behalf of Eatertainment Group Pty Ltd Dr Elizabeth Oley, Objector Ms Julie Thomas, Objector in person and Mr Bruce Hallows for Ms Thomas Ms Karan Kahlon, Counsel Assisting the Commission
Date Hearing:	22 February 2024
Date of Decision:	18 April 2024
Date of Reasons:	9 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 13 June 2022, Eatertainment Group Pty Ltd (**Applicant**) applied to the Victorian Gambling and Casino Control Commission (**VGCCC**) under section 9A of the *Liquor Control Reform Act 1998 (LCR Act)* for a restaurant and cafe licence for the premises located at S/5/31 Little La Trobe Street Melbourne (**Premises**), trading as Paddle Battle (**Original Application**).
2. In the Original Application, the Applicant sought a final trading hour of 3am on any day and a maximum patron capacity of 1755.
3. The Premises is located in the Aurora Melbourne Central building. This is an 86 storey building that includes residences, eateries, retail stores, and offices. The Premises can be accessed from Little La Trobe Street, La Trobe Street and Melbourne Central.
4. Public access to Melbourne Central train station is also available via Little La Trobe and La Trobe Streets. Victorian Rail Track holds a footway easement in respect of this public access (**Easement**).
5. On 1 July 2022, the Victorian Liquor Commission (**Commission**) was established under the LCR Act as the liquor regulator in Victoria. Accordingly, powers and functions relating to liquor regulation (including the ability to finalise outstanding applications) were transferred from the VGCCC to the Commission.
6. In accordance with section 33 of the LCR Act, a copy of the Original Application was served on the Melbourne City Council (**Council**) and the Chief Commissioner of Police and the licensing inspector¹ (together **Victoria Police**). Neither the Council nor Victoria Police objected to the grant of the application.
7. In August 2022, the Commission received four objections from local residents (**Objectors**). The objections were on the ground that the grant of the Original Application would detract from or be detrimental to the amenity of the local area.
8. On 9 December 2022, 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 Delegate 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**).

Internal Review Application

9. On 14 December 2022, the Applicant applied for an internal review of the Original Decision (**Review Application**).
10. The Objectors confirmed that they maintained their objections.
11. Following an internal review hearing on 16 March 2023 (**First Hearing**), the Commission decided, on 27 April 2023, to affirm the decision of the delegate to refuse the Original Application (**Review Decision**). The Commission issued reasons for the Review Decision on 16 May 2023.

¹ Section 3 defines “licensing inspector” as a person appointed as a licensing inspector under section 172.

12. On 23 May 2023, the Applicant applied to the Victorian Civil and Administrative Tribunal (**VCAT**) for a review of the Review Decision.
13. On 30 January 2024, the VCAT made consent orders under section 51A of the *Victorian Civil and Administrative Tribunal Act 1998* (**VCAT Act**) inviting the Commission to reconsider the Review Decision pursuant to s51(2)(d) of the VCAT Act, following the provision of further information from the Applicant.
14. The Objectors, although not a party to the VCAT proceedings, again confirmed that they maintained their objections.

Legislation and the Commission's task

The Commission's internal review power

15. Given that the Commission is reconsidering the Review Decision, it is to consider the matter again in accordance with the powers that it has under the LCR Act.
16. Division 2 of part 9 of the LCR Act governs internal review applications.
17. Pursuant to section 51A(2) of the VCAT Act, on being invited by the VCAT to reconsider a decision, the Commission may :
 - (a) affirm the Review Decision; or
 - (b) vary the Review Decision; or
 - (c) set aside the Review Decision and substitute a new decision for it.

Determination of a contested application

18. Under the LCR Act, an application for the grant of a licence may be contested or uncontested. The Original Application was contested, as objections were received under division 5 of part 2 within the relevant period.
19. 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.
20. 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.
21. 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

22. 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.
23. 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*
 - (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.*

24. 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.²

25. 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.*

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

- (a) must consider all the information, material and evidence before the original decision maker;³ and

² 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).

³ LCR Act, section 157(2).

- (b) may consider further information, material or evidence.⁴

Conduct of an inquiry

27. 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.
28. 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.

