

LIQUOR CONTROL REFORM ACT 1998 (the Act)
ENFORCEABLE UNDERTAKING
PURSUANT TO SECTION 133F

The commitments in this undertaking are offered to the Victorian Liquor Commission (**Commission**) under section 133F of the *Liquor Control Reform Act (Act)* by ANDZAK Pty Limited (ACN 641 578 958) (**Licensee**).

1. Background

- 1.1. The Licensee is the holder of General Licence No. 31903382 (**Licence**) in relation to premises known as the Mirboo North Hotel located at 70 Ridgway Street, Mirboo North (**Premises**).
- 1.2. On Sunday 28 January 2024, the Licensee is alleged to have contravened section 108(1)(a)(i) of the Act by supplying liquor not in accordance with the Licence. The Licence reads: *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.* Reports made to the Commission asserted (in summary) that, by way of the Licensee causing or permitting loud live music entertainment to be performed in the rear outdoor area of the Premises during authorised trading hours, the Licensee caused or permitted undue detriment to the amenity of the area in which the Premises are situated (**the Incident**).
- 1.3. In response to the Incident as detailed in clause 1.2 above, the Licensee gives the below undertaking to the Commission pursuant to section 133F of the Act, which is aimed at preserving the amenity of the surrounding area in which the Premises are situated and preventing substantial noise emanation from the Premises.

2. Undertaking

- 2.1. The Licensee undertakes:
 - 2.1.1. Taking effect from the date that the Commission signs this undertaking, the Licensee will restrict all live music entertainment performed in any external area of the Premises to no more than:
 - i. on any Saturday, Sunday and/or public holiday;
 - ii. in the calendar months of December, January and/or February;
and
 - iii. to a commencement time of no earlier than 2pm and to a finishing time of no later than 6pm.

2.1.2. Taking effect from the date the Commission signs this undertaking, the Licensee will ensure that at all times:

- i. all outdoor speakers are positioned at ground level against existing structures/walls; and
- ii. all outdoor speakers do not face toward the south side of the Premises and are directed away from neighbouring residences.

2.2. The Commission may consent in writing to the modification of any of the undertaking as detailed in clause 2.1. above in the event that any part from time to time is not reasonably able to be implemented.

3. Commencement and duration of the Undertaking

3.1. Subject to the details above, this undertaking comes into effect when executed by the Licensee and the Commission. The undertaking will continue to take effect for as long as the Licensee is the holder of the Licence unless the Commission consents in writing to a modification of the duration of the undertaking.

3.2. Nothing in clause 3.1 affects the Commission being able to take disciplinary action against the Licensee where the Licensee has contravened any requirements of the Undertaking.

4. Acknowledgements

The Licensee acknowledges that:

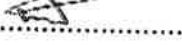

4.1. Pursuant to section 133G of the Act, the Commission will register this undertaking in the Register of Undertakings and the Undertaking will be available for public inspection on the internet;

4.2. The Licensee, the Commission and/or the Premier or a Minister of the Government of Victoria may from time to time publicly refer to this undertaking; and

4.3. This undertaking does not fetter the Commission in respect of any other action it may deem appropriate to take, or in any other power or function contained within the Act.

5. Execution

Executed by ANDZAK PTY LIMITED

Director:  

Name: DAVID L SIMS ZANDRA A SILPATRICK

Dated the 24th day of DECEMBER 2024

LIQUOR CONTROL VICTORIA for the VICTORIAN LIQUOR COMMISSION

Director Compliance: *Lisa Faldon*

Name: *LISA FALDON*

Dated the *30th* day of *December* 2024