Hearing

29. A hearing with respect to the Commission's reconsideration of the Review Decision was held on 22 February 2024 (**Second Hearing**).
30. Mr Martin Towey from LGS Legal appeared on behalf of the Applicant. Mr George Pezaros, director of the Applicant, gave oral evidence in support of the Review Application. Objector Dr Elizabeth Oley appeared in person. Objector Ms Julie Thomas appeared in person and was in part also represented by Mr Bruce Hallows.

Restaurant and cafe licences

31. 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**).
32. 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".
33. 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

34. The Commission on review had before it, and considered, all the materials before the delegate when making the Original Decision, before the Commission when making the Review Decision, and all evidence and submissions provided during the Second Hearing. The Commission also received and considered the following materials:
 - (a) Original Decision and Reasons, dated 16 May 2023;
 - (b) Applicant's further submissions, dated 22 August 2023;

⁴ LCR Act, section 157(3).

- (c) architectural drawings and renders dated 26 October 2023 and prepared by Urban Workroom (Job / Drawing No: 3000 - A00 - A01; A08 - A16 and A18);
- (d) VCAT consent orders dated 30 January 2024;
- (e) email submission from Dr Elizabeth Oley dated 16 February 2024
- (f) email submissions (largely identical) from a further eight local residents, received 16 February 2024;
- (g) email submission from Ms Julie Thomas and Mr Warwick Thomas dated 20 February 2024;
- (h) amended venue management plan dated 20 February 2024 – received on 21 February 2024;
- (i) images taken from the Applicant’s website – 22 February 2024; and
- (j) the Applicant’s final submissions, venue management plan and red line plan – received and dated 22 March 2024.

35. On 4 March 2024, the Commissioners attended the Premises to conduct a visual inspection.

Reasons for decision on review

Issues for determination on review

36. In making its decision on review, the Commission must determine the following central issues:
- (a) firstly, whether the Commission is satisfied that the Predominant Activity Requirement is met;⁵
 - (b) secondly, whether the grant of a restaurant and cafe licence would detract from or be detrimental to the amenity of the area in which the Premises are situated;⁶ and
 - (c) thirdly, whether granting the application would be conducive to or encourage harm and whether the granting of the licence would be contrary to the objects of the LCR Act, in particular the object of harm minimisation.⁷
37. Each of these issues is discussed in turn.

Whether the Predominant Activity Requirement is met

38. 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”.
39. At the Second Hearing, Mr Pezaros gave evidence to the Commission that:
- (a) he is familiar with restaurant and cafe licence obligations and has held various liquor licences in the past;

⁵ LCR Act, section 9A(1).

⁶ LCR Act, sections 44(2)(b)(i) and 47(2).

⁷ LCR Act, sections 4 and 172D(3).

- (b) the initial entertainment concept of a tennis table theme has been abandoned and there will be no play areas. The Premises will be, and was always intended to be, strictly a sit-down restaurant providing meals; and
 - (c) the website may portray images suggestive of an entertainment venue. However this is because when plans and 3D renders are done for marketing purposes, they are extremely expensive. To move forward and to change all of that until the Applicant knows whether a licence will be granted, would not make sense. If a licence is granted then time, effort and funds will then be put back into changing the Applicant's website, changing renders and changing the marketing campaign.
40. The architectural drawings and renders dated 26 October 2023 and the red line plan dated 22 March 2024 depict the layout of the Premises and confirm that the Premises will have two commercial kitchens, one on either side of the Easement.
 41. The information before the Commission indicates that the set-up, design and operation of the venue has significantly changed, in particular, the current operational structure of the venue does not include table tennis tables, a DJ booth, dance floor or any other form of entertainment.
 42. Having considered all available material, including evidence provided at the Second Hearing, the Commission recognises that the Applicant no longer intends to operate a venue that includes play areas or entertainment in the form of ping pong tables, and is satisfied that the Applicant intends to operate a venue where the predominant activity will at all times be the "preparation and serving of meals to be consumed on the licensed premises". The Commission considers that the Predominant Activity Requirement is met, however it is appropriate that a condition be imposed on the licence to ensure that the Applicant will, at all times, comply with the Predominant Activity Requirement. In addition, a condition has been imposed confirming that the premises is not to have any designated play or entertainment areas or DJ Booths or karaoke rooms.

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

43. The Commission considers it appropriate to assess concerns regarding noise-related amenity in this case, firstly because it has not hitherto been considered: the Applicant does not require a planning permit to use the Premises for the purpose of a food and drink premises, or the sale and consumption of liquor, and so there was no opportunity for the Council to assess amenity impacts. Secondly, the Objectors hold real concerns about the impact of the grant of the licence on the amenity of the area and have maintained their objections on that basis, particularly, the noise from patrons leaving the venue and the proposed trading hours until 3am.
44. During the First Hearing, Objector Ms Thomas said that her main concerns were generated by patrons leaving the Premises and waste collection at night. She confirmed that, if the licence were granted, a lot of her concerns would be alleviated by trading hours being limited to 1 am rather than 3 am.
45. At the Second Hearing, Ms Thomas informed the Commission (in summary):
 - (a) she maintained concerns as to the Premises operating as a bar/ entertainment area; and.

- (b) if the Commission were to grant a licence, conditions should be imposed so that rubbish removal should occur between the hours of 8 am and 8 pm
46. At the Second Hearing, Objector Dr Oley questioned Mr Pezaros as to what modifications the Applicant has undertaken to address patron noise, to which Mr Pezaros gave evidence that the Applicant has a policy where patrons will be directed to leave through Melbourne Central. Mr Pezaros also gave evidence that he is willing to limit rubbish removal from the premises to the hours between 8am and 8pm, and that trading hours would be limited to 1am on any given day.
47. The Commission accepts the submission of the Objectors that granting a licence for the supply of liquor at the Premises has the potential to impact on the amenity of the area.
48. However, the Commission acknowledges that Mr Pezaros has indicated a genuine willingness to work with the Objectors, as far as possible and has agreed to having a policy in place which directs patrons to leave through Melbourne Central and has agreed to the removal of rubbish from the premises between the hours of 8am and 8pm. In addition, the Applicant has limited trading hours to 1am on any given day.
49. The Applicant's latest venue management plan dated 22 March 2024 indicates that the Applicant has been responsive to the Objectors' concerns. In particular, this is demonstrated by inclusion of:
- (a) procedures concerning patrons leaving the premises which the Applicant proposes to reinforce through a condition on the licence requiring display of signage asking patrons to exit via Melbourne Central and to avoid exiting onto Little La Trobe Street ((clause 17 and appendix A);
 - (b) practices for noise management (clause 18);
 - (c) systems for cleaning/waste management (clause 19);
 - (d) a complaints register (clause 24 and appendix C); and
 - (e) a commitment to "*having a positive neighbourly relationship with local residents*" (clause 28.1).
50. At the Second Hearing, Mr Towe confirmed that the Applicant sought a maximum patron capacity of 500, not 1,755 as initially requested in the Original Application.
51. The Commission accepts that the Applicant's measures described above to minimise the risk of detracting from or being detrimental to the amenity of the area are reasonable and appropriate, given the nature and proposed operation of the licensed premises, and given the Premises' location in the Melbourne Central Business District. The Commission expects those measures to minimise the risk of unreasonable noise impacting the amenity of the area and accordingly, it is appropriate to require the Applicant to implement those measures by way of the imposition of the conditions as set out in Appendix A. That being so, the Commission is not satisfied that the grant of the application would detract from or be detrimental to the area in which the premises is situated.

Whether granting the application would be conducive to or encourage harm, or be contrary to the objects of the LCR Act

52. The Commission notes that Victoria Police did not raise any concerns in relation to harm.

53. The site inspection by the Commissioners was valuable and highlighted for the Commissioners the size and scope of the Premises and the size, scope and location of the Easement running through it, together with the location of the escalators, lifts, toilets and food court as well as the entrance to the underground Melbourne Central station.
54. In the Review Decision, the Commission noted that:
- (a) the venue management plan provided a singular statement that liquor is not to be taken into the Easement but there was no detail of any management practices or their intended implementation or oversight, to ensure that this does not happen;
 - (b) the Applicant had no intention to have any hard barriers preventing alcohol being removed from the red line plan or preventing Easement pedestrians or patrons crossing in and out of the licensed Premises, with the only barriers being low ropes which can be jumped/stepped over or otherwise crossed, and in part of the interface no barriers at all; and.
 - (c) the Easement poses significant risks of harm which will always be present during the Applicant's proposed trading hours. There is a real risk that harm arising from the misuse and abuse of alcohol will occur. This may manifest itself in ways such as minors or adults crossing the rope barrier, or anti-social behaviour being directed to pedestrians using the Easement or to patrons given the potential for unrestricted interactions arising from the unique physical layout.
55. At the hearings, Mr Pezaros gave evidence to the Commission that:
- (a) the sides of the venue will be completely closed with solid walls/doors. A person cannot come from the public area where the Easement is incorporated and just go into the venue;
 - (b) there are two separate areas on either side of the Easement which are completely separate from the public, as opposed to what was there before, where you would come down the escalators and find yourself literally in the venue, but separated by small barriers;
 - (c) while the plans currently show one table tennis table, this will not be available for patrons to use and will be a display only;
 - (d) all entry points/checkpoints to the premises from the Easement will be manned by a security guard/crowd controller; a person cannot enter the venue from the Easement without coming through one of the checkpoints. Patrons will be greeted and their booking confirmed, by a staff member who is RSA trained;
 - (e) with respect to unaccompanied minors, if a waiter takes the order and suspects that the person is underage, they will need to prove how old they are⁸; and
 - (f) the Applicant takes security, in particular, camera surveillance systems, seriously. The Applicant will install dedicated security cameras as a way to manage the potential for 'riff raff' that may be around the area, noting the Applicant's location in the CBD, near a train station, and noting their proposed hours of operation⁹.
56. The Applicant has taken on board concerns raised by the Commission in the Review Decision and made significant amendments to the proposed layout and structure of the venue.

⁸ Transcript of Second Hearing – evidence given by Mr Pezaros - pages 20, 25-41 and 57.

⁹ Transcript of First Hearing – evidence given by Mr Pezaros – page 53.

57. The Applicant, as per the architectural drawings and renders dated 26 October 2023, is now committed to having each of the two sides of the venue separated from the Easement by permanent solid walls and designated control points. In addition, the control points (being the only way patrons can access the venue from the Easement) will be manned by security guards, crowd controllers and maître d's who would be appropriately RSA-trained and qualified, and/or licensed security personnel, with authority to not admit members of the public.¹⁰
58. The Applicant has submitted that no person will be permitted to enter into the venue or enter the Easement from the venue, while in the possession of alcohol, except in circumstances permitted under the LCR Act. This is reinforced in the Venue Management Plan dated 22 March 2024.
59. The Applicant has also reduced the trading hours from 3am to 1am.
60. The Commission considers that the Easement, should the barriers and entry be constructed and managed as described in material and evidence put to the Commission, would not be conducive to or encourage harm.
61. The Commission is satisfied that the Applicant has demonstrated that it will have adequate procedures and controls over the Premises to fulfil its obligations as a licensee and will be able to sufficiently manage the risk of harm in such a unique setting.
62. Moreover, as the barriers are to be constructed, the Commission accepts that pedestrians will not be able to simply walk into the venue from the Easement, as they will be separated by the permanent solid walls and entry will be limited to the control points for those persons who have or are seeking a booking at the venue. The changes to the physical layout and structure of the venue also significantly mitigate the risks of anti-social behaviour being directed to pedestrians using the Easement or to patrons at the venue.
63. 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 harm will be appropriately minimised, as long as the structural and operational changes submitted by the Applicant are completed. Consequently, the Commission considers that the grant of the restaurant and cafe licence in this instance would not be conducive to or encourage harm or be contrary to the LCR Act's object concerning harm minimisation, however it is appropriate to impose a series of special conditions set out in Appendix A, including:
 - a) this licence is not effective until all building works are completed in accordance with:
 - i. the architectural drawings and renders dated 26 October 2023 and prepared by Urban Workroom (Job / Drawing No: 3000 - A00 - A01; A08 - A16 and A18) provided to the Commission which detail the overall structural layout of the premises with specific reference to the outer walls of the restaurant which separate the restaurant from the associated easement identified on those architectural drawings and the internal layout for the two sides of the restaurant; and
 - ii. the redline plan dated 22 March 2024 provided to the Commission.
 - b) the licensee must not permit or cause to be permitted, any person to exit the licensed premises into the easement, or enter the licensed premises from the

¹⁰ Transcript of the Second Hearing – evidence given by Mr Pezaros - page 33.

- easement, while in the possession of alcohol supplied from within the licensed premises, except in accordance with sections 9A or 21A of the LCR Act;
- c) the control points at the premises (as identified on the final redline plan dated 22 March 2024 by red circles) must be staffed with a minimum of one person at all times that the control point is open, with such person holding a valid RSA certificate. If the control point cannot be staffed at any time, it must not be open;
 - d) 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 LCR Act; and
 - e) require the installation and maintenance of a surveillance recording system, given the Applicant's stated commitment to patron security described above.

Decision on review

- 64. 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.
- 65. The Commission has therefore determined to set aside the Original Decision and grant the application for a restaurant and cafe licence subject to the conditions set out in Appendix A.

The preceding 65 paragraphs are a true copy of the Reasons for Decision of Mr James O'Halloran (Deputy Chairperson), Ms Sue Timbs (Commissioner) 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) paragraph (c) does not apply to music performed or played on licensed premise outside ordinary trading hours as part of a function that is—
 - (a) held in an area of those premises that is set aside for the exclusive use of persons who have booked a table in that area and their guests; and
 - (b) attended only by those persons and guests.

In this condition — background music level, in relation to premises, means a level that enables patrons to conduct a conversation at a distance of 600 millimetres without having to raise their voices to a substantial degree.

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.
- this licence is not effective until all building works are completed in accordance with:
 - the architectural drawings and renders dated 26 October 2023 and prepared by Urban Workroom (Job / Drawing No: 3000 - A00 - A01; A08 - A16 and A18) provided to the Commission which detail the overall structural layout of the premises with specific reference to the outer walls of the restaurant which separate the restaurant from the associated easement identified on those architectural drawings and the internal layout for the two sides of the restaurant; and
 - the redline plan dated 22 March 2024 provided to the Commission;

- if all the building works are not completed in accordance with the architectural drawings and renders dated 26 October 2023 and the redline plan dated 22 March 2024 (as referenced above) by 15 March 2026 this licence will be invalid without further notice.
- 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.
- 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*.
- where an amendment is made 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 the 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. 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.'
- a person who is under 18 years of age is only permitted in the private function rooms of the licensed premises, if in the company of a responsible adult.
- the premises is not to have any designated play or entertainment areas or DJ Booths or karaoke rooms.

- the licensee must not permit or cause to be permitted, any person to exit the licensed premises into the easement, or enter the licensed premises from the easement, while in the possession of alcohol supplied from within the licensed premises, except in accordance with sections 9A or 21A of the *Liquor Control Reform Act 1998*.
- the control points at the premises (as identified on the final redline plan dated 22 March 2024 by red circles) must be staffed with a minimum of one person at all times that the control point is open, with such person holding a valid RSA certificate. If the control point cannot be staffed at any time, it must not be open.
- the licensee must remove the waste (being bottles and rubbish) from the licensed premises only between 8am and 8pm on any given day.
- the licensee must take reasonable steps to procure the removal of that waste from the building waste facility servicing the premises between 8am and 8pm only.
- the licensee must display signage prominently throughout the premises (and public exit points) advising patrons to respect its neighbours by leaving the premises in a quiet manner and via the Melbourne Central Station route.

Maximum capacity

500 patrons.

Trading hours

Good Friday and ANZAC Day: between 12noon and 1.00am the following morning.

Monday to Saturday (except Good Friday and ANZAC Day): between 7.00am and 1.00am the following morning.

Sunday (except Good Friday and ANZAC Day): between 10.00am and 1.00am the following morning